



Western Australia

Transport (Road Passenger Services) Act 2018

**Transport (Road Passenger Services)
Regulations 2020**

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Transport (Road Passenger Services) Regulations 2020

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Defined terms

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2019 regulations means the *Transport (Road Passenger Services) Regulations 2019* that were repealed by regulation 201;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

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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
<i>Transport (Road Passenger Services) Regulations 2020</i> 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
<i>Transport (Road Passenger Services) Regulations 2020</i> 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)
'F' or 'T' endorsed driver's licence	3
2019 regulations	3
approved identification card	3
approved person	3
AS/NZS	3
Australian Design Rules	3
authorised on-demand rank or hail vehicle	3
camera surveillance unit	3
Camera Surveillance Unit Standards	3
child care service	3
contract fare	3
copy	3
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
interstate vehicle authorisation document	3
interstate vehicle licence	3
last approved medical report	3
last criminal record check	3
metropolitan region	3
non-cash payment	3
on-demand charter vehicle	3
on-demand rank or hail vehicle	3
payment terminal	3
region	3
relevant driver authorisation number	3
road traffic CEO	3
safety management system	3
Schedule 4 fare	3
Schedule 5 fare	3
school bus service	3
serious offence	3
specified service	3
student	3
surcharge	3
unit of competency TLIC2040	3

visual, audiovisual or audio recording3
wheelchair accessible vehicle3