

TASMANIA

**PASSENGER TRANSPORT SERVICES
REGULATIONS 2023**

STATUTORY RULES 2023, No. 39

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PASSENGER TRANSPORT SERVICES REGULATIONS 2023

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Passenger Transport Services Act 2011*.

Dated 19 June 2023.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Passenger Transport Services Regulations 2023*.

2. Commencement

These regulations take effect on 26 June 2023.

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3. Interpretation

(1) In these regulations –

Act means the *Passenger Transport Services Act 2011*;

fare at a concession rate includes a fare calculated in accordance with a taxi subsidy program under a transport concession scheme administered by the Department;

hiring period means the period between such time as a taxi that has been hired is put in motion until the time when the taxi comes to a stop at the destination;

on-demand driver means a driver of a vehicle used for the provision of an on-demand passenger transport service;

operational capacity, in respect of a vehicle, means the operational capacity of the vehicle as determined under Schedule 1;

relevant person, in respect of a vehicle, means

—

- (a) if the vehicle is being operated as a taxi under the authority of a taxi licence that can be identified, the responsible operator of the taxi licence; or
- (b) if the vehicle is being operated as a taxi under the authority of a taxi

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licence that cannot be identified,
the registered operator of the
vehicle; or

- (c) if the vehicle is not being
operated as a taxi, the registered
operator of the vehicle;

required equipment means equipment,
notices, signs or labels installed or
displayed in accordance with the *Taxi
and Hire Vehicle Industries Act 2008* in a
vehicle that is being operated under the
authority of a licence;

statewide fare structure means a document,
approved by the Secretary and published
from time to time on a website
maintained by or on behalf of the
Department, specifying the fares which
may be charged by the operator of a
regular passenger service contracted by
the Secretary under section 44, 45 or 46
of the Act;

ticket includes an electronic ticket or
electronic token that indicates that a fare
has been paid in relation to a journey on
a passenger transport service.

- (2) Unless the contrary intention appears, a term
used in these regulations and also in the *Taxi and
Hire Vehicle Industries Act 2008* or *Taxi and
Hire Vehicle Industries Regulations 2023* has the
same meaning in these regulations as in that Act
or regulations.

4. Prescribed serious offences

For the purposes of paragraph (g) of the definition of *serious offence* in section 3(1) of the Act, the following offences are prescribed:

- (a) an offence under –
 - (i) section 235, 250, 252A, 253, 253A, 257B, 264, 278, 283(b), 284, 288, 293 or 294 of the *Criminal Code*; or
 - (ii) section 43A of the *Police Offences Act 1935*; or
 - (iii) section 64 of the *Vehicle and Traffic Act 1999*;
- (b) an offence under –
 - (i) Division 3 of Part 5.7 of the *Corporations Act 2001* of the Commonwealth; or
 - (ii) Division 2 of Part III of the *Taxation Administration Act 1953* of the Commonwealth;
- (c) an offence under regulation 22(4);
- (d) an offence under regulation 25.

5. Incidental passenger services

For the purposes of section 8(1)(d) of the Act, the following motor vehicles are prescribed as motor vehicles to which the Act does not apply:

- (a) vans used to transport prisoners within the meaning of the *Corrections Act 1997*;
- (b) large passenger vehicles used primarily to provide services in, or responses to, an emergency within the meaning of the *Emergency Management Act 2006*, whether the vehicle is operated by the State or a private organisation.

6. Booking service providers

- (1) For the purposes of this regulation –

community transport service means a transport service provided by –

- (a) an organisation that provides a service in pursuit of the primary purposes of that organisation and that is –
 - (i) a not-for-profit organisation; and
 - (ii) funded entirely or partially by any of the following or a combination of any of the following:

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- (A) the Commonwealth;
 - (B) the State;
 - (C) a council; or
 - (b) an organisation that is, or is entitled to be, endorsed by the Australian Taxation Office as a charitable or benevolent institution; or
 - (c) a council.
- (2) For the purposes of section 8A(4) of the Act, the following persons are prescribed to be a booking service provider:
- (a) a person who provides a taxi dispatch service or other communication network that operates in a taxi area that is not a remote taxi area;
 - (b) a person who permits a ride-sourcing driver to operate a passenger transport service by means of ride-sourcing software.
- (3) For the purposes of section 8A(5) of the Act, the following persons are prescribed not to be a booking service provider:
- (a) a person who provides a community transport service;
 - (b) a person who provides radio or dispatch services in relation to services in, or

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responses to, an emergency within the meaning of the *Emergency Management Act 2006*;

- (c) a person who provides, or provides services in relation to, the tuition of drivers;
 - (d) a person who is the licence holder, accredited operator or registered operator in relation to a vehicle being operated as a taxi and is affiliated with a booking service provider;
 - (e) a person who is the licence holder, accredited operator or registered operator in relation to a vehicle being operated as a taxi, and who both arranges bookings in relation to the provision of a taxi service and uses a taxi dispatch service for this purpose, but is not an affiliated operator in relation to a booking service provider.
- (4) For the avoidance of doubt, a person specified in subregulation (3)(d) may occasionally refer bookings to, or receive bookings from, another such person without being deemed a booking service provider.

7. Regular passenger services

For the purposes of section 35(2)(c) of the Act, a passenger service is taken not to be a regular passenger service for the purposes of the Act if the passenger service is operated by, or on behalf

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of, a private institution or association solely for use by people enrolled at, or affiliated with, that institution or association.

