



Western Australia

Transport (Road Passenger Services) Act 2018

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



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

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## **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 —

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

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

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

***AS/NZS*** followed by a designation refers to the Australian/New Zealand Standard having that designation that is published jointly by Standards Australia and Standards New Zealand, as in force on the day on which the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* Part 5 Division 2 comes into operation;

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

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

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

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

***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;



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

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

**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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***school bus service*** means a passenger transport service that —

- (a) uses vehicles that are equipped to carry more than 8 people; and

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

***serious offence*** means —

- (a) an offence against any of the following provisions of the *Road Traffic Act 1974* —
  - (i) section 54;
  - (ii) section 56 to the extent that it relates to bodily harm, grievous bodily harm or death;
  - (iii) section 59;
  - (iv) section 59A;
  - (v) section 59BA;
  - (vi) section 60;
  - (vii) section 60A;
  - (viii) section 61;
  - (ix) section 63;
  - (x) section 64;
  - (xi) section 64AA;
  - (xii) section 64A;
  - (xiii) section 64AAA;
  - (xiv) section 64AB;
  - (xv) section 64AC;
  - (xvi) section 67;
  - (xvii) section 67AA;
  - (xviii) section 67AB;
  - (xix) section 67A;

(b) an offence against any of the following provisions of *The Criminal Code* —

- (i) section 279;
- (ii) section 280;
- (iii) section 294;
- (iv) section 297;
- (v) section 301;
- (vi) section 304;

***specified service*** has the meaning given in regulation 8B;

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

***surcharge*** —

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

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

***visual, audiovisual or audio recording*** includes —

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

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

*[Regulation 3 amended: Gazette 26 Jun 2019 p. 2242-7.]*

## **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.

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

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

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

*[Regulation 4A inserted: Gazette 26 Jun 2019 p. 2248.]*

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

*[Regulation 6 amended: Gazette 26 Jun 2019 p. 2248.]*

**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 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 standards**

*[Heading inserted: Gazette 26 Jun 2019 p. 2249.]*

### **Division 1 — Preliminary**

*[Heading inserted: Gazette 26 Jun 2019 p. 2249.]*

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

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

*[Regulation 8 inserted: Gazette 26 Jun 2019 p. 2249.]*

#### **8A. Persons to whom specified safety standards apply**

(1) In this regulation —

***relevant provider or driver*** means —

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

(2) For the purposes of section 14(2) of the Act, a safety standard specified in a provision of Divisions 2 to 5 is specified in relation to a relevant provider or driver if —

- (a) the standard expressly imposes an obligation on the relevant provider or driver; or
- (b) it is expressly specified that the standard is a safety standard for the relevant provider or driver.

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

*[Regulation 8A inserted: Gazette 26 Jun 2019 p. 2249-50.]*

### **Division 2 — Safety management system**

*[Heading inserted: Gazette 26 Jun 2019 p. 2250.]*

#### **8B. Specified services**

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

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

*[Regulation 8B inserted: Gazette 26 Jun 2019 p. 2250-1.]*

#### **9. Safety management system**

- (1) The provider of a specified 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 the passenger transport service —
    - (i) provided by the provider; or
    - (ii) 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 a specified 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.

*[Regulation 9 amended: Gazette 26 Jun 2019 p. 2251.]*

## **10. Offence of contravening safety standard**

A provider of a specified 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.

*[Regulation 10 amended: Gazette 26 Jun 2019 p. 2252.]*

### **Division 3 — Vehicle standards**

*[Heading inserted: Gazette 26 Jun 2019 p. 2252.]*

#### **Subdivision 1 — General standards**

*[Heading inserted: Gazette 26 Jun 2019 p. 2252.]*

#### **10A. Vehicle licence and standards for vehicles**

- (1) A vehicle used to provide a passenger transport service must at all times be the subject of a vehicle licence, or interstate vehicle licence, that is in force.
- (2) A vehicle used to provide a passenger transport service must —
  - (a) for a vehicle in respect of which a vehicle licence is in force — meet any requirements that apply to the vehicle under the *Road Traffic (Vehicles) Act 2012*; or
  - (b) for a vehicle in respect of which an interstate vehicle licence is in force — meet any requirements that apply to the vehicle under the law under which that interstate vehicle licence was issued.
- (3) This safety standard is specified for the provider of the vehicle for use in providing the passenger transport service.
- (4) The following are responsible persons in relation to this safety standard —
  - (a) the provider of an on-demand booking service for the use of the vehicle in providing the passenger transport service;
  - (b) the provider of the passenger transport service;
  - (c) the driver of the vehicle.

*[Regulation 10A inserted: Gazette 26 Jun 2019 p. 2252-3.]*

**10B. Vehicle maintenance**

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

*[Regulation 10B inserted: Gazette 26 Jun 2019 p. 2253.]*

**Subdivision 2 — Wheelchair accessible vehicle standards**

*[Heading inserted: Gazette 26 Jun 2019 p. 2254.]*

**10C. Wheelchair accessible vehicles: applicable standards**

- (1) A wheelchair accessible vehicle used to provide an on-demand passenger transport service must comply with —
  - (a) the following standards —
    - (i) AS/NZS 3856.1:1998, Hoists and ramps for people with disabilities — Vehicle mounted, Part 1: Product requirements;

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

*[Regulation 10C inserted: Gazette 26 Jun 2019 p. 2254-5.]*

**10D. Wheelchair accessible vehicles: operation standards**

- (1) An on-demand vehicle must not be used to provide an on-demand passenger transport service for a passenger in an

occupied wheelchair unless the wheelchair is properly restrained.

- (2) An on-demand vehicle must not be used to provide an on-demand passenger transport service for a passenger in an occupied wheelchair unless the driver of the vehicle operates the vehicle in accordance with the standard of competence referred to in regulation 10R(2).
- (3) This safety standard is specified for the driver of the vehicle.
- (4) The provider of an on-demand booking service for the use of the vehicle in providing the on-demand passenger transport service is a responsible person in relation to this safety standard.

*[Regulation 10D inserted: Gazette 26 Jun 2019 p. 2255.]*

### **Subdivision 3 — Motor cycle standards**

*[Heading inserted: Gazette 26 Jun 2019 p. 2256.]*

#### **10E. Motor cycles: applicable standards**

- (1) A motor cycle used to provide a passenger transport service must comply with the Australian Design Rules that apply to whichever of the following categories of vehicle in those Rules is appropriate to the motor cycle —
  - (a) motor cycles (LC vehicles);
  - (b) motor cycles and side cars (LD vehicles);
  - (c) motor tricycles (LE vehicles).
- (2) A motor cycle used to provide a passenger transport service must be fitted with wheel guards (including mud guards) that meet the requirements in Rule 42/04 — General Safety Requirements in the Australian Design Rules.



- (3) A motor cycle that is an LC vehicle as defined in the Australian Design Rules that is used to provide a passenger transport service must not have —
  - (a) a two-stroke engine; or
  - (b) an engine capacity of less than 500 cc.
- (4) A motor cycle used to provide a passenger transport service on any part of an unsealed road must be an LD vehicle or an LE vehicle as defined in the Australian Design Rules.
- (5) This safety standard is specified for the provider of the motor cycle for use in providing the passenger transport service.
- (6) The following are responsible persons in relation to this safety standard —
  - (a) the provider of an on-demand booking service for the use of the motor cycle in providing the passenger transport service;
  - (b) the provider of the passenger transport service;
  - (c) the driver of the motor cycle.

*[Regulation 10E inserted: Gazette 26 Jun 2019 p. 2256-7.]*

**10F. Motor cycle requirements**

- (1) Motor cycle helmets complying with subregulation (2) must be available in a range of sizes for use by passengers of a motor cycle used to provide a passenger transport service.
- (2) The motor cycle helmet must —
  - (a) be a protective helmet as defined in the *Road Traffic Code 2000* regulation 244(1); and
  - (b) be in an undamaged condition.
- (3) The driver of a motor cycle that is being used to provide a passenger transport service must be competent in the operation of the motor cycle when carrying a passenger.

- (4) This safety standard is specified for the following —
  - (a) the provider of an on-demand booking service for the use of the motor cycle in providing the passenger transport service;
  - (b) the provider of the passenger transport service.
- (5) The driver of the motor cycle is a responsible person in relation to this safety standard.

*[Regulation 10F inserted: Gazette 26 Jun 2019 p. 2257.]*

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2258.]*

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

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

*[Regulation 10G inserted: Gazette 26 Jun 2019 p. 2258.]*

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

- (1) The roof light of an on-demand rank or hail vehicle —
  - (a) must be lit when the vehicle is available to take passengers; and
  - (b) must not be lit when the vehicle is unavailable to take passengers.
- (2) This safety standard is specified for the following —
  - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
  - (b) the driver of the vehicle.
- (3) The provider of an on-demand rank or hail passenger transport service is a responsible person in relation to this safety standard if the vehicle is used in providing that service.

*[Regulation 10H inserted: Gazette 26 Jun 2019 p. 2258-9.]*

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

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

- (b) the driver of the vehicle.

*[Regulation 10I inserted: Gazette 26 Jun 2019 p. 2259.]*

**Subdivision 5 — Specific requirements: on-demand charter vehicles**

*[Heading inserted: Gazette 26 Jun 2019 p. 2260.]*

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

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

- (4) The provider of an on-demand passenger transport service that is provided using the vehicle is a responsible person in relation to this safety standard.

*[Regulation 10J inserted: Gazette 26 Jun 2019 p. 2260.]*

**10K. Signs and livery: on-demand charter vehicles**

- (1) An on-demand charter vehicle that is being used to provide an on-demand passenger transport service must display —
- (a) prominent livery; or
  - (b) a sign that is clearly visible from the outside of the vehicle while it is operating indicating that it is an on-demand charter vehicle.
- (2) The sign referred to in subregulation (1)(b) must be located —
- (a) at the left of the rear window of the vehicle; or
  - (b) if that is not practicable, in a position on the vehicle that is clearly visible from the rear of the vehicle while it is operating.
- (3) The sign referred to in subregulation (1)(b) must identify the provider of the on-demand booking service in relation to the on-demand passenger transport service by name or by logo so that the name or logo is —
- (a) legible or recognisable from the rear of the vehicle; and
  - (b) clearly visible in daylight and at night.
- (4) This safety standard is specified for the following —
- (a) the provider of the vehicle for use in providing the on-demand passenger transport service;
  - (b) the driver of the vehicle.
- (5) The provider of an on-demand passenger transport service that is provided using the vehicle is a responsible person in relation to this safety standard.

