Western Australia

Transport (Road Passenger Services) Act 2018

Transport (Road Passenger Services) Regulations 2020

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Transport (Road Passenger Services) Act 2018

Transport (Road Passenger Services) Regulations 2020

## Part 1 — Preliminary

##### 1. Citation

These regulations are the *Transport (Road Passenger Services) Regulations 2020*.

##### 2. Commencement

These regulations come into operation as follows —

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

(b) regulation 110 and Schedule 6 items 34 and 35 — on 1 July 2021;

(c) the rest of the regulations — on the day on which the *Transport (Road Passenger Services) Act 2018* Part 5 comes into operation.

##### 3. Terms used

In these regulations —

2019 regulations means the *Transport (Road Passenger Services) Regulations 2019* that were repealed by regulation 201;

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 at 1 July 2020;

Australian Design Rules means the Australian Design Rules determined as vehicle standards under the *Motor Vehicle Standards Act 1989* (Commonwealth), as at 1 July 2020;

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 Passenger Transport Vehicle Camera Surveillance Unit Standards 2020 approved by the CEO and published on the Department’s website, as at 1 July 2020;

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 120(1) as payable for the provision of an on‑demand passenger transport service using an on‑demand rank or hail vehicle;

copy, in relation to a visual, audiovisual or audio recording, includes any print‑out or reproduction of the recording;

Disability Standards means the Disability Standards for Accessible Public Transport 2002 made under the *Disability Discrimination Act 1992* (Commonwealth) section 31, as at 1 July 2020;

driver identity document means a driver identity document required under regulation 29(1) or (2);

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;

foreign driving authorisation has the meaning given in the *Road Traffic (Authorisation to Drive) Regulations 2014* regulation 60(1) but does not include an authorisation to drive a vehicle solely for the purposes of learning to drive it;

‘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 driver authorisation document means a document issued to a person under a law of another State or a Territory that evidences that the person holds an interstate driver authorisation;

interstate vehicle authorisation document means a document issued to a person under a law of another State or a Territory that evidences that the person holds an interstate vehicle authorisation;

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

last approved medical report, on an individual, means the last approved medical report on the individual given to the CEO or included in an application under these regulations;

last criminal record check, for an individual, means the last criminal record check for the individual given to the CEO or included in an application under these regulations;

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;

relevant driver authorisation number, in relation to a person, means —

(a) if the person holds a passenger transport driver authorisation and paragraph (c) does not apply — the number of the person’s passenger transport driver authorisation; or

(b) if the person does not hold a passenger transport driver authorisation but holds an interstate driver authorisation — the number of the person’s interstate driver authorisation; or

(c) if the person holds a passenger transport driver authorisation that was granted no more than 14 days earlier and held an interstate driver authorisation when the passenger transport driver authorisation was granted — the number of either the person’s passenger transport driver authorisation or the person’s interstate driver authorisation;

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 14;

Schedule 4 fare means the fare referred to in regulation 116(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 4 for the service; and

(b) any amount charged under regulation 116(2) in relation to the fare;

Schedule 5 fare means the fare referred to in regulation 117(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 5 for the service; and

(b) any amount charged under regulation 117(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(2);

(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 13;

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 at 1 July 2020;

visual, audiovisual or audio recording includes any electronically stored information from which a recorded image or sound can be generated;

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

[Part 2-15 have not come into operation.]

[Schedules 1-7 have not come into operation.]



Notes

This is a compilation of the *Transport (Road Passenger Services) Regulations 2020*. 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** |
| --- | --- | --- |
| *Transport (Road Passenger Services) Regulations 2020* Pt. 1 | SL 2020/90 24 Jun 2020 | 24 Jun 2020 (see r. 2(a)) |

Uncommenced provisions table

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

| **Citation** | **Published** | **Commencement** |
| --- | --- | --- |
| *Transport (Road Passenger Services) Regulations 2020* Pt. 2-15 and Sch. 1-7 | SL 2020/90 24 Jun 2020 | Pt. 2-7, Pt. 8 (other than r. 110), Pt. 9-15, Sch. 1-5, Sch. 6 (other than it. 34 and 35) and Sch. 7: 1 Jul 2020 (see r. 2(c) and SL 2020/89 cl. 2); r. 110 and Sch. 6 it. 34 and 35: 1 Jul 2021 (see r. 2(b)) |

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)**

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approved identification card 3

approved person 3

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Camera Surveillance Unit Standards 3

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Disability Standards 3

driver identity document 3

driver’s licence number 3

electric vehicle 3

foreign driving authorisation 3

GST 3

interstate driver authorisation document 3

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