**PART 2 – ADMINISTRATION OF PASSENGER
TRANSPORT SERVICES**

Division 1 – General

8. Accreditation register

For the purposes of section 23(2)(a) of the Act, the following particulars in respect of an accredited operator are prescribed as the particulars that are to be contained within the register required to be kept under that section:

- (a) the full name of the accredited operator;
- (b) the business address of the accredited operator;
- (c) each type of accreditation held by the accredited operator;
- (d) the accreditation number associated with each type of accreditation held by the accredited operator;
- (e) the date on which each type of accreditation held by the accredited operator commenced;
- (f) the current accreditation status of the accredited operator;
- (g) any conditions attached to an accreditation held by the accredited operator;

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- (h) the full name and contact details for the relevant person nominated in respect of each accreditation held by the accredited operator;
- (i) whether the accredited operator is a booking service provider;
- (j) if the accredited operator is a booking service provider –
 - (i) the full name and contact details of each affiliated operator in relation to the accredited operator; and
 - (ii) the accreditation number of each affiliated operator who provides a taxi service, in relation to the accredited operator; and
 - (iii) the date on which the affiliated operator became affiliated with the accredited operator; and
 - (iv) the date on which the affiliated operator ceased to be affiliated with the accredited operator, if applicable.

9. Displaying evidence of accreditation

- (1) The Commission may issue written instructions as to how evidence of accreditation is to be displayed in vehicles used to provide services in accordance with the accreditation.

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- (2) An accredited operator must comply with any applicable written instructions issued under subregulation (1).

Penalty: Fine not exceeding 10 penalty units.

Division 2 – Records, reports and conditions of on-demand passenger transport service accredited operators

10. Records

- (1) An accredited operator providing an on-demand passenger transport service is to keep records of the following information in relation to the provision of that service:
- (a) copies of the information required to be contained in the accreditation register under regulation 8(c), (d), (e), (g), (i) and (j);
 - (b) the following particulars in relation to each person operating as an on-demand driver for the on-demand passenger transport service in relation to which accreditation is held by the accredited operator:
 - (i) the driver licence number or other unique driver identifier of the person;
 - (ii) the date of the commencement of the operation of that person;

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- (iii) the date of the conclusion of the operation of the person, if applicable;
- (c) the number of vehicles being operated under the on-demand passenger transport service in relation to which accreditation is held by the accredited operator;
- (d) the following particulars in relation to each vehicle being operated under the on-demand passenger transport service in relation to which accreditation is held by the accredited operator:
 - (i) the registration number, and VIN allocated to the vehicle and recorded on the register of motor vehicles and trailers kept under the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*;
 - (ii) a record of installation of required equipment used on the vehicle, and of any testing of that equipment;
 - (iii) the date on which the vehicle commenced to be so operated;
 - (iv) the date on which the vehicle ceased to be so operated, if applicable;

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- (e) particulars of any breach, in relation to the service, of a standard approved under section 16 of the Act;
 - (f) particulars of any occasion during which a vehicle being operated during the provision of the service ceased to function due to a failure to comply with the relevant vehicle standards applicable to the vehicle under the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*;
 - (g) particulars of any occasion during which a vehicle being operated during the provision of the service was not registered in accordance with the *Vehicle and Traffic Act 1999*;
 - (h) particulars of any occasion during which the on-demand driver operating a vehicle during the provision of the service was not licensed in accordance with the *Vehicle and Traffic Act 1999*;
 - (i) particulars of any incident occurring during the provision of the service that resulted in an injury to a person that required treatment by an ambulance officer or in the injured person being treated in a hospital;
 - (j) particulars of any incident occurring during the provision of the service that resulted in the vehicle that was being operated sustaining damage to such an

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extent that the vehicle was unable to be used to complete the service;

- (k) particulars of any occasion during which a mechanical or other fault in the vehicle being operated during the provision of the service caused the vehicle to be unable to be used to complete the service;
- (l) particulars of any incident occurring during the provision of the service that resulted in a complaint being made to the police containing allegations of assault, indecency or indecent assault;
- (m) particulars of any incident occurring during the provision of the service which resulted in the on-demand driver who was operating the vehicle being charged with a serious offence;
- (n) particulars of any incident occurring during the provision of the service which resulted in the on-demand driver who was operating the vehicle being subject to a disqualification from driving under one or more of the following Acts:
 - (i) the *Police Offences Act 1935*;
 - (ii) the *Road Safety (Alcohol and Drugs) Act 1970*;
 - (iii) the *Sentencing Act 1997*;
 - (iv) the *Vehicle and Traffic Act 1999*;

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- (o) a record of any accidents, incidents, hazards identified, or complaints made, in relation to the provision of the service;
 - (p) a record of any complaint made, in relation to the provision of the service, by a person who is accompanied by an assistance animal, as defined in the *Disability Discrimination Act 1992* of the Commonwealth, who has been denied service for any reason;
 - (q) a record of all current policies, procedures and training records in relation to the service;
 - (r) a record of compliance or non-compliance with any requirement under the Act or any other Act, in relation to the service, by the following:
 - (i) an affiliated operator;
 - (ii) a relevant person;
 - (iii) a taxi licence holder;
 - (iv) a vehicle;
 - (v) an on-demand driver;
 - (s) any return, report, correspondence or document required to be produced under the Act or any other Act in relation to the service, produced by, or in the possession of, the accredited operator.

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- (2) An accredited operator not providing an on-demand passenger transport service is to keep records of the implementation of appropriate safety, security and related systems as required by safety, security and related standards approved under section 16 of the Act.

11. Monthly records

- (1) The accredited operator, the booking services provider, and the relevant person in relation to an on-demand passenger transport service is to keep a record, for each calendar month, of the registration number of each vehicle used to operate the service during that calendar month.
- (2) The Commission may request a copy of a record kept in accordance with subregulation (1), within a period specified in the request.
- (3) The Commission may exempt, for a specified period, a person from keeping a record in accordance with subregulation (1).