*[Regulation 10K inserted: Gazette 26 Jun 2019 p. 2261.]*

**Subdivision 6 — Driver identity documents**

*[Heading inserted: Gazette 26 Jun 2019 p. 2262.]*

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

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

*[Regulation 10L inserted: Gazette 26 Jun 2019 p. 2262-3.]*

**10M. Display of driver identity document: on-demand rank or hail vehicle**

- (1) The driver identity document of a driver of an on-demand rank or hail vehicle must be displayed in the vehicle so that it is clearly visible to passengers in the vehicle who wish to view it.
- (2) This safety standard is specified for the driver of the vehicle.
- (3) The following are responsible persons in relation to this safety standard —
  - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
  - (b) the provider of an on-demand passenger transport service that is provided using the vehicle.

*[Regulation 10M inserted: Gazette 26 Jun 2019 p. 2263.]*

**10N. Provision or display of driver identity information: on-demand charter vehicle**

- (1) In this regulation —

***required information***, in relation to a driver, means —

  - (a) a photograph of the driver; and
  - (b) the first name of the driver.
- (2) The required information in relation to the driver of an on-demand charter vehicle must be —
  - (a) made available in an approved form at the time of booking for viewing by the person who books the vehicle for use in providing a passenger transport service; or
  - (b) displayed in an approved form in the vehicle or on the driver's person.

- (3) This safety standard is specified for the following —
- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
  - (b) the provider of an on-demand passenger transport service that is provided using the vehicle;
  - (c) the driver of the vehicle.

*[Regulation 10N inserted: Gazette 26 Jun 2019 p. 2263-4.]*

#### **Subdivision 7 — Offences**

*[Heading inserted: Gazette 26 Jun 2019 p. 2264.]*

#### **100. Offence of contravening safety standard**

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

Penalty for this subregulation:

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

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

Penalty for this subregulation:

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

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

Penalty for this subregulation:

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



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

Penalty for this subregulation:

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

*[Regulation 10O inserted: Gazette 26 Jun 2019 p. 2264-5.]*

#### **Division 4 — Provision of information**

*[Heading inserted: Gazette 26 Jun 2019 p. 2265.]*

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

- (1) The provider of an on-demand booking service must make the following information available to a person who makes a booking for an on-demand vehicle to be used in providing an on-demand passenger transport service —
- (a) information about the vehicle;
  - (b) information about the driver of the vehicle.
- (2) The information provided must be —
- (a) sufficient to enable a proposed passenger to identify the vehicle and the driver; and
  - (b) provided a reasonable time before the journey.
- (3) This regulation does not apply if the vehicle is engaged to provide a passenger transport service on a rank or hail basis.

*[Regulation 10P inserted: Gazette 26 Jun 2019 p. 2265-6.]*

**10Q. Offence of contravening safety standard**

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

Penalty:

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

*[Regulation 10Q inserted: Gazette 26 Jun 2019 p. 2266.]*

**Division 5 — Driver competence and reporting**

*[Heading inserted: Gazette 26 Jun 2019 p. 2266.]*

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

- (1) A driver of a wheelchair accessible vehicle that is being used to provide a passenger transport service must be able to demonstrate a level of competence in the safe loading, restraint and unloading of a person in a wheelchair at the standard specified in subregulation (2).
- (2) The standard of competence is equivalent to that required to complete the following elements of unit of competency TLIC2040 —
  - (a) Element 3 (Assist passengers into and out of a taxi in a manner suited to their disability); and
  - (b) Element 4 (Drive a taxi used by passengers with disabilities).
- (3) This safety standard is specified for the following —
  - (a) the provider of an on-demand booking service for the use of the vehicle in providing the passenger transport service;
  - (b) the provider of the passenger transport service;

(c) the driver of the vehicle.

- (4) The provider of the vehicle for use in providing the passenger transport service is a responsible person in relation to this safety standard.

*[Regulation 10R inserted: Gazette 26 Jun 2019 p. 2266-7.]*

**10S. Driver reporting requirements**

- (1) A passenger transport driver must give written notice to the CEO of any change in the driver's circumstances that adversely affects —
- (a) the good character of the driver; or
  - (b) the mental or physical fitness of the driver to drive a vehicle for the purpose of transporting passengers for hire or reward.
- (2) A passenger transport driver must give written notice to the CEO of any driving impairment of the driver or any alteration to a driving impairment of the driver that must be notified to the road traffic CEO under the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 64.
- (3) The passenger transport driver must give the notice within 7 days of the driver becoming aware of —
- (a) the change in circumstances; or
  - (b) the driving impairment or the alteration to the driving impairment.
- (4) The following are responsible persons in relation to this safety standard —
- (a) the provider of an on-demand booking service for the use of a vehicle driven by the passenger transport driver in providing a passenger transport service;

- (b) the provider of a passenger transport service provided using a vehicle driven by the passenger transport driver.

*[Regulation 10S inserted: Gazette 26 Jun 2019 p. 2267-8.]*

**10T. Offence of contravening safety standard**

- (1) A person who contravenes a safety standard specified for that person in regulation 10R commits an offence.

Penalty for this subregulation:

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

- (2) A person who contravenes a safety standard specified for that person in regulation 10S commits an offence.

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

- (3) A person who is specified in regulation 10R as a responsible person in relation to the safety standard in that regulation must ensure, so far as is reasonably practicable, that the safety standard is complied with.

Penalty for this subregulation:

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

- (4) A person who is specified in regulation 10S as a responsible person in relation to the safety standard in that regulation must ensure, so far as is reasonably practicable, that the safety standard is complied with.

Penalty for this subregulation:

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

*[Regulation 10T inserted: Gazette 26 Jun 2019 p. 2268-9.]*

## **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 provider of an authorised on-demand booking service may apply for the renewal of the on-demand booking service authorisation (the *current authorisation*) by —
  - (a) applying to the CEO in the approved form; and
  - (b) paying the applicable authorisation fee prescribed under regulation 69(2).
- (2) An application and payment under subregulation (1) must be made within the period of 2 months ending on the day on which the current authorisation expires.
- (3) An application for renewal of an on-demand booking service authorisation must include —
  - (a) if the last criminal record check provided under regulation 14 or 22(5) or this regulation in relation to any responsible officer of the provider is dated more than 5 years earlier than the day on which the application for renewal is made — a further criminal record check for the responsible officer that is dated no earlier than 3 months before that day; and
  - (b) any other documents required by the approved form.
- (4) If the provider makes an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
  - (a) the CEO must grant a further on-demand booking service authorisation to the provider; and
  - (b) the authorisation document issued under section 37 of the Act for the further authorisation must specify —
    - (i) the same authorisation number as the current authorisation; and
    - (ii) the day on which the authorisation comes into force, which must be the day after the day on which the current authorisation expires.

- (5) Despite subregulation (4), the CEO —
  - (a) may refuse to grant a further on-demand booking service authorisation to the provider if —
    - (i) the current authorisation is suspended; or
    - (ii) any of the grounds for making an order suspending or cancelling the current authorisation under section 42(1) or 43(1) or (4) of the Act apply;
  - and
  - (b) must refuse to grant a further on-demand booking service authorisation if section 43(2) or (3) of the Act applies in relation to the current authorisation.
- (6) If the provider does not make an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
  - (a) the current authorisation expires at the end of the period for which it was granted; and
  - (b) any subsequent application for an on-demand booking service authorisation by the provider must be made in accordance with section 29 of the Act.

*[Regulation 18 inserted: Gazette 26 Jun 2019 p. 2269-71.]*

**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 5A — Changes to information**

*[Heading inserted: Gazette 26 Jun 2019 p. 2271.]*

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

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

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

Penalty:

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

*[Regulation 26A inserted: Gazette 26 Jun 2019 p. 2271-2.]*

### **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) Subject to subregulation (2A), 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.
- (2A) If the provider of an authorised on-demand booking service (the ***first provider***) refers a relevant booking to the provider of another authorised on-demand booking service (the ***second provider***) —
  - (a) the first provider must keep records of the following information but is not required to keep the records required by subregulation (2) in relation to the booking —
    - (i) the day and time of the referral of the booking;
    - (ii) the name of the second provider;
    - (iii) any contact details provided by the person who made the booking or to whose account the booking was charged;
  - and
  - (b) the second provider must keep —
    - (i) a record of the name of the first provider; and
    - (ii) records of the information required by subregulation (2) in relation to the booking.
- (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 in subregulations (2), (2A) and (3) must be kept in the manner and form approved by the CEO.
- (5) A record referred to in subregulation (2) or (2A) 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.

*[Regulation 29 amended: Gazette 26 Jun 2019 p. 2272-3.]*

### **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.

## **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. Deleted: Gazette 26 Jun 2019 p. 2273.]

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2274.]*

### **Division 1 — Preliminary**

*[Heading inserted: Gazette 26 Jun 2019 p. 2274.]*

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

- (1) A person (the *contracted provider*) who has entered into a contract with the provider of an authorised regular passenger transport service (the *principal provider*) to provide a regular passenger transport service on behalf of the principal provider is exempt from carrying out the functions set out in subregulation (2) in relation to the regular passenger transport service provided by the contracted provider in accordance with the contract.
- (2) The functions are the following —
  - (a) complying with the safety duties specified in Part 2 of the Act;
  - (b) keeping and retaining records in accordance with regulation 35J;
  - (c) ensuring that a complaints resolution procedure is prepared and made accessible in accordance with regulation 35M;
  - (d) keeping and retaining records of customer complaints in accordance with regulation 35N.
- (3) This regulation does not affect the obligation of the principal provider to carry out the functions set out in subregulation (2).

*[Regulation 35A inserted: Gazette 26 Jun 2019 p. 2274-5.]*

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2275.]*

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

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

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

*[Regulation 35B inserted: Gazette 26 Jun 2019 p. 2275.]*

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

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

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

*[Regulation 35C inserted: Gazette 26 Jun 2019 p. 2275.]*



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

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

*[Regulation 35D inserted: Gazette 26 Jun 2019 p. 2276.]*

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

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

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- (4) If the provider makes an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3), the Minister —
  - (a) must consider the application; and
  - (b) may have regard to the matters in section 62 of the Act; and
  - (c) may grant a further regular passenger transport service authorisation to the provider.
- (5) If the Minister grants a further regular passenger transport service authorisation to the provider, the authorisation document issued under section 72 of the Act for the further authorisation must specify —
  - (a) the same authorisation number as the current authorisation; and
  - (b) the day on which the authorisation comes into force, which must be the day after the day on which the current authorisation expires.
- (6) The Minister may refuse to grant a further regular passenger transport service authorisation to the provider if —
  - (a) the current authorisation is suspended; or
  - (b) any of the grounds for making an order suspending or cancelling the current authorisation under section 79(1) of the Act apply; or
  - (c) having regard to the matters in section 62 of the Act, the Minister considers that a further regular passenger transport service authorisation should not be granted to the provider.

- (7) If the provider does not make an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
- (a) the current authorisation expires at the end of the period for which it was granted; and
  - (b) any subsequent application for a regular passenger transport service authorisation by the provider must be made in accordance with section 59 of the Act.