12. Matters for notification to Commission

For the purposes of section 33M of the Act –

- (a) the following types of accidents or incidents are prescribed:
 - (i) an incident occurring during the provision of the passenger transport service that resulted in an injury to a person that required treatment by an ambulance

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- officer or in the injured person being treated in a hospital;
- (ii) an incident that resulted in the vehicle that was being operated during the provision of the passenger transport service sustaining damage to such an extent that the vehicle was unable to be used to complete the service;
 - (iii) an incident occurring during the provision of the passenger transport service that resulted in a complaint being made to the police containing allegations of assault, indecency or indecent assault;
 - (iv) an incident occurring during the provision of the passenger transport service that resulted in the driver who was operating the vehicle being charged with a serious offence;
 - (v) an incident occurring during the provision of the passenger transport service that resulted in the driver who was operating the vehicle being subject to a disqualification from driving under one or more of the following Acts:

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- (A) the *Police Offences Act 1935*;
 - (B) the *Road Safety (Alcohol and Drugs) Act 1970*;
 - (C) the *Sentencing Act 1997*;
 - (D) the *Vehicle and Traffic Act 1999*;
- (vi) an incident causing a complaint to be made in relation to the provision of the passenger transport service by a person who is accompanied by an assistance animal, as defined in the *Disability Discrimination Act 1992* of the Commonwealth, who has been denied the service for any reason; and
- (b) the following kinds of findings are prescribed:
 - (i) a finding that a vehicle was used in the provision of the passenger transport service while the vehicle was not registered in accordance with the *Vehicle and Traffic Act 1999*;
 - (ii) a finding that a vehicle was used in the provision of the passenger transport service while the vehicle was in breach of a vehicle standard applicable to the vehicle

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under the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*;

- (iii) a finding that an improvement notice issued under the Act, or a vehicle defect notice or formal warning notice issued under the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*, has been issued in relation to a vehicle used in the provision of the passenger transport service;
- (iv) a finding that the driver of a vehicle used in the provision of the passenger transport service did not hold –
 - (A) an Australian driver licence in accordance with the *Vehicle and Traffic Act 1999*, or a like authority issued under a corresponding law of another State or a Territory; or
 - (B) an ancillary certificate in accordance with the *Vehicle and Traffic Act 1999*, or a like authority issued under a corresponding law of

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another State or a
Territory –

during the provision of the
passenger transport service.

13. Risk management system

If the Commission places on an accreditation a condition that the accredited operator develop and maintain a system for managing risks to safety and security relating to the performance of the service, the Commission may specify that the system is to identify –

- (a) any reasonably foreseeable hazards that could give rise to risks to the health, safety or security of drivers, passengers or other persons in connection with the passenger transport service for which the operator is accredited; and
- (b) any measures taken to eliminate or minimise those risks; and
- (c) any improvements subsequently made to the measures specified in paragraph (b) following an incident affecting the health, safety or security of a driver, passenger or other person in connection with the passenger transport service for which the operator is accredited.

Division 3 – Fares and operational capacity

14. Fares

- (1) A fare charged in relation to the provision of a regular passenger service must not exceed the following relevant fare:
 - (a) a fare calculated in accordance with the statewide fare structure;
 - (b) a fare calculated in accordance with a passenger service contract entered into with the Secretary in relation to the service under section 44, 45 or 46 of the Act;
 - (c) a fare calculated in accordance with a condition of an authorisation approved by the Commission in relation to the service under section 39 of the Act.
- (2) A taxi fare that a passenger is charged for a hiring must not exceed the maximum fare calculated in accordance with a taxi fare order made and in force under section 66A of the *Taxi and Hire Vehicle Industries Act 2008*.
- (3) A taxi driver, before accepting a hiring, may request payment of a deposit that does not exceed the expected cost of the hiring.

15. Operational capacity

- (1) A person must not, without the prior written permission of the Commission, operate a

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passenger transport service for the purposes of carrying passengers, or cause or allow such a passenger transport service to be operated, if the number of seated and standing passengers on the vehicle being used to provide the passenger transport service exceeds the operational capacity of the vehicle.

Penalty: Fine not exceeding 25 penalty units.

- (2) A person must not, without the prior written permission of the Commission, operate a passenger transport service for the purposes of carrying passengers, or cause or allow such a passenger transport service to be operated, unless the operational seating capacity, as determined under clause 2 of Schedule 1, of the vehicle being used to provide the passenger transport service, in terms of the number of adult seats available for passengers, is prominently displayed inside the vehicle, together with its operational standing capacity, as determined under clause 3 of Schedule 1, if this is greater than zero.

Penalty: Fine not exceeding 15 penalty units.

PART 3 – DUTIES, OBLIGATIONS AND OFFENCES

Division 1 – Duties

16. Failing to comply with duty

A person on whom a duty is imposed under these regulations must comply with that duty.

Penalty: Fine not exceeding 50 penalty units.

17. Duties of operators, relevant persons and licence holders

- (1) It is the duty of an accredited operator and relevant person in relation to a passenger transport service to ensure that the safety of a driver of, or passenger on, a vehicle providing the passenger transport service is not, by any act or omission of the accredited operator or relevant person, placed at unreasonable risk.
- (2) For the purposes of subregulation (1), a person is taken not to have placed another person's safety at unreasonable risk if the person commits an act, or makes an omission, for the purpose of ensuring that a passenger transport service is provided in accordance with the laws of the State or the conditions of an accreditation.
- (3) It is the duty of an accredited operator, holder of a licence and relevant person in relation to a passenger transport service to ensure that a vehicle providing the passenger transport service is not operated unless it complies with any vehicle specifications, or restrictions as to the

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age of the vehicle, in respect of the vehicle provided for under the Act, these regulations or any other Act or regulations.