*[Regulation 35E inserted: Gazette 26 Jun 2019 p. 2276-8.]*

### **Division 3 — Changes to information**

*[Heading inserted: Gazette 26 Jun 2019 p. 2278.]*

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

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

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

Penalty:

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

*[Regulation 35F inserted: Gazette 26 Jun 2019 p. 2278.]*

**Division 4 — Conditions of authorisation**

*[Heading inserted: Gazette 26 Jun 2019 p. 2278.]*

**35G. Obligations in this Division are conditions on authorisation**

It is a condition of a regular passenger transport service authorisation that the provider of the authorised regular passenger transport service must comply with the requirements imposed by regulations 35H, 35I and 35J.

*[Regulation 35G inserted: Gazette 26 Jun 2019 p. 2278-9.]*

**35H. Use of regular passenger transport vehicles**

- (1) The provider of an authorised regular passenger transport service must not permit a vehicle that is being used to provide the regular passenger transport service to stand or operate in a taxi rank.
- (2) The provider of an authorised regular passenger transport service must not permit a vehicle that is being used to provide the regular passenger transport service to stand, tout or ply for hire on a road or in another place accessible to the public for the purpose of attracting customers, unless —
  - (a) the place is associated with a route or area approved under the regular passenger transport authorisation; and
  - (b) the standing, touting or plying for hire occurs at a time that is consistent with the timetable or regular intervals according to which the regular passenger transport service is provided.

*[Regulation 35H inserted: Gazette 26 Jun 2019 p. 2279.]*

**35I. Fares**

- (1) The provider of an authorised regular passenger transport service must use a transparent process for the determination of fares.

- (2) The provider of an authorised regular passenger transport service must make the amount of any fare to be charged available to a passenger by publication or otherwise a reasonable time before a journey begins.

*[Regulation 35I inserted: Gazette 26 Jun 2019 p. 2279.]*

**35J. Records**

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

*[Regulation 35J inserted: Gazette 26 Jun 2019 p. 2280.]*

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2280.]*

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

The provider of a regular passenger transport service must not offer to provide, advertise, or authorise or permit the publication of an advertisement for, the regular passenger transport service unless the provider is the holder of a regular passenger transport service authorisation that is in force.

Penalty:

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

*[Regulation 35K inserted: Gazette 26 Jun 2019 p. 2280-1.]*

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

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

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

Penalty:

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

*[Regulation 35L inserted: Gazette 26 Jun 2019 p. 2281.]*

## **Division 6 — Complaints**

*[Heading inserted: Gazette 26 Jun 2019 p. 2281.]*

### **35M. Complaints resolution procedure**

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

- (a) a written procedure is prepared that provides for —
  - (i) a simple process by which a customer can make a complaint in relation to the regular passenger transport service; and
  - (ii) complaints to be investigated and resolved within a period that is reasonable in the circumstances;
- and
- (b) the procedure is readily accessible by —
  - (i) customers; and
  - (ii) drivers of vehicles used or to be used in providing the regular passenger transport service.

Penalty:

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

*[Regulation 35M inserted: Gazette 26 Jun 2019 p. 2281-2.]*

### **35N. Records of customer complaints**

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

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;

(b) for a body corporate, a fine of \$40 000.

- (2) The records referred to subregulation (1) must be kept in the manner and form approved by the CEO.
- (3) A record referred to in subregulation (1) must be retained for at least 2 years after the complaint is made.

*[Regulation 35N inserted: Gazette 26 Jun 2019 p. 2282.]*



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

*[Heading inserted: Gazette 26 Jun 2019 p. 2283.]*

### **Division 1 — Preliminary**

*[Heading inserted: Gazette 26 Jun 2019 p. 2283.]*

#### **35O. Driving or operating vehicle with interstate vehicle authorisation when not authorised (s. 121 and 122)**

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

*[Regulation 35O inserted: Gazette 26 Jun 2019 p. 2283.]*

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

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

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

*[Regulation 35P inserted: Gazette 26 Jun 2019 p. 2283-4.]*

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

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

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

*[Regulation 35Q inserted: Gazette 26 Jun 2019 p. 2284-5.]*

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2285.]*

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

- (1) For the purposes of sections 126 and 133(1)(b)(ii) of the Act, a passenger transport vehicle must meet the following requirements —
  - (a) the vehicle licence for the vehicle must be in force;
  - (b) in the past 3 months —
    - (i) the vehicle must have been inspected under the *Road Traffic (Vehicles) Act 2012*; and
    - (ii) a certificate of inspection must have been issued under *Road Traffic (Vehicles) Act 2012* that the vehicle meets the prescribed standards and requirements under that Act for the vehicle;
  - (c) the vehicle must have the appropriate category of motor injury insurance required for the vehicle under the *Motor Vehicle (Third Party Insurance) Act 1943*.
- (2) For the purposes of section 126 of the Act, a vehicle intended to be used to provide an on-demand rank or hail passenger transport service must meet the following additional requirements —
  - (a) the vehicle must meet the requirements of regulation 10G;
  - (b) the vehicle must be fitted with a camera surveillance unit that meets the requirements of regulation 35ZA;

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

*[Regulation 35R inserted: Gazette 26 Jun 2019 p. 2285-6.]*

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

- (1) An authorisation document issued to the holder of a passenger transport vehicle authorisation must specify the day on which the authorisation comes into force.
- (2) For the purposes of section 137(1) of the Act, a passenger transport vehicle authorisation granted under section 127 of the Act or regulation 35T —
  - (a) is granted for the period specified in the authorisation beginning on the day on which the authorisation comes into force; and
  - (b) expires at the end of the last day of that period.
- (3) The period specified under subregulation (2) may be 1 month, 3 months, 6 months or 12 months or another period not exceeding 12 months that the CEO may determine in a particular case.

*[Regulation 35S inserted: Gazette 26 Jun 2019 p. 2286-7.]*

**35T. Renewal of passenger transport vehicle authorisation**

- (1) The holder of a passenger transport vehicle authorisation (the **current authorisation**) granted for 3 months or more 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(2A).
- (2) An application and payment under subregulation (1) must be made within the period of 2 months ending on the day on which the current authorisation expires.
- (3) An application for renewal of a passenger transport vehicle authorisation must include any documents required by the approved form.
- (4) If the holder makes an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
  - (a) the CEO must grant a further passenger transport vehicle authorisation to the holder; and
  - (b) the authorisation document issued under section 135 of the Act for the further authorisation must specify —
    - (i) the same authorisation number as the current authorisation; and
    - (ii) the day on which the authorisation comes into force, which must be the day after the day on which the current authorisation expires.
- (5) Despite subregulation (4), the CEO may refuse to grant a further passenger transport vehicle authorisation to the holder if —
  - (a) the current authorisation is suspended; or
  - (b) any of the grounds for making an order suspending or cancelling the current authorisation under section 139(1) of the Act apply.

- (6) If the holder does not make an application and payment under subregulation (1) within the time required under subregulation (2) and in accordance with subregulation (3) —
- (a) the current authorisation expires at the end of the period for which it was granted; and
  - (b) any subsequent application for a passenger transport vehicle authorisation for the vehicle must be made in accordance with section 124 of the Act.

*[Regulation 35T inserted: Gazette 26 Jun 2019 p. 2287-8.]*

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

- (1) For the purposes of section 149(3) of the Act, the prescribed period is —
- (a) if the authorisation holder is the owner of the vehicle — the period ending on the day of issue of the notice; and
  - (b) if the authorisation holder is not the owner of the vehicle — the period ending on the day following the day of issue of the notice.
- (2) A person who requests the cancellation of a passenger transport vehicle authorisation is not entitled to a refund of the authorisation fee or any part of it.

*[Regulation 35U inserted: Gazette 26 Jun 2019 p. 2288-9.]*

**Division 3 — Changes to information**

*[Heading inserted: Gazette 26 Jun 2019 p. 2289.]*

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

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

- (a) in the application for the authorisation; or

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

Penalty:

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

*[Regulation 35V inserted: Gazette 26 Jun 2019 p. 2289.]*

## **Part 4C — Requirements relating to passenger transport services**

*[Heading inserted: Gazette 26 Jun 2019 p. 2289.]*

### **Division 1 — Notifiable occurrences**

*[Heading inserted: Gazette 26 Jun 2019 p. 2289.]*

#### **35W. Term used: notifiable occurrence**

In this Division —

***notifiable occurrence*** means any of the following —

- (a) an incident involving a vehicle being used to provide a passenger transport service that must be reported to the police under the *Road Traffic Act 1974* section 56;
- (b) an accident or incident involving a vehicle being used to provide a passenger transport service that results in —
  - (i) an injury that is treated by an ambulance officer; or
  - (ii) an injured person being treated at a hospital;
- (c) a collision involving a vehicle being used to provide a passenger transport service that results in damage to the vehicle that is sufficient to prevent the completion of the journey in that vehicle;
- (d) a mechanical or other fault in a vehicle being used to provide a passenger transport service that renders the vehicle unsuitable to be used to provide a passenger transport service without substantial or significant mechanical repairs or services;
- (e) an incident involving a driver or a passenger of a vehicle being used to provide a passenger transport service that results in a complaint to the police involving allegations of —
  - (i) sexual assault; or



- (ii) indecent exposure; or
- (iii) assault; or
- (iv) physical threats or other intimidation;
- (f) an incident involving the conduct of a driver while driving a vehicle being used to provide a passenger transport service that results in the driver being charged with a serious offence;
- (g) an incident involving —
  - (i) the misplacement of a visual, audiovisual or audio recording from a camera surveillance unit installed in a passenger transport vehicle; or
  - (ii) the use in contravention of regulation 35ZD of a visual, audiovisual or audio recording from a camera surveillance unit fitted in a passenger transport vehicle; or
  - (iii) the viewing, downloading, copying, playing, editing or erasing of a visual, audiovisual or audio recording in contravention of regulation 35ZF.

*[Regulation 35W inserted: Gazette 26 Jun 2019 p. 2289-91.]*

**35X. Reporting of notifiable occurrences**

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

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (2) The provider of a passenger transport service must report to the CEO, in accordance with this regulation, any notifiable

occurrence that occurs in relation to the passenger transport service.

Penalty for this subregulation:

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

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

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

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

*[Regulation 35X inserted: Gazette 26 Jun 2019 p. 2291-2.]*

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

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

Penalty for this subregulation:

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

- (2) The report must be made —
  - (a) within 48 hours after the provider becomes aware of the alleged conduct; and

(b) in the manner and form approved by the CEO.

[Regulation 35Y inserted: Gazette 26 Jun 2019 p. 2292.]

## **Division 2 — Camera surveillance**

[Heading inserted: Gazette 26 Jun 2019 p. 2293.]

### **35Z. Terms used**

In this Division —

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

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

*unauthorised purpose* means a purpose other than an authorised purpose.

[Regulation 35Z inserted: Gazette 26 Jun 2019 p. 2293-4.]

**35ZA. Camera surveillance units**

- (1) The following persons must ensure that an on-demand rank or hail vehicle is fitted with a camera surveillance unit that complies with subregulation (3) —

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

Penalty for this subregulation:

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

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

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

Penalty for this subregulation:

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

- (3) A camera surveillance unit must —

- (a) meet the requirements of the Camera Surveillance Unit Standards; and

- (b) be in working order.

*[Regulation 35ZA inserted: Gazette 26 Jun 2019 p. 2294.]*

**35ZB. Signs about camera surveillance**

- (1) This regulation applies in relation to a passenger transport vehicle that is fitted with a camera surveillance unit other than a camera surveillance unit that does not take recordings of passengers inside the vehicle.
- (2) The following persons must ensure that the passenger transport vehicle is fitted with signs that comply with whichever of subregulation (4) or (5) is applicable —
- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
  - (b) the provider of a passenger transport service that is provided using the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (3) The following persons must ensure, so far as is reasonably practicable, that the passenger transport vehicle is fitted with signs that comply with whichever of subregulation (4) or (5) is applicable —
- (a) the provider of the vehicle for use in providing a passenger transport service;
  - (b) the driver of the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (4) If the passenger transport vehicle is an on-demand rank or hail vehicle, signs must be conspicuously placed in and on the

outside of the vehicle advising persons that they may be under camera surveillance while in the vehicle.

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

*[Regulation 35ZB inserted: Gazette 26 Jun 2019 p. 2295-6.]*

*[35ZC. Has not come into operation <sup>2</sup>.]*

**35ZD. Safeguards applying to camera surveillance units**

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

- (a) misplacement; or
- (b) use for an unauthorised purpose.

Penalty for this subregulation:

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

- (2) If a passenger transport vehicle is fitted with a camera surveillance unit, the following persons must ensure, so far as is reasonably practicable, that any visual, audiovisual or audio recordings from the camera surveillance unit are protected against misplacement or use for an unauthorised purpose —

- (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
- (b) the provider of the vehicle for use in providing a passenger transport service;

- (c) the driver of the vehicle.

Penalty for this subregulation:

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

*[Regulation 35ZD inserted: Gazette 26 Jun 2019 p. 2296-7.]*

**35ZE. Production of camera recordings to authorised officers**

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

Penalty for this subregulation:

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

(b) for a body corporate, a fine of \$30 000.

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

Penalty for this subregulation:

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

*[Regulation 35ZE inserted: Gazette 26 Jun 2019 p. 2297-8.]*

**35ZF. Use of recordings from camera surveillance units**

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

Penalty for this subregulation:

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



- (4) The provider of an authorised on-demand booking service may, in accordance with subregulation (5), authorise a person to carry out a function under subregulation (3) on the provider's behalf.
- (5) An authorisation under subregulation (4) must —
  - (a) be in writing; and
  - (b) specify the date that the authorisation was made.
- (6) The provider of an authorised on-demand booking service must keep a record of each authorisation made by the provider under subregulation (4) for 2 years after it is given.

Penalty for this subregulation:

- (a) for an individual, a fine of \$10 000;
- (b) for a body corporate, a fine of \$40 000.

*[Regulation 35ZF inserted: Gazette 26 Jun 2019 p. 2298-9.]*

**35ZG. Deletion, destruction or disposal of recordings**

- (1) The following persons must ensure that a visual, audiovisual or audio recording from a camera surveillance unit fitted to an on-demand rank or hail vehicle in accordance with regulation 35ZA is deleted, destroyed or disposed of in accordance with this regulation —
  - (a) the provider of an on-demand booking service for the use of the vehicle in providing a passenger transport service;
  - (b) the provider of a passenger transport service that is provided using the vehicle.

Penalty for this subregulation:

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

- (2) The following persons must ensure, so far as is reasonably practicable, that a visual, audiovisual or audio recording from a camera surveillance unit fitted to an on-demand rank or hail

vehicle in accordance with regulation 35ZA is deleted,  
destroyed or disposed of in accordance with this regulation —

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

Penalty for this subregulation:

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

- (3) An authorised officer or approved person who has possession or control of a visual, audiovisual or audio recording from a camera surveillance unit fitted to an on-demand rank or hail vehicle in accordance with regulation 35ZA must ensure that the recording is deleted, destroyed or disposed of in accordance with this regulation.
- (4) A recording referred to in this regulation may be —
  - (a) deleted, destroyed or disposed of in a manner approved by the CEO; or
  - (b) in the case of a recording referred to in subregulation (1) or (2) — disposed of by giving it to an authorised officer.
- (5) A recording referred to in this regulation must be deleted, destroyed or disposed of —
  - (a) not less than 30 days and not more than 90 days after the recording is made, unless it is being used for an authorised purpose; or
  - (b) if it is used for an authorised purpose during the period referred to in paragraph (a) — as soon as practicable after it ceases to be used for an authorised purpose.
- (6) Subregulations (1) to (3) do not apply to a recording made during the installation or testing of a camera surveillance unit.

*[Regulation 35ZG inserted: Gazette 26 Jun 2019 p. 2299-301.]*

### **Division 3 — Fares and fare devices**

*[Heading inserted: Gazette 26 Jun 2019 p. 2301.]*

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2301.]*

##### **35ZH. Term used: relevant person**

In this Subdivision —

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

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

*[Regulation 35ZH inserted: Gazette 26 Jun 2019 p. 2301.]*

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

- (1) A relevant person in relation to an on-demand rank or hail vehicle that primarily operates in the metropolitan region must ensure that the fare, and any surcharge and fee of a kind set out in Schedule 2A, inclusive of GST, for using the vehicle to provide an on-demand passenger transport service are not more than those set out in Schedule 2A.

Penalty for this subregulation:

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

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

*[Regulation 35ZI inserted: Gazette 26 Jun 2019 p. 2301-3.]*

**35ZJ. Maximum fares, surcharges and fees: regions**

- (1) A relevant person in relation to an on-demand rank or hail vehicle that primarily operates in a region must ensure that the fare, and any surcharge and fee of a kind set out in Schedule 2B, inclusive of GST, for using the vehicle to provide an on-demand passenger transport service are not more than those set out in Schedule 2B.

Penalty for this subregulation:

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

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

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

*[Regulation 35ZJ inserted: Gazette 26 Jun 2019 p. 2303-4.]*

**35ZK. Fare schedule to be displayed in vehicle**

- (1) A relevant person in relation to an on-demand rank or hail vehicle must ensure that a fare schedule that complies with this regulation is displayed in the vehicle in a position from where it

is clearly visible from the outside of the front passenger window and from the front passenger seat when the vehicle is being used to provide an on-demand passenger transport service.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (2) The fare schedule must —
  - (a) be in the approved form; and
  - (b) state —
    - (i) the relevant rates and amounts in Schedule 2A or 2B, whichever is applicable, to be paid for the use of the vehicle to provide the on-demand passenger transport service; and
    - (ii) any other charges that may be applied to the provision of the on-demand passenger transport service by the provider of the service or the provider of an on-demand booking service.
- (3) If any amounts under regulation 35ZI(2) or 35ZJ(2) are to be paid in relation to the provision of an on-demand passenger transport service using the vehicle, the schedule displayed under subregulation (1) must include a statement that an additional amount of fare allocated for the levy and an amount for the GST on that additional amount may be charged.
- (4) The name of the provider of an on-demand booking service that is a relevant person in relation to the vehicle is to be included in the schedule displayed under subregulation (1).

*[Regulation 35ZK inserted: Gazette 26 Jun 2019 p. 2304-5.]*

**35ZL. Deposit**

- (1) The driver of an on-demand rank or hail vehicle may require the person who booked the vehicle to pay a deposit before an

on-demand passenger transport service is provided using the vehicle.

- (2) The deposit must not exceed 100% of the Schedule 2A fare or Schedule 2B fare that the driver reasonably estimates would be payable for the on-demand passenger transport service.
- (3) Subregulation (2) does not apply to an on-demand passenger transport service that is to be provided for a contract fare.

*[Regulation 35ZL inserted: Gazette 26 Jun 2019 p. 2305.]*

**35ZM. Contract fares**

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

Penalty for this subregulation:

- (a) for an individual, a fine of \$12 000;

(b) for a body corporate, a fine of \$40 000.

(5) The driver of an on-demand rank or hail vehicle must —

- (a) keep a record of each contract fare agreed by the provider under subregulation (1)(b); and
- (b) retain the record for a period of 12 months starting on the day on which the contract fare was agreed.

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

*[Regulation 35ZM inserted: Gazette 26 Jun 2019 p. 2306-7.]*

**35ZN. Written confirmation of contract fare**

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

Penalty for this subregulation:

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

(2) The driver of an on-demand rank or hail vehicle must provide the person who booked the service with written confirmation in accordance with this regulation of a contract fare agreed by the driver.

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

(3) The written confirmation may be in electronic form.

(4) The written confirmation must set out —

- (a) sufficient details to enable the identification of the driver, the vehicle, the person who booked the service and at least 1 of the passengers; and
- (b) details of the location where the proposed journey is to begin and end; and



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

*[Regulation 35ZN inserted: Gazette 26 Jun 2019 p. 2307-8.]*

**35ZO. Passenger subsidy scheme vouchers**

- (1) In this regulation —

**CEO guidelines** means —

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

***voucher*** means a voucher issued under an approved State or Territory or Commonwealth Government scheme that is intended to make travel in an on-demand rank or hail vehicle available to people with disability.

- (2) A driver of an on-demand rank or hail vehicle must not refuse to accept a voucher as payment or part-payment of a Schedule 2A fare, a Schedule 2B fare or a contract fare if the payment or part-payment is in accordance with the CEO guidelines.

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

- (3) A driver of an on-demand rank or hail vehicle who accepts a voucher must not enter on the voucher any information that the driver knows to be false or misleading in a material particular.

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

- (4) A driver of an on-demand rank or hail vehicle must not accept a voucher that contains information that the driver knows or ought to know to be false or misleading in a material particular.

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

- (5) A person must not tender a voucher to which they are not entitled, or that contains information that is false or misleading in a material particular.

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

- (6) The following persons must not direct a driver to refuse to accept a voucher as payment or part-payment of a Schedule 2A fare, a Schedule 2B fare or a contract fare if the payment or part-payment is in accordance with the CEO guidelines —

- (a) the provider of an on-demand booking service;
- (b) the provider of an on-demand passenger transport service;

- (c) the provider of an on-demand rank or hail vehicle.