- (4) It is the duty of an accredited operator, holder of a licence and relevant person in relation to a passenger transport service to ensure that any required equipment is fitted, displayed, installed, updated, tested and operational as required by this Act, these regulations or any other Act or regulations.
- (5) It is the duty of an accredited operator, holder of a licence and relevant person in relation to a passenger transport service to keep records and make reports as required by this Act, these regulations or any other Act or regulations.
- (6) It is the duty of an accredited operator and relevant person in relation to a passenger transport service to produce for inspection any document that is required by the Commission to be carried in the vehicle, on the request of the Commission, an authorised officer or a police officer.
- (7) It is the duty of an accredited operator, in relation to an on-demand passenger transport service, to ensure that –
 - (a) so far as is reasonably practicable, an on-demand driver in relation to the service is informed of, and complies with, all duties imposed upon the driver under this Division and other requirements imposed

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under an Act in relation to the service;
and

- (b) the person's conduct does not, directly or indirectly, cause or encourage another person to fail to comply with any duty imposed upon the on-demand driver under this Division or other requirement imposed under an Act in relation to the service.

- (8) It is the duty of an accredited operator in relation to a passenger transport service that is operating under a wheelchair-accessible taxi licence to ensure that a vehicle providing the passenger transport service is used to undertake the number of hirings that involve carrying a wheelchair passenger specified in the conditions of the licence.

- (9) It is the duty of a person who is authorised under Part 3 of the Act to provide the whole, or any part, of a regular passenger service to provide that service or part service, unless the person is excused from doing so by the prior written permission of the Commission or in accordance with the laws of the State.

18. Duties of drivers

- (1) The following are the duties of a driver of a vehicle providing a passenger transport service:
 - (a) not to behave in an offensive manner in the vehicle or in the vicinity of the vehicle;

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- (b) not to intentionally interfere, or intentionally attempt to interfere, with the comfort or safety of any person;
- (c) to give reasonable assistance to assist a passenger to enter or exit the vehicle that the driver is operating in the course of providing the service, including a passenger who is in a wheelchair or using another mobility aid;
- (d) not to set down a passenger at a place other than the destination nominated by the passenger unless –
 - (i) the passenger was set down elsewhere –
 - (A) pursuant to a direction given under Part 4; or
 - (B) for reasons of safety, in an emergency or on other reasonable grounds; or
 - (ii) in the case of a regular passenger service, the destination nominated by the passenger was not on the route of the regular passenger service; or
 - (iii) in the case of a regular passenger service having designated stopping places for the picking up and setting down of passengers, the passenger was set down at the

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stop nearest to the nominated destination; or

- (iv) in the case of a school bus service being provided under a contract with the Secretary, the passenger, being a schoolchild, was set down elsewhere in accordance with the terms of that contract;
- (e) not to discriminate against a person with a disability who has an assistance animal, as defined in the *Disability Discrimination Act 1992* of the Commonwealth, by refusing to transport the assistance animal in the vehicle, except in accordance with section 54A of that Act;
- (f) not to cause or allow a passenger on the vehicle –
 - (i) who is travelling in a standing position to obstruct an entrance or exit on the vehicle; or
 - (ii) to travel in a standing position to the danger or discomfort of another passenger or the driver;
- (g) not to operate the vehicle if –
 - (i) any freight or luggage being carried on the vehicle is not safely stowed; or

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- (ii) any aisle, entrance or emergency exit on the vehicle is obstructed by freight or luggage;
 - (h) to ensure that the driver holds a valid ancillary certificate issued under the *Vehicle and Traffic Act 1999*, or a like authority issued under a corresponding law of another State or a Territory, authorising the holder to drive a public passenger vehicle;
 - (i) to ensure that the driver has complied with any requirement of the Registrar under regulation 57(3) of the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021* in relation to the provision of the service.
- (2) The following are the duties of an on-demand driver when providing an on-demand passenger transport service:
 - (a) to only stand for hire in a taxi zone if that taxi zone is specified on the taxi licence of the vehicle that the driver is operating in the course of providing the service;
 - (b) not to charge a fare if there are no passengers in the vehicle;
 - (c) if the on-demand driver is operating a luxury hire car or restricted hire vehicle, to ensure that agreement has been reached with a passenger using the service, before the service commences,

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as to the fare for the hire of the vehicle that the driver is operating;

- (d) to ensure that the vehicle displays any sign, symbol, label or notice required to be displayed in relation to such a service under any Act;
 - (e) to produce for inspection any document that is required by the Commission to be carried in the vehicle, on the request of the Commission or an authorised officer.
- (3) The following are the duties of a taxi driver when providing a taxi service:
- (a) to either commence or conclude, or commence and conclude, a hiring within the taxi area specified on the taxi licence under which the taxi that the driver is operating is providing the service;
 - (b) when the taxi that the driver is operating is in a taxi zone, to stand the taxi in the foremost vacant space within that zone;
 - (c) not to leave the taxi that the driver is operating unattended in a taxi zone without reasonable grounds for doing so;
 - (d) not to prevent another taxi from leaving a taxi zone;
 - (e) not to advise a person that the person is required to hire the taxi standing in the foremost space within the taxi zone;

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- (f) subject to regulation 20, not to advise a person that a wheelchair-accessible taxi, remote area wheelchair-accessible taxi or substitute wheelchair-accessible taxi is not able to be hired without a wheelchair passenger;
- (g) not to operate a taxi in a taxi zone if the required equipment is not installed in or on the taxi;
- (h) to start the taximeter installed in the taxi that the driver is operating at the commencement of the hiring period and not before;
- (i) to stop the taximeter installed in the taxi that the driver is operating, or operate it to hold the reading constant, at the conclusion of the hiring period;
- (j) to ensure that a wheelchair carried in a wheelchair-accessible taxi that the driver is operating is restrained in the wheelchair restraint assembly installed in the taxi;
- (k) not to permit a person to ride in or on the taxi that the driver is operating without the consent of the hirer of the taxi;
- (l) in undertaking a hiring, to travel by either the route nominated by the passenger or, if no route is nominated, the most direct route that may reasonably be used from the point at which the taxi

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was hired to the destination stated by the passenger;

- (m) not to operate a taxi while the taximeter installed in that taxi is displaying a fare other than that specified, by a taxi fare order, to apply to the taxi;
- (n) not to charge a passenger –
 - (i) more than the fare displayed in accordance with paragraph (m); or
 - (ii) a fare at a concession rate if the passenger cannot show evidence that the passenger is a member of a transport concession scheme administered by the Department, or an equivalent transport scheme of another State or a Territory;
- (o) to stop the taximeter for any period during travel during which the taxi is delayed because of any of the following causes:
 - (i) a lack of fuel for the taxi;
 - (ii) a mechanical breakdown of the taxi;
 - (iii) a traffic accident involving the taxi;
 - (iv) the lawful closure of a bridge, if the closure was publicly notified

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in a newspaper before the hiring period;

(v) the directions or actions of a police officer who is investigating the commission or possible commission of an offence involving the driver or the taxi;

(vi) an event that the driver, with reasonable foresight, could have prevented or avoided;

(p) to reset the taximeter by removing the record of the hire period at the conclusion of the hire period.

Division 2 – Obligations and offences

19. Obligation to accept hire or pick up passengers

(1) Subject to the lawful exercise of powers under Division 2 of Part 4, the driver of a taxi, when providing a taxi service must accept a hiring while the taxi is in a taxi zone within the taxi area specified on the taxi licence for the taxi –

(a) whether or not the taxi is occupying at the time of the hiring the foremost space within that zone; and

(b) if the taxi is a wheelchair-accessible taxi, whether or not the hiring includes the transport of a person in a wheelchair, subject to regulation 20.

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Penalty: Fine not exceeding 5 penalty units.

- (2) Subject to the lawful exercise of powers under Division 2 of Part 4, and the safety restrictions under regulation 21, the driver of a vehicle providing a regular passenger service must stop the vehicle providing the service, if safe to do so, and pick up any person indicating to the driver that the person wishes to travel on the vehicle.

Penalty: Fine not exceeding 10 penalty units.

20. Obligation to give priority to wheelchair passenger

Subject to the lawful exercise of powers under regulation 29, the driver of a wheelchair-accessible vehicle operated in accordance with a licence must give priority, all other circumstances being equal, to a hiring that includes the transport of a person in a wheelchair.

Penalty: Fine not exceeding 5 penalty units.

21. Obligation in respect of safety on standing and parking

A driver must not stand, or park, a vehicle providing a passenger transport service to pick up or set down passengers, or cause or allow a vehicle providing a passenger transport service to stand or park for that purpose, if by so doing the driver would be likely to –

- (a) create an unreasonable risk to the safety of –

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- (i) the passengers being picked up or set down; or
 - (ii) the driver of, or other passengers on, the vehicle; or
 - (iii) other persons who may lawfully use that street, whether in other vehicles or as pedestrians; or
- (b) unreasonably disrupt the lawful movement of traffic.

Penalty: Fine not exceeding 25 penalty units.

22. Obligations in relation to fares

- (1) A person must only use a passenger transport service if –
- (a) the person has paid any required fare for the service or holds a ticket that entitles the person to travel on the service at that time and for the journey that the person is making; or
 - (b) the person is a person, or is a member of a class of persons, approved by the Commission, who is not required to pay a fare to use the service at that time and for the journey that the person is making; or
 - (c) the person has been given permission by the operator of the service not to pay a fare to use the service at that time and for the journey that the person is making;

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- (d) the person is an authorised officer or a police officer exercising a power under the Act, these regulations or any other Act or regulations.

Penalty: Fine not exceeding 10 penalty units.

- (2) Subregulation (1) does not apply to a person who –

- (a) holds a valid pass, issued or approved by the Commission, entitling the person to travel without paying a fare on the vehicle being used to provide the service at that time and for the journey that the person is making; or
- (b) is a schoolchild and the service being provided is a school bus service that, under the terms of the contract with the Secretary in relation to the service, does not require passengers to pay fares.

- (3) A person using a passenger transport service must, if requested by the driver of a vehicle in relation to the service, provide evidence that the passenger has paid any required fare or holds a ticket or pass that entitles the person to travel on the vehicle.

Penalty: Fine not exceeding 10 penalty units.

- (4) A person who seeks to pay a fare at a concession rate must –

- (a) in relation to –

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- (i) a regular passenger transport service, if requested by the driver of a vehicle in relation to the service, show evidence that the passenger is eligible to travel at the concession rate calculated in accordance with the statewide fare structure; and
 - (ii) travel in a taxi, if requested by the driver of the taxi, provide evidence that the passenger is a member of a transport concession scheme administered by the Department, or an equivalent transport scheme of another State or a Territory; and
- (b) not attempt to provide evidence required under paragraph (a) by means of evidence that another person is eligible to so travel, or is a member of such a scheme.

Penalty: Fine not exceeding 10 penalty units.

23. Obligation to comply with requirement or direction

A person must comply with a requirement or direction given to that person under Division 2 or 3 of Part 4 unless to do so would be unreasonable in the circumstances as the person reasonably believes them to be.

Penalty: Fine not exceeding 50 penalty units.

24. Offences by passenger

- (1) In this regulation –

smoke has the same meaning as in the *Public Health Act 1997*.

- (2) A person must not travel, or attempt to travel, on a passenger transport service from which the person has been disallowed in accordance with regulation 27.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person travelling on or in a vehicle providing a passenger transport service must not –
- (a) do anything to endanger the safety of –
 - (i) himself or herself; or
 - (ii) another person; or
 - (iii) the vehicle; or
 - (b) threaten, harass or attempt to intimidate another person; or
 - (c) wilfully obstruct or hinder another person; or
 - (d) wilfully disturb the comfort or convenience of another person; or
 - (e) soil, damage or deface –
 - (i) the vehicle; or
 - (ii) any of the vehicle's fittings; or

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- (iii) the property of another person; or
- (f) behave in an offensive or indecent manner; or
- (g) use any profane, indecent, obscene or offensive language; or
- (h) throw anything inside, or from, the vehicle.