Penalty for this subregulation:

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

*[Regulation 35ZO inserted: Gazette 26 Jun 2019 p. 2308-10.]*

**35ZP. Guidelines**

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

*[Regulation 35ZP inserted: Gazette 26 Jun 2019 p. 2310.]*

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

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

- (2) A driver of an on-demand rank or hail vehicle must set the fare calculation device in operation at the beginning of a journey and stop the device at the end of the journey.

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

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

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

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

*[Regulation 35ZQ inserted: Gazette 26 Jun 2019 p. 2310-11.]*

**35ZR. Multiple hiring**

- (1) In this regulation —  
***multiple hiring***, in relation to an on-demand rank or hail vehicle, means the booking of the vehicle by 2 or more passengers who are not accompanying each other but who agree to share the use of the vehicle and pay separate fares for the provision of a passenger transport service using the vehicle to each of them.
- (2) A person who books an on-demand rank or hail vehicle for use in providing an on-demand rank or hail passenger transport service may refuse to consent to the carriage of other passengers in the vehicle during the journey.
- (3) If there is a multiple hiring of an on-demand rank or hail vehicle, the fare for the provision of each passenger transport service covered by the multiple hiring must not exceed 75% of the Schedule 2A or Schedule 2B fare for the provision of that service.

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

*[Regulation 35ZR inserted: Gazette 26 Jun 2019 p. 2311-12.]*

**35ZS. Surcharge for non-cash payment**

- (1) If a surcharge is added because a fare for the provision of an on-demand passenger transport service using an on-demand rank or hail vehicle is being paid using a non-cash payment, that surcharge is to be no more than 5% of all amounts to be paid for the provision of the service (except the surcharge itself).

- (2) A person who provides a payment terminal that results in the imposition of a surcharge in contravention of subregulation (1) commits an offence.

Penalty for this subregulation:

- (a) for an individual, a fine of \$1 000;
- (b) for a body corporate, a fine of \$4 000.

- (3) If more than one payment terminal is available for an on-demand rank or hail vehicle, the driver must use the terminal that results in the lowest surcharge, if any, being imposed when the non-cash payment is made.

Penalty for this subregulation: a fine of \$1 000.

- (4) If a payment terminal is available for use in an on-demand rank or hail vehicle —
- (a) if the provider of an on-demand booking service was involved in requesting or enabling the use of that type of payment terminal, then that provider provides the terminal for the purposes of subregulation (2); and
  - (b) if the provider of the vehicle for use in providing an on-demand passenger transport service was involved in requesting or enabling the use of that type of payment terminal, then that provider provides the terminal for the purposes of subregulation (2); and
  - (c) if the provider of an on-demand passenger transport service was involved in requesting or enabling the use of that type of payment terminal, then that provider provides the terminal for the purposes of subregulation (2); and
  - (d) in any other case, the driver of the vehicle provides the terminal for the purposes of subregulation (2).

*[Regulation 35ZS inserted: Gazette 26 Jun 2019 p. 2313-14.]*

**Subdivision 2 — Other requirements for fares**

*[Heading inserted: Gazette 26 Jun 2019 p. 2314.]*

**35ZT. Terms used**

In this Subdivision —

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

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

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

*[Regulation 35ZT inserted: Gazette 26 Jun 2019 p. 2314.]*

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

- (1) A relevant provider must make available to a person intending to book an on-demand vehicle for use in providing an on-demand passenger transport service —

- (a) the fare amount for the provision of the service; or
- (b) a transparent process for the calculation of the fare amount.

Penalty for this subregulation:

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

- (2) The CEO or an authorised officer may, by written notice, require the relevant provider in relation to an on-demand vehicle to produce for inspection, or provide a copy of —
- (a) the fare amount for the provision of an on-demand passenger transport service using that vehicle; and
  - (b) the transparent process for the calculation of the fare amount referred to in subregulation (1).
- (3) A notice under subregulation (2) must specify —
- (a) the manner in which the information to which it applies must be produced or provided; and
  - (b) the time within which the information to which it applies must be produced or provided, which must allow the person a reasonable period to comply with the notice.
- (4) A person given a notice under subregulation (2) must comply with the notice.
- Penalty for this subregulation:
- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (5) For the purposes of this regulation a transparent process is one that —
- (a) is easy for a reasonable person to understand; and
  - (b) discloses all fares, fees and charges that may be payable, including fees and charges that apply if —
    - (i) circumstances change; or
    - (ii) the vehicle is used for a longer period than anticipated; or
    - (iii) there are additional charges at certain times.



- (6) This regulation does not apply if the on-demand passenger transport service is provided on a rank or hail basis.

*[Regulation 35ZU inserted: Gazette 26 Jun 2019 p. 2314-16.]*

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

- (1) In this regulation —

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

***surge pricing*** means an increased fare charged only at times of temporary high demand for passenger transport.

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

Penalty for this subregulation:

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

*[Regulation 35ZV inserted: Gazette 26 Jun 2019 p. 2316-17.]*

**35ZW. Parking fees and cleaning costs**

- (1) The person who booked a passenger transport vehicle for use in providing a passenger transport service may be required to pay the fee, if any, for parking during the journey at a passenger's request unless parking fees have already been paid as part of a contract fare.
- (2) The person who booked a passenger transport vehicle for use in providing a passenger transport service may be charged for the

costs of cleaning the vehicle if it is soiled by a passenger during the journey.

- (3) If the passenger transport service is provided for a Schedule 2A or Schedule 2B fare, an amount charged under this regulation is in addition to any amount chargeable under regulation 35ZI or 35ZJ.

*[Regulation 35ZW inserted: Gazette 26 Jun 2019 p. 2317.]*

### **Subdivision 3 — Receipts**

*[Heading inserted: Gazette 26 Jun 2019 p. 2367.]*

#### **35ZX. Receipts**

- (1) The provider of an on-demand booking service (other than the provider of an associated booking service) for the use of an on-demand vehicle in providing a passenger transport service must ensure that any receipt provided for the fare for the provision of the passenger transport service 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 of the on-demand booking service;
  - (b) the name of the provider of the on-demand booking service;
  - (c) a trading name or business name used by the provider of the on-demand booking service.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (2) The provider of an associated booking service for the use of an on-demand vehicle in providing a passenger transport service must ensure that any receipt provided for the fare for the provision of the passenger transport service includes at least one of the following —

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

Penalty for this subregulation:

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

*[Regulation 35ZX inserted: Gazette 26 Jun 2019 p. 2367-8.]*

#### **Subdivision 4 — Fare calculation devices**

*[Heading inserted: Gazette 26 Jun 2019 p. 2317.]*

#### **35ZY. On-demand rank or hail vehicles to be fitted with fare calculation device**

- (1) The following persons must ensure that an on-demand rank or hail vehicle is fitted with a fare calculation device that complies with regulation 35ZZ —
  - (a) the provider of an on-demand booking service for the use of the vehicle in providing an on-demand passenger transport service;
  - (b) the provider of an on-demand passenger transport service that is provided using the vehicle.

Penalty for this subregulation:

- (a) for an individual, a fine of \$9 000;
  - (b) for a body corporate, a fine of \$30 000.
- (2) The following persons must ensure, so far as is reasonably practicable, that an on-demand rank or hail vehicle is fitted with a fare calculation device that complies with regulation 35ZZ —
- (a) the provider of the vehicle for use in providing an on-demand passenger transport service;
  - (b) the driver of the vehicle.

Penalty for this subregulation:

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

*[Regulation 35ZY inserted: Gazette 26 Jun 2019 p. 2317-18.]*

**35ZZ. Requirements for fare calculation devices**

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

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

*[Regulation 35ZZ inserted: Gazette 26 Jun 2019 p. 2318-19.]*

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

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

Penalty for this subregulation:

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

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

Penalty for this subregulation:

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

(b) for a body corporate, a fine of \$30 000.

(3) The information to be displayed is —

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

*[Regulation 35ZZA inserted: Gazette 26 Jun 2019 p. 2319-20.]*

#### **Division 4 — Other obligations**

*[Heading inserted: Gazette 26 Jun 2019 p. 2320.]*

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

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

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

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

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

*[Regulation 35ZZB inserted: Gazette 26 Jun 2019 p. 2320.]*

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

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

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

Note for this subregulation:

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

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

[Regulation 35ZZC inserted: Gazette 26 Jun 2019 p. 2321.]

**35ZZD. Assistance animals**

- (1) In this regulation —

*assistance animal* has the meaning given in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

- (2) The driver of a passenger transport vehicle must not refuse to carry an assistance animal or an assistance animal in training in or on the vehicle.

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

[Regulation 35ZZD inserted: Gazette 26 Jun 2019 p. 2321.]

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

- (1) A driver of an on-demand rank or hail vehicle must accept any person as a passenger in the vehicle unless —
- (a) the driver has reasonable grounds to believe that either of the following poses a threat to the driver's safety —

- (i) the intended passenger or a person accompanying the intended passenger;
- (ii) the location at which the journey is to begin or end;

or

- (b) the intended passenger or a person accompanying the intended passenger is —
    - (i) in such an unclean condition that they will soil the vehicle; or
    - (ii) carrying a thing that is likely to soil the vehicle;
- or
- (c) the intended passenger is abusive or aggressive; or
  - (d) the intended passenger or a person accompanying the intended passenger appears to be under the influence of alcohol or drugs to an extent that they are likely to soil the vehicle or become abusive or aggressive; or
  - (e) the driver has reasonable grounds to believe that the intended passenger has previously evaded or attempted to evade the payment of a fare for the provision of a passenger transport service; or
  - (f) the driver requires the intended passenger to pay a deposit and the intended passenger does not pay it; or
  - (g) the intended passenger and persons accompanying the intended passenger aged 12 years or over exceed the number of available seatbelts in the vehicle.

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

- (2) If at any point during the provision of an on-demand passenger transport service in an on-demand rank or hail vehicle, a person begins to soil the vehicle or become abusive or aggressive, the driver may terminate the provision of the service and require the person who booked the service to pay —



- (a) the Schedule 2A or Schedule 2B fare or contract fare that would have been due if the hiring had terminated at that point in the normal course of events; and
  - (b) costs of cleaning mentioned in regulation 35ZW(2).
- (3) A driver of an on-demand rank or hail vehicle must not terminate the provision of an on-demand rank or hail passenger transport service before reaching the agreed destination for reasons other than those set out in subregulation (2).

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

*[Regulation 35ZZE inserted: Gazette 26 Jun 2019 p. 2322-3.]*

**35ZZF. No touting or soliciting for passengers**

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

Penalty:

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

*[Regulation 35ZZF inserted: Gazette 26 Jun 2019 p. 2323-4.]*

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

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

operated for use in providing that category of passenger transport service, as the case requires.

Penalty for this subregulation:

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

*[Regulation 35ZZG inserted: Gazette 26 Jun 2019 p. 2324.]*

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

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

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

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

Penalty for this subregulation:

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

*[Regulation 35ZZH inserted: Gazette 26 Jun 2019 p. 2325.]*

## 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);

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

*[Regulation 37 amended: Gazette 26 Jun 2019 p. 2325-6.]*

**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).

**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.

### **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;

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

*metered fare amount* means —

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

***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.

[Regulation 44 amended: Gazette 26 Jun 2019 p. 2326.]

## **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**

<b>Name of class</b>	<b>Description of class</b>
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 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 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 Schedule 2A or Schedule 2B (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 regulation 35ZI(2)(a) or 35ZJ(2)(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;
  - (d) any surcharge for non-cash payment charged under regulation 35ZS;
  - (e) any parking fees or cleaning costs charged under regulation 35ZW;

- (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.

*[Regulation 47 amended: Gazette 26 Jun 2019 p. 2327.]*

**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) deleted]*
  - (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.

*[Regulation 55 amended: Gazette 26 Jun 2019 p. 2327.]*

**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);
  - (e) the distance travelled in the associated relevant journey, if this is used for calculating any amount of the fare payable for the on-demand passenger transport service.
- (2) 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;

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

*[Regulation 56 amended: Gazette 26 Jun 2019 p. 2328.]*

**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.

**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 on a ground referred to in section 42(1)(a), (b), (d) or (e) of the Act;
- (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;
- (c) a decision under regulation 35E(6)(b) to refuse to grant a further regular passenger service authorisation on a ground referred to in section 79(1)(a), (c) or (e) of the Act;
- (d) a decision under regulation 35T(5)(b) to refuse to grant a further passenger transport vehicle authorisation on a ground referred to in section 139(1)(b) or (d) of the Act.

*[Regulation 68 amended: Gazette 26 Jun 2019 p. 2328-9.]*

### 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.
- (2A) The fees set out in Schedule 1 Division 3 are prescribed as the authorisation fees for passenger transport vehicle authorisations

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for the purposes of section 127(d) of the Act and regulation 35T.

- (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.

*[Regulation 69 amended: Gazette 26 Jun 2019 p. 2329.]*

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

- (1) A provider of a passenger transport service that is a school bus service is exempt from all of the requirements of the Act and these regulations in relation to the school bus service except the requirement under regulation 9 to have a safety management system.
- (2) A provider of a passenger transport vehicle used or intended to be used for a passenger transport service that is a school bus service is exempt from all of the requirements of the Act and these regulations in relation to the provision of that vehicle.

*[Regulation 69A inserted: Gazette 26 Jun 2019 p. 2329-30.]*

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

- (1) The CEO or an authorised officer may, by written notice —
  - (a) require the provider of a specified service that is required under regulation 9 to have a safety management system to —
    - (i) produce for inspection the provider's safety management system; or



- (ii) provide copies of that safety management system;
  - or
  - (b) require a party to an association arrangement to produce for inspection, or provide a copy of, the association arrangement; or
  - (c) require the provider of an authorised on-demand booking service to —
    - (i) produce for inspection any of the records kept under regulations 28, 29, 33 and 35ZF(6); or
    - (ii) provide copies of any of the records kept under regulations 28, 29, 33 and 35ZF(6);
  - or
  - (d) require the provider of an authorised regular passenger transport service to —
    - (i) produce for inspection any of the records kept under regulations 35J and 35N; or
    - (ii) provide copies of any of the records kept under regulations 35J and 35N;
  - or
  - (e) require the provider of an on-demand booking service, or a driver, who is required to keep records under regulation 35ZM(4) or (5) to —
    - (i) produce for inspection any of those records; or
    - (ii) provide copies of any of those records.
- (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 provider a reasonable period to comply with the notice.

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- (3) A notice under subregulation (1)(a)(ii), (c)(ii), (d)(ii) or (e)(ii) may require copies of records or the safety management system, as the case requires, 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.

*[Regulation 69B inserted: Gazette 26 Jun 2019 p. 2330-32.]*

## Part 9 — Transitional provisions

*[Heading inserted: Gazette 26 Jun 2019 p. 2332.]*

### Division 1 — General matters

*[Heading inserted: Gazette 26 Jun 2019 p. 2332.]*

#### 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.

*[Regulation 70 inserted: Gazette 26 Jun 2019 p. 2332.]*

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

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

*[Regulation 71 inserted: Gazette 26 Jun 2019 p. 2333.]*

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

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

*[Regulation 72 inserted: Gazette 26 Jun 2019 p. 2333-4.]*

**73. Provisions for section 295 of the Act**

- (1) The prescribed day for section 295(2) and (3) of the Act is 30 September 2019.
- (2) The prescribed requirements for section 295(4) of the Act are —
- (a) that the vehicle complies with the requirements of regulation 35R for the authorisation of a vehicle intended to be used to provide an on-demand rank or hail passenger transport service; and

- (b) either —
  - (i) that the vehicle is owned by the owner of the taxi plates; or
  - (ii) that the owner of the vehicle has consented to the owner of the taxi plates applying for authorisation of the vehicle as a passenger transport vehicle authorised to be operated for use in providing an on-demand rank or hail passenger transport service.

*[Regulation 73 inserted: Gazette 26 Jun 2019 p. 2334.]*

**74. Provisions for section 296 of the Act**

- (1) The prescribed date for the purposes of the definition of ***relevant date*** in section 296(1) of the Act is 30 September 2019.
- (2) The requirements for the purposes of section 296(3)(b) of the Act are —
  - (a) that the vehicle complies with the requirements of regulation 35R for the authorisation of a vehicle intended to be used to provide an on-demand rank or hail passenger transport service; and
  - (b) either —
    - (i) that the vehicle is owned by the lessee of the taxi plates; or
    - (ii) that the owner of the vehicle has consented to the lessee of the taxi plates applying for authorisation of the vehicle as a passenger transport vehicle authorised to be operated for use in providing an on-demand rank or hail passenger transport service.

*[Regulation 74 inserted: Gazette 26 Jun 2019 p. 2334-5.]*

**Division 2 — Number plates**

*[Heading inserted: Gazette 26 Jun 2019 p. 2335.]*

**75. Term used: commencement day**

In this Division —

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

*[Regulation 75 inserted: Gazette 26 Jun 2019 p. 2335.]*

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

- (1) This regulation applies if a taxi plate that was issued under the *Taxi Act 1994* was attached to a taxi immediately before commencement day.
- (2) Unless otherwise provided in this Division, the taxi plate may continue to be used on and after commencement day as a number plate for the vehicle it was attached to while it continues to be an authorised on-demand rank or hail vehicle.
- (3) A taxi plate that may continue to be used because of subregulation (2) is taken on and after commencement day to be —
  - (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) in relation to the on-demand rank or hail vehicle; and
  - (b) the property of the road traffic CEO.

*[Regulation 76 inserted: Gazette 26 Jun 2019 p. 2335-6.]*

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

- (1) This regulation applies if a number plate that was issued for a country taxi-car under the *Transport Co-ordination Act 1966*

was attached to the taxi-car immediately before commencement day.

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

*[Regulation 77 inserted: Gazette 26 Jun 2019 p. 2336.]*

## **78. Omnibus number plates**

- (1) This regulation applies if a number plate that was issued under the *Transport Co-ordination Act 1966* section 32A was attached to a vehicle that was an omnibus licensed under that Act immediately before commencement day.
- (2) Unless otherwise provided in this Division, the number plate may continue to be used on and after commencement day as a number plate for the vehicle it was attached to —
  - (a) while it continues to be authorised under the Act to be used to provide a passenger transport service (other than an on-demand rank or hail passenger transport service); and
  - (b) after it ceases to be authorised under the Act to be used to provide a passenger transport service if the number plate does not identify the vehicle as —
    - (i) a passenger transport vehicle; or

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

*[Regulation 78 inserted: Gazette 26 Jun 2019 p. 2337-8.]*

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

- (1) This regulation applies if —
    - (a) taxi plates issued under the *Taxi Act 1994* —
      - (i) were owned taxi plates as defined in section 295(1) of the Act; and
      - (ii) were not the subject of a buyback payment under Part 9 Division 1 of the Act; and
      - (iii) were attached to a vehicle immediately before commencement day;
- and



- (b) the eligible owner of the taxi plates has nominated a vehicle under section 295(4) of the Act.
- (2) The taxi plates —
  - (a) may be attached to the nominated vehicle on or after commencement day; and
  - (b) once attached may be used as the number plates for the nominated vehicle while it continues to be an authorised on-demand rank or hail vehicle; and
  - (c) must not be used as the number plates for the vehicle to which they were attached immediately before commencement day.
- (3) A number plate that may be used on a nominated vehicle because of subregulation (2) is taken on and after commencement day to be —
  - (a) a number plate issued by the road traffic CEO under the *Road Traffic (Vehicles) Regulations 2014* regulation 111(2) that identifies the nominated vehicle as an on-demand rank or hail vehicle; and
  - (b) the property of the road traffic CEO.

*[Regulation 79 inserted: Gazette 26 Jun 2019 p. 2338-9.]*

#### **80. Leased taxi plates that were attached**

- (1) This regulation applies if —
  - (a) taxi plates issued under the *Taxi Act 1994* were attached to a vehicle immediately before commencement day; and
  - (b) the lessee of the taxi plates has nominated a vehicle under section 296(3)(b) of the Act.
- (2) The taxi plates —
  - (a) may be attached to the nominated vehicle on or after commencement day; and

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

*[Regulation 80 inserted: Gazette 26 Jun 2019 p. 2339-40.]*

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

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

(3) In subregulation (2) —

**relevant person**, in relation to taxi plates or number plates,  
means —

- (a) the owner of the taxi plates; or
- (b) if the taxi plates were leased under the *Taxi Act 1994*,  
the lessee of the taxi plates; or
- (c) the licensee under the *Transport Co-ordination Act 1966*  
in relation to number plates issued for a country taxi-car  
under that Act; or
- (d) the licensee under the *Transport Co-ordination Act 1966*  
in relation to number plates issued for an omnibus under  
section 32A of that Act.

(4) A taxi plate or a number plate issued for a country taxi-car that  
is required to be surrendered under subregulation (2) is taken on  
and after commencement day to be —

- (a) a number plate issued by the road traffic CEO under the  
*Road Traffic (Vehicles) Regulations 2014*  
regulation 111(2) for a vehicle that identifies the vehicle  
as an on-demand rank or hail vehicle; and
- (b) the property of the road traffic CEO.

(5) A number plate issued for an omnibus that is required to be  
surrendered under subregulation (2) is taken on and after  
commencement day to be —

- (a) a number plate issued by the road traffic CEO under the  
*Road Traffic (Vehicles) Regulations 2014*  
regulation 111(1) for a vehicle that identifies the vehicle  
as an on-demand charter vehicle; and
- (b) the property of the road traffic CEO.

[Regulation 81 inserted: Gazette 26 Jun 2019 p. 2340-1.]

**82. Seizure of number plates**

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

*[Regulation 82 inserted: Gazette 26 Jun 2019 p. 2341.]*

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

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	<b>Description of fee</b>	<b>Fee</b>
3G.	Application fee for variation of conditions of passenger transport vehicle authorisation (s. 130(2)(c) of the Act)	\$20.00
3H.	Application fee for category of service change for passenger transport service authorisation (s. 132(2)(c) of the Act)	\$36.00
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
6.	Fee for handling the following transactions in person or over the phone in relation to authorisations under the Act —  (a) changes to existing records (except changes of address)  (b) late renewal of annual authorisations  (c) manual search of records	\$20.00

*[Division 1 amended: Gazette 26 Jun 2019 p. 2342-3.]*

**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

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

*[Heading inserted: Gazette 26 Jun 2019 p. 2343.]*

**Table**

<b>Duration of the authorisation</b>	<b>Fee</b>
1 month	\$21
3 months	\$40

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

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

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<b>Duration of the authorisation</b>	<b>Fee</b>
6 months	\$67
12 months	\$113
Another period specified under regulation 35S	A pro rata amount based on the fee for a 12 month authorisation

*[Division 3 inserted: Gazette 26 Jun 2019 p. 2343.]*



## 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**

Item	Column 1 Disqualification offence	Column 2 Circumstances	Column 3 Disqualification period
Offences under <i>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

**Transport (Road Passenger Services) Regulations 2019****Schedule 2** Disqualification offences and disqualification periods**cl. 1**

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

<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

**cl. 1**

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<b>Item</b>	<b>Column 1 Disqualification offence</b>	<b>Column 2 Circumstances</b>	<b>Column 3 Disqualification period</b>
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

<b>Item</b>	<b>Column 1 Disqualification offence</b>	<b>Column 2 Circumstances</b>	<b>Column 3 Disqualification period</b>
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 2A — Fares: metropolitan region**

[r. 35ZI]

*[Heading inserted: Gazette 26 Jun 2019 p. 2344.]*

### **Metered rates (maximums)**

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

### **Other amounts (maximums)**

<b>Call out fee</b> (but only if a guaranteed booking fee is not payable for the same hire)	\$1.50
<b>Guaranteed booking fee</b>	\$9.00
<b>Surcharges</b> Ultra-Peak — From midnight Friday to 3 am Saturday or midnight Saturday to 3 am Sunday	\$3.60

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

Fares: metropolitan region

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Christmas Day —	
Midnight to midnight	\$5.10
New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.80

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*[Schedule 2A inserted: Gazette 26 Jun 2019 p. 2344-5.]*

**Schedule 2B — Fares: regions**

[r. 35ZJ]

*[Heading inserted: Gazette 26 Jun 2019 p. 2345.]*

**Division 1 — Gascoyne region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2345.]*

**Metered rates (maximums)**

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

**Other amounts (maximums)**

<b>Call out fee</b>	\$1.50
<b>Surcharges</b> Ultra-Peak —  From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65



Christmas Day — Midnight to midnight	\$5.10
New Year's Eve — 6 pm New Year's Eve to 6 am New Year's Day	\$5.70

*[Division 1 inserted: Gazette 26 Jun 2019 p. 2345-6.]*

**Division 2 — Goldfields-Esperance region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2346.]*

**Metered rates (maximums)**

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

**Other amounts (maximums)**

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

*[Division 2 inserted: Gazette 26 Jun 2019 p. 2346-7.]*

**Division 3 — Great Southern region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2347.]*

**Metered rates (maximums)**

<b>Tariff</b>	<b>Flagfall</b>	<b>Distance rate</b>	<b>Detention</b>
<b>Tariff 1</b>			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.75/km	\$49.00/hour
<b>Tariff 2</b>			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$1.75/km	\$49.00/hour

<b>Tariff</b>	<b>Flagfall</b>	<b>Distance rate</b>	<b>Detention</b>
<b>Tariff 3</b>			
When carrying 5 or more passengers	\$6.10	\$2.60/km	\$76.00/hour

**Other amounts (maximums)**

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

*[Division 3 inserted: Gazette 26 Jun 2019 p. 2347-8.]*

**Division 4 — Kimberley region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2349.]*

**Metered rates (maximums)**

<b>Tariff</b>	<b>Flagfall</b>	<b>Distance rate</b>	<b>Detention</b>
<b>Tariff 1</b>			
Monday to Friday 6 am to 6 pm	\$4.20	\$2.27/km	\$49.00/hour

**Transport (Road Passenger Services) Regulations 2019****Schedule 2B** Fares: regions**Division 4** Kimberley region

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

**Other amounts (maximums)**

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

*[Division 4 inserted: Gazette 26 Jun 2019 p. 2349.]*

**Division 5 — Mid West region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2350.]*

**Metered rates (maximums)**

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

**Other amounts (maximums)**

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

New Year's Eve —	
6 pm New Year's Eve to 6 am New Year's Day	\$5.80

*[Division 5 inserted: Gazette 26 Jun 2019 p. 2350.]*

### **Division 6 — Peel region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2351.]*

#### **Metered rates (maximums)**

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

#### **Other amounts (maximums)**

<b>Call out fee</b>	\$1.50
<b>Surcharges</b>	
Ultra-Peak —	
From midnight Friday to 5 am Saturday or midnight Saturday to 5 am Sunday	\$2.65

Christmas Day — Midnight to midnight	\$5.10
New Year's Eve — 6 pm New Year's Eve to 6 am New Year's Day	\$5.70

*[Division 6 inserted: Gazette 26 Jun 2019 p. 2351.]*

### **Division 7 — Pilbara region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2352.]*

#### **Metered rates (maximums)**

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

**Other amounts (maximums)**

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

*[Division 7 inserted: Gazette 26 Jun 2019 p. 2352.]*

**Division 8 — South West region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2353.]*

**Metered rates (maximums)**

<b>Tariff</b>	<b>Flagfall</b>	<b>Distance rate</b>	<b>Detention</b>
<b>Tariff 1</b>			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.75/km	\$49.00/hour
<b>Tariff 2</b>			
For the following times —			
Monday to Friday 6 pm to 6 am			
Friday 6 pm to Monday 6 am			
All day Public Holidays	\$6.10	\$1.75/km	\$49.00/hour



<b>Tariff</b>	<b>Flagfall</b>	<b>Distance rate</b>	<b>Detention</b>
<b>Tariff 3</b>			
When carrying 5 or more passengers	\$6.10	\$2.60/km	\$76.00/hour

**Other amounts (maximums)**

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

*[Division 8 inserted: Gazette 26 Jun 2019 p. 2353.]*

**Division 9 — Wheatbelt region**

*[Heading inserted: Gazette 26 Jun 2019 p. 2354.]*

**Metered rates (maximums)**

<b>Tariff</b>	<b>Flagfall</b>	<b>Distance rate</b>	<b>Detention</b>
<b>Tariff 1</b>			
Monday to Friday 6 am to 6 pm	\$4.20	\$1.80/km	\$49.00/hour

**Transport (Road Passenger Services) Regulations 2019****Schedule 2B** Fares: regions**Division 9** Wheatbelt region

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

**Other amounts (maximums)**

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

*[Division 9 inserted: Gazette 26 Jun 2019 p. 2354-5.]*

## Schedule 3 — Prescribed offences and modified penalties

[r. 39]

[Heading inserted: Gazette 26 Jun 2019 p. 2355.]

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. 10O(1)	Contravention of safety standard in r. 10D, 10G, 10J or 10K	\$1 800	\$6 000
3.	r. 10O(2)	Contravention of safety standard in Part 3 Division 3 other than safety standard in r. 10D, 10G, 10J or 10K	\$900	\$3 000
4.	r. 10O(3)	Non-compliance with safety standard in r. 10D, 10G, 10J or 10K by responsible person	\$1 800	\$6 000
5.	r. 10O(4)	Non-compliance with safety standard in Part 3 Division 3 (other than safety standard in r. 10D, 10G, 10J or 10K) by responsible person	\$900	\$3 000
6.	r. 10Q	Contravention of safety standard in r. 10P	\$900	\$3 000

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
7.	r. 10T(1)	Contravention of safety standard in r. 10R	\$1800	\$6 000
8.	r. 10T(2)	Contravention of safety standard in r. 10S	\$900	
9.	r. 10T(3)	Non-compliance with safety standard in r. 10R by responsible person	\$1 800	\$6 000
10.	r. 10T(4)	Non-compliance with safety standard person in r. 10S by responsible person	\$900	\$3 000
11.	r. 22(2)	Failure to notify CEO of person ceasing to be responsible officer	\$300	\$1 000
12.	r. 22(4)	Failure to nominate replacement responsible officer	\$300	\$1 000
13.	r. 26	Failure to notify CEO of charge or conviction of disqualification offence	\$300	\$1 000
14.	r. 26A	Failure to notify change in circumstances	\$300	\$1 000
15.	r. 30	Offering or advertising on-demand booking service or on-demand passenger transport	\$900	\$3 000

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
		service when not authorised to provide on-demand booking service		
16.	r. 31(1)	Failure to include name or authorisation number in advertising	\$900	\$3 000
17.	r. 31(2)	Failure to include name or authorisation number of principal booking service provider in advertising	\$900	\$3 000
18.	r. 32	Failure to prepare and make accessible complaints resolution procedure	\$1 200	\$4 000
19.	r. 33(1)	Failure to keep records about complaints	\$1 200	\$4 000
20.	r. 35F	Failure to notify change in circumstances	\$300	\$1 000
21.	r. 35K	Offering or advertising regular passenger transport service when not authorised to provide regular passenger transport service	\$900	\$3 000

**Transport (Road Passenger Services) Regulations 2019****Schedule 3** Prescribed offences and modified penalties**Division 9** Wheatbelt region

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
22.	r. 35L	Failure to include name or authorisation number in advertising	\$900	\$3 000
23.	r. 35M	Failure to prepare and make accessible complaints resolution procedure	\$1 200	\$4 000
24.	r. 35N(1)	Failure to keep records about complaints	\$1 200	\$4 000
25.	r. 35V	Failure to notify change in circumstances	\$300	\$1 000
26.	r. 35ZA(1)	Failure to ensure on-demand rank or hail vehicle fitted with camera surveillance unit	\$1 800	\$6 000
27.	r. 35ZA(2)	Failure to ensure, so far as is reasonably practicable, on-demand rank or hail vehicle fitted with camera surveillance unit	\$1 800	\$6 000
28.	r. 35ZB(2)	Failure to fit signs to passenger transport vehicle	\$900	\$3 000