Penalty: Fine not exceeding 20 penalty units.

- (4) A person travelling on or in a vehicle providing a passenger transport service must not –
 - (a) smoke; or
 - (b) consume alcohol; or
 - (c) possess an open container of alcohol; or
 - (d) litter; or
 - (e) have an animal on board the vehicle, unless –
 - (i) the animal is permitted by law; or
 - (ii) the driver of the vehicle and all other passengers in or on the vehicle consent to the presence of the animal on board the vehicle; or
 - (f) place the person's feet on the seats of the vehicle; or
 - (g) spit on any part of the vehicle; or

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- (h) play an instrument; or
- (i) busk.

Penalty: Fine not exceeding 10 penalty units.

- (5) Subject to subregulation (6), a person travelling as a passenger on a vehicle providing a regular passenger service must –

- (a) if no other seat is available on the vehicle, vacate a seat or offer to vacate a seat for –

- (i) a person who appears to have a disability or injury; or

- (ii) an elderly person; or

- (iii) a person who is visibly pregnant; or

- (iv) a person accompanying a child less than 5 years of age; or

- (v) any other person who appears to have special needs; and

- (b) in the case of seating areas intended for use by a wheelchair passenger, vacate, or offer to vacate, a seat in that area in order for a wheelchair passenger to be accommodated.

Penalty: Fine not exceeding 10 penalty units.

- (6) Subregulation (5) does not apply to the first-mentioned passenger on a vehicle providing a

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regular passenger service who is referred to in the paragraphs of that subregulation.

- (7) A person travelling as a passenger on a vehicle providing a regular passenger service must not do any of the following without the permission of the driver of the vehicle or an authorised officer:
- (a) eat or drink other than water, unless eating or drinking for a clear, or diagnosed, medical reason;
 - (b) occupy more than one seat;
 - (c) sell or distribute, or attempt to sell or distribute, anything;
 - (d) display, or attempt to display, any sign;
 - (e) affix, or attempt to affix, anything to the vehicle.

Penalty: Fine not exceeding 10 penalty units.

25. Interference with vehicle or equipment

- (1) A person must not interfere, or cause or permit another person to interfere, with a vehicle that is being used to provide a passenger transport service.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not interfere, or cause or permit another person to interfere, without lawful excuse, with required equipment installed in a

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vehicle that is being used to provide a passenger transport service.

Penalty: Fine not exceeding 5 penalty units.

- (3) The relevant operator in relation to a licence must ensure that any device or system installed in a vehicle, or any modification made to a vehicle, that is being operated under the authority of the licence does not –

- (a) interfere with the operation of the required equipment installed in the vehicle; or
- (b) enable the normal operation of the required equipment to be overridden.

Penalty: Fine not exceeding 5 penalty units.

- (4) A person must not, under the authority of a licence, operate a vehicle that is modified or fitted with a device or system that –

- (a) interferes with the operation of the required equipment installed in the vehicle; or
- (b) enables the normal operation of the required equipment to be overridden.

Penalty: Fine not exceeding 5 penalty units.

26. Offences in respect of licence number plates

An accredited operator, or relevant person, in respect of a licence, must –

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- (a) ensure that a licence number plate issued in accordance with the *Taxi and Hire Vehicle Industries Act 2008* is affixed to the vehicle to which it relates as required by regulation 11 of the *Taxi and Hire Vehicle Industry Regulations 2023*, and remains so affixed while the vehicle is being used to provide the service under the authority of the licence; and
- (b) not permit or cause such a licence number plate to be affixed to a vehicle other than the vehicle to which it relates; and
- (c) remove such a licence number plate from a vehicle if –
 - (i) the licence number plate becomes void under the *Taxi and Hire Vehicle Industries Act 2008*; or
 - (ii) the licence with which the licence number plate is associated is suspended or cancelled.

Penalty: Fine not exceeding 5 penalty units.

PART 4 – POWERS

Division 1 – Powers of operator

27. Powers of operator

- (1) The accredited operator of a passenger transport service may disallow a person from travelling on a vehicle providing the service if –
 - (a) the person has breached the Act, these regulations or a condition imposed under regulation 28; and
 - (b) the person has failed to comply with a requirement or direction given to that person under Division 2 or 3 in respect of the behaviour that is causing, or has caused, the breach.
- (2) On disallowing a person from travelling on a vehicle providing a passenger transport service, the accredited operator of that service must notify –
 - (a) the person; or
 - (b) if the person has not attained the age of 18 years, the parent, within the meaning of the *Guardianship and Administration Act 1995*, of the person –

that the person cannot travel on the vehicle providing the passenger transport service.
- (3) A notification under subregulation (2) is to specify –

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- (a) the reason for the disallowance; and
 - (b) if the accredited operator of the passenger transport service operates more than one passenger transport service, which passenger transport services the person is unable to travel on while the notice is in effect; and
 - (c) if the disallowance applies to one or more specific vehicles that are used to operate the passenger transport service, the registration number, issued under the *Vehicle and Traffic Act 1999*, of each vehicle on which the person is unable to travel while the notice is in effect; and
 - (d) the period for which the person will be unable to travel on the specified passenger transport services or on the specified vehicle.
- (4) A period specified in a notification under subregulation (2) –
 - (a) if the notice is in respect of a first disallowance of the person, must not exceed 3 months; and
 - (b) if the notice is in respect of a second or subsequent disallowance of the person, must not exceed 6 months.

28. Operator may impose conditions

- (1) Subject to this regulation, an accredited operator of a passenger transport service may make travelling on that passenger transport service subject to any condition that the accredited operator thinks appropriate.
- (2) A condition imposed under subregulation (1) may relate to, but is not limited to, the following matters:
 - (a) restrictions on eating and drinking;
 - (b) standards of behaviour while travelling;
 - (c) personal hygiene;
 - (d) disposal of litter;
 - (e) restrictions on noise levels and type of noise;
 - (f) carriage of goods and luggage;
 - (g) occupation of seats.
- (3) A condition imposed under subregulation (1) must not be inconsistent with the Act but may cover any area not covered by the Act.
- (4) The accredited operator of a passenger transport service must –
 - (a) if practicable, display a copy of each condition of travel on the passenger transport service, imposed under subregulation (1), in a prominent location

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inside the vehicle used to provide the passenger transport service; or

- (b) if such a display is impracticable, ensure that a such a copy is available on request.

Penalty: Fine not exceeding 5 penalty units.

Division 2 – Powers of driver

29. Powers in relation to fares

The driver of a vehicle that is being used to provide a passenger transport service may exercise any of the following powers in relation to a passenger on or in that vehicle:

- (a) to require the passenger to produce evidence in the form of a ticket or pass that entitles the passenger to travel on the vehicle at that time and for the journey that the person has made or is apparently making;
- (b) if the passenger seeks to travel on a fare at a concession rate, to require the passenger to show evidence that the passenger is eligible to travel at the concession rate;
- (c) if the driver reasonably believes that the passenger has not paid the correct fare for the journey that the passenger has made, or is apparently making, to require that passenger to pay that fare or, if

applicable, the amount of that fare that is outstanding.

30. Power to require movement within vehicle

The driver of a vehicle that is being used to provide a passenger transport service may require a passenger to move within the vehicle if the passenger is –

- (a) obstructing the entrance or exit of the vehicle; or
- (b) causing, by their position within the vehicle, danger or discomfort to the passenger or another person; or
- (c) inhibiting the use, by a wheelchair passenger, of facilities of the vehicle intended for use by a wheelchair passenger.

31. Power to require name and address

The driver of a vehicle that is being used to provide a passenger transport service may require the passenger to state the passenger's name and address, if –

- (a) the driver reasonably believes that the passenger is breaching, or is likely to breach, a condition imposed under regulation 28; or
- (b) the driver reasonably believes that the passenger is committing, or is likely to

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commit, an offence under the Act or these regulations; or

- (c) in the case of a vehicle being used to provide a passenger transport service that is not a regular passenger service contracted by the Secretary under section 44, 45 or 46 of the Act, the person has indicated that he or she wishes to travel on the vehicle but pay for that travel at a later time.

32. Power to direct cessation of behaviour

The driver of a vehicle that is being used to provide a passenger transport service may –

- (a) if the driver reasonably believes that a passenger is breaching a condition imposed under regulation 28, direct the passenger to cease breaching that condition; and
- (b) if the driver reasonably believes that a passenger is committing an offence under the Act or these regulations, direct the passenger to cease committing that offence.

33. Power to direct – general

- (1) The driver of a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if –

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- (a) in the opinion of the driver, the passenger, or any items accompanying the passenger cannot be safely carried on or in the vehicle; or
 - (b) to allow the person to travel on the vehicle would breach a condition of –
 - (i) an authorisation under which a regular passenger service is operating; or
 - (ii) a passenger service contract under which a regular passenger service is operating; or
 - (c) the person is the subject of a notice given in accordance with regulation 27(2) that is in effect; or
 - (d) the vehicle or a compartment of the vehicle has already reached operational capacity.
- (2) The driver of a vehicle that is being used to provide a passenger transport service may give any direction to a passenger if the driver reasonably believes that the direction is necessary to ensure the safety or security of the passengers or the driver in respect of the passenger transport service.

34. Power to direct to leave – breach of requirement, direction or disallowance

- (1) The driver of a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if –
- (a) the driver –
 - (i) has made a requirement or given a direction under regulation 29, 30, 31 or 32 in respect of the passenger; or
 - (ii) reasonably believes that an authorised officer has made a requirement or given a direction under regulation 38, 39, 40 or 41 in respect of the passenger; and
 - (b) the passenger has failed to comply with the requirement or direction; and
 - (c) the driver reasonably believes that the passenger may continue to commit the behaviour to which the requirement or direction relates.
- (2) The driver of a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if the driver reasonably believes that the passenger is subject to a disallowance in force under regulation 27.

- (3) A driver must not give a direction under subregulation (1) that is inconsistent with any direction of the Commission concerning the transport of schoolchildren on regular passenger services.

35. Power to direct to leave – fares

The driver of a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if, in the opinion of the driver, the person is unable, refusing, or has refused, to pay the correct fare that would entitle the passenger to travel on the vehicle at that time and for the journey that the person has made or is apparently making, unless to do so would be inconsistent with any direction of the Commission concerning the transport of schoolchildren on regular passenger services.

36. Exercise of powers subject to safety

A driver is not to make a requirement or give a direction under this Division if to do so would contravene regulation 21.

37. Use and return of evidence

If a driver requests that a passenger provide evidence under this Division, the driver –

- (a) may use the evidence to check that the passenger –

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- (i) has paid any required fare or holds a ticket or pass that entitles the person to travel on the vehicle; or
 - (ii) is eligible to travel on a fare at a concession rate; and
- (b) is to immediately return the evidence to the passenger after checking or viewing the evidence.