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
29.	r. 35ZB(3)	Failure to ensure, so far as is reasonably practicable, that signs fitted to passenger transport vehicle	\$900	\$3 000
32.	r. 35ZD(1)	Failure to protect camera surveillance unit recordings	\$1 800	\$6 000
33.	r. 35ZD(2)	Failure to ensure, so far as is reasonably practicable, recordings from camera surveillance unit protected	\$1 800	\$6 000
34.	r. 35ZE(3)	Failure to produce recording to authorised officer	\$900	\$3 000
35.	r. 35ZE(4)	Failure to produce recording to authorised officer so far as is reasonably practicable	\$900	\$3 000
36.	r. 35ZF(1)	Dealing with recording except as permitted	\$1 500	\$6 000
37.	r. 35ZF(6)	Failure to keep record of authorisation	\$1 000	\$4 000

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
38.	r. 35ZG(1)	Failure to ensure recording disposed of in accordance with requirements	\$900	\$3 000
39.	r. 35ZG(2)	Failure to ensure, so far as is reasonably practicable, recording disposed of in accordance with requirements	\$900	\$3 000
40.	r. 35ZI(1)	Failure to ensure that fare is not more than set out in Schedule 2A: metropolitan region	\$900	\$3 000
41.	r. 35ZI(4)	Failure to select appropriate tariff: metropolitan region	\$900	
42.	r. 35ZJ(1)	Failure to ensure fare is not more than set out in Schedule 2B: regions	\$900	\$3 000
43.	r. 35ZJ(4)	Failure to select appropriate tariff: regions	\$900	
44.	r. 35ZK(1)	Failure to display fare schedule in vehicle	\$900	\$3 000



<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
45.	r. 35ZM(4)	Failure to keep records about contract fares agreed with provider of on-demand booking service	\$1 200	\$4 000
46.	r. 35ZM(5)	Failure to keep records about contract fares agreed with driver	\$1 200	
47.	r. 35ZN(1)	Failure to provide written confirmation of contract fare agreed by provider of on-demand booking service	\$900	\$3 000
48.	r. 35ZN(2)	Failure to provide written confirmation of contract fare agreed by driver	\$900	
49.	r. 35ZO(2)	Failure to accept passenger subsidy scheme voucher	\$900	
50.	r. 35ZO(3)	Entering false or misleading information on passenger subsidy scheme voucher	\$1 800	
51.	r. 35ZO(4)	Accepting voucher knowing that it is false or misleading	\$1 800	

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
52.	r. 35ZO(5)	Tendering voucher that person not entitled to	\$1 800	
53.	r. 35ZO(6)	Directing driver to refuse voucher	\$900	\$3 000
54.	r. 35ZQ(2)	Failure to operate fare calculation device	\$900	
55.	r. 35ZQ(3)	Failure to pause fare calculation device	\$900	
56.	r. 35ZS(2)	Contravention of limit on surcharge for non-cash payment	\$200	\$800
57.	r. 35ZS(3)	Failure to use payment terminal that results in lowest surcharge	\$200	
58.	r. 35ZU(1)	Failure to make information about fares available to person booking vehicle	\$900	\$3 000
59.	r. 35ZU(4)	Failure to make information about fares available to CEO or authorised officer	\$900	\$3 000
60.	r. 35ZX(1)	Failure to include information in receipt	\$900	\$3 000

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

Prescribed offences and modified penalties

**Schedule 3**

Wheatbelt region

**Division 9**

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
61.	r. 35ZX(2)	Failure of provider of associated booking service to include information in receipt	\$900	\$3 000
62.	r. 35ZY(1)	Failure to ensure vehicle fitted with fare calculation device	\$900	\$3 000
63.	r. 35ZY(2)	Failure to ensure, so far as is reasonably practicable, vehicle fitted with fare calculation device	\$900	\$3 000
64.	r. 35ZZA(1)	Failure to ensure that information displayed in vehicle	\$900	\$3 000
65.	r. 35ZZA(2)	Failure to ensure, so far as is reasonably practicable, that information displayed in vehicle	\$900	\$3 000
66.	r. 35ZZB(1)	Failure of driver to inform on-demand booking service provider of certain matters	\$1 200	
67.	r. 35ZZC(1)	Failure of driver to behave in orderly manner	\$600	

**Transport (Road Passenger Services) Regulations 2019****Schedule 3** Prescribed offences and modified penalties**Division 9** Wheatbelt region

<b>Offence</b>			<b>Modified penalty for individual</b>	<b>Modified penalty for body corporate</b>
68.	r. 35ZZD(2)	Refusal to carry assistance animal in vehicle	\$900	
69.	r. 35ZZE(1)	Refusal of passenger except as permitted	\$300	
70.	r. 35ZZE(3)	Termination of journey before destination except as permitted	\$300	
71.	r. 35ZZF	Touting or soliciting for passengers other than in authorised on-demand rank or hail vehicle	\$1 800	\$6 000
72.	r. 35ZZG(1)	Offence to operate unauthorised vehicle with number plates identifying it as passenger transport vehicle	\$1800	\$6 000
73.	r. 35ZZH(1)	Offence to fail to attend passenger who uses wheelchair first	\$600	
74.	r. 35ZZH(2)	Offence to fail to ensure vehicle used to attend passenger who uses wheelchair first	\$600	\$2 000

Offence			Modified penalty for individual	Modified penalty for body corporate
75.	r. 69B(4)	Failure to comply with notice given by CEO or authorised officer under r. 69B(1) —		
		(a) if the notice is given under r. 69B(1)(a)	\$1 800	\$6 000
		(b) if the notice is given under r. 69B(1)(b), (c), (d) or (e)	\$1 200	\$4 000
Offences under <i>Transport (Road Passenger Services) Act 2018</i>				
76.	s. 58	Failure to notify CEO if no longer providing regular passenger transport service	\$500	\$2 500
77.	s. 121(1)	Driving a vehicle without a vehicle authorisation	\$1 800	
78.	s. 122(1)	Operating a vehicle without a vehicle authorisation	\$1 800	\$9 000
79.	s. 122(2)	Causing or permitting operation of vehicle without a vehicle authorisation	\$1 800	\$9 000

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

Prescribed offences and modified penalties

**Division 9**

Wheatbelt region

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Offence			Modified penalty for individual	Modified penalty for body corporate
80.	s. 123	Failure to comply with authorisation conditions	\$1 800	\$9 000
81.	s. 211(1)	Compliance with improvement notice	\$500	\$2 500
82.	s. 211(2)	Driving vehicle when prohibited under improvement notice	\$1 200	\$6 000
83.	s. 213(3)	Unlawful removal of improvement notice sticker	\$500	

*[Schedule 3 inserted: Gazette 26 Jun 2019 p. 2355-66; amended: Gazette 26 Jun 2019 p. 2368.]*

## 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**

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<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**

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<b>Withdrawal of infringement notice</b> <i>[*Delete whichever is not applicable]</i>	<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></p> <p><i>[Insert address]</i></p>		
<b>Your signature</b>		<b>Date</b>	

**Form 3 — Entry warrant**

<p><i>Transport (Road Passenger Services) Act 2018</i></p> <p><b>Entry warrant</b></p>		
<b>To</b>	Authorised officers under the <i>Transport (Road Passenger Services) Act 2018</i> .	
<b>Application</b>	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.	
<b>Applicant's details</b>	Full name and authorisation	

<b>Purposes mentioned in <i>Transport (Road Passenger Services) Act 2018 s. 168</i> 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**

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**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	

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## Notes

This is a compilation of the *Transport (Road Passenger Services) Regulations 2019* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

Citation	Published	Commencement
<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); Pt. 4 Div. 7 and Pt. 7 Div. 2: 1 Apr 2019 (see r. 2(a) and <i>Gazette</i> 26 Feb 2019 p. 449-50)
<i>Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019</i> Pt. 5 (other than Div. 4)	26 Jun 2019 p. 2229-371	Pt. 5 Div. 1 and 2: 2 Jul 2019 (see r. 2(d) and <i>Gazette</i> 28 Jun 2019 p. 2473); Pt. 5 Div. 3: 31 Dec 2019 (see r. 2(b))

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made on the WA Legislation website*.

Citation	Published	Commencement
<i>Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019</i> Pt. 5 Div. 4	26 Jun 2019 p. 2229-371	2 Jul 2020 (see r. 2(c))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

Defined term	Provision(s)
'F' or 'T' endorsed driver's licence .....	3
agreement period.....	48(2)
approved identification card.....	3
approved person.....	3
approved special events provider .....	44
AS/NZS.....	3
assessment period .....	44
assistance animal.....	35ZZD(1)
associated journey.....	29(1)
associated relevant journey .....	44
Australian Design Rules .....	3
authorised on-demand rank or hail vehicle .....	3
authorised purpose .....	35Z
booster seat .....	44
camera surveillance unit .....	3
Camera Surveillance Unit Standards .....	3
CEO guidelines .....	35ZO(1)
child care service .....	3
child restraint .....	44
child safety harness.....	44
commencement day .....	75
contract fare .....	3
contracted provider .....	35A(1)
current authorisation .....	18(1), 35E(1), 35T(1)
Disability Standards .....	3
disqualification offence.....	11
driver's licence number.....	3
electric vehicle .....	3
fare amount .....	35ZT
first provider .....	29(2A)
GST.....	3
interstate vehicle licence .....	3
local offence.....	Sch. 2 cl. 1(4)
metered fare .....	44
metered fare amount .....	44
metropolitan region.....	3
multiple hiring.....	35ZR(1)
multiple service agreement .....	44
non-cash payment .....	3
notifiable occurrence.....	35W

**Defined terms**

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on-demand charter vehicle .....	3
on-demand rank or hail vehicle .....	3
OSH Act.....	Sch. 2 cl. 1(4)
payment terminal .....	3
principal booking service .....	12(1), 31(2), 35ZX(2), 45(2)
principal provider.....	35A(1)
queue-jumping fee .....	35ZV(1)
recipient .....	70(1)
region .....	3
relevant assessment period.....	48(2)
relevant booking .....	29(1)
relevant journey .....	44
relevant person.....	35ZH, 81(3)
relevant provider .....	35ZT, 72(1)
relevant provider or driver .....	8A(1)
required information .....	10N(1)
Road Safety Commissioner.....	37(1)
road traffic CEO.....	3
safety management system .....	3
Schedule 2A fare.....	3
Schedule 2B fare .....	3
school bus service .....	3
second provider.....	29(2A)
serious offence .....	3
special event.....	44
special events booking .....	44
specified service.....	3, 8B
student.....	3
surcharge.....	3
surge pricing .....	35ZV(1)
TRPS authorised officer.....	40(1)
unauthorised purpose .....	35Z
unit of competency TLIC2040.....	3
visual, audiovisual or audio recording .....	3
voucher .....	35ZO(1)
wheelchair accessible vehicle .....	3
wheelchair accessible vehicle booking .....	29(1)
WorkSafe Commissioner .....	37(1)
X% .....	48(1)