Division 3 – Powers of authorised officer

38. Powers in relation to fares

An authorised officer may exercise any of the following powers in relation to a passenger on or in a vehicle being used to provide a passenger transport service:

- (a) to require the passenger to produce evidence in the form of a ticket or pass that entitles the passenger to travel on the vehicle at that time and for the journey that the person has made or is apparently making;
- (b) if the passenger seeks to travel on a fare at a concession rate, to require the passenger to show evidence that the passenger is eligible to travel at the concession rate;
- (c) if the authorised officer reasonably believes that the passenger has not paid

the correct fare for the journey that the passenger has made or is apparently making, to require that passenger to pay that fare or, if applicable, the amount of that fare that is outstanding.

39. Power to require movement within vehicle

An authorised officer may require a passenger to move within a vehicle being used to provide a passenger transport service if the passenger –

- (a) is obstructing the entrance or exit of the vehicle; or
- (b) is causing, by their position within the vehicle, danger or discomfort to the passenger or another person; or
- (c) has failed to vacate, or offer to vacate, a seat in that area in order for a wheelchair passenger to be accommodated.

40. Power to require name and address

An authorised officer may require a passenger on a vehicle being used to provide a passenger transport service to state the passenger's name and address, if –

- (a) the authorised officer reasonably believes that the passenger is breaching, or is likely to breach, a condition imposed under regulation 28; or

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- (b) the authorised officer reasonably believes that the passenger is committing, or is likely to commit, an offence under the Act or these regulations.

41. Power to direct cessation of behaviour

An authorised officer on a vehicle that is being used to provide a passenger transport service may –

- (a) if the authorised officer reasonably believes that a passenger on that vehicle is breaching a condition imposed under regulation 28, direct the passenger to cease breaching that condition; and
- (b) if the authorised officer reasonably believes that a passenger on that vehicle is committing an offence under the Act or these regulations, direct the passenger to cease committing that offence.

42. Power to direct – general

- (1) An authorised officer on a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if –
 - (a) in the opinion of the authorised officer, the passenger, or any items accompanying the passenger, cannot be carried safely on or in the vehicle; or

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- (b) to allow the person to travel on the vehicle would breach a condition of –
 - (i) an authorisation under which a regular passenger service is operating; or
 - (ii) a passenger service contract under which a regular passenger service is operating; or
 - (c) the person is the subject of a notice given in accordance with regulation 27(2) that is in effect; or
 - (d) the vehicle or a compartment of the vehicle has already reached operational capacity.
- (2) An authorised officer on a vehicle that is being used to provide a passenger transport service may give any direction to a passenger if the authorised officer reasonably believes that the direction is necessary to ensure the safety or security of the passengers or the driver in respect of the passenger transport service.

43. Power to direct to leave – breach of requirement, direction or disallowance

- (1) An authorised officer on a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if –
 - (a) the authorised officer –

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- (i) has made a requirement or given a direction under regulation 38, 39, 40 or 41 in respect of the passenger; or
 - (ii) reasonably believes that the driver of the vehicle has made a requirement or given a direction under regulation 29, 30, 31 or 32 in respect of the passenger; and
 - (b) the passenger has failed to comply with the requirement or direction; and
 - (c) the authorised officer reasonably believes that the passenger may continue to commit the behaviour to which the requirement or direction relates.
- (2) An authorised officer on a vehicle that is being used to provide a passenger transport service may direct a passenger to leave, or not to enter, the vehicle if the authorised officer reasonably believes that the passenger is subject to a disallowance in force under regulation 27.
- (3) An authorised officer must not give a direction under subregulation (1) that is inconsistent with any direction of the Commission concerning the transport of schoolchildren on regular passenger services.

44. Power to direct to leave – fares

An authorised officer on a vehicle that is being used to provide a passenger transport service

may direct a passenger to leave, or not to enter, the vehicle if, in the opinion of the authorised officer, the person is unable, refusing, or has refused, to pay the correct fare that would entitle the passenger to travel on the vehicle at that time and for the journey that the person has made or is apparently making, unless to do so would be inconsistent with any direction of the Commission concerning the transport of schoolchildren on regular passenger services.

45. Exercise of powers subject to safety

An authorised officer is not to make a requirement or give a direction under this Division if to do so would contravene regulation 21.

46. Use and return of evidence

If an authorised officer requests that a passenger provide evidence under this Division, the authorised officer –

- (a) may use the evidence to check that the passenger –
 - (i) has paid any required fare or holds a ticket or pass that entitles the person to travel on the vehicle; or
 - (ii) is eligible to travel on a fare at a concession rate; and

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- (b) is to immediately return the evidence to the passenger after checking or viewing the evidence.

Division 4 – Power of police officer

47. Power of police officer

A police officer, using only such force as may reasonably be necessary in the circumstances, may remove a person from a vehicle providing a passenger transport service if the police officer is satisfied, on reasonable grounds, that the person has committed or is committing an offence under the Act, the *Taxi and Hire Vehicle Industries Act 2008* or these regulations.

PART 5 – MISCELLANEOUS

48. Evidentiary certificates relating to security camera recordings in respect of on-demand passenger transport service

(1) In this regulation –

delivery certificate means a certificate stating the following particulars:

- (a) that a copy of the video recording downloaded on the date specified in the certificate from a security camera system, identified by make and serial number in the certificate, was kept at a place specified in the certificate during the period specified in the certificate;
- (b) that at a time and place specified in the certificate, the video recording was delivered to the police officer, or the authorised officer, specified by name in the certificate, by the person providing the certificate;

downloading certificate means a certificate stating any or all of the following particulars:

- (a) that at a specified time and place a person downloaded a video recording from a security camera

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system installed in a vehicle that is used, or intended for use, to provide an on-demand passenger transport service;

- (b) the make and serial number of the security camera system from which the video recording was downloaded;
 - (c) the registration number of the vehicle in which the security camera system was installed;
 - (d) that, at the time when the video recording was downloaded, the downloading of the recording was lawful;
 - (e) that the equipment used to download the recording was in proper working order at the time when the recording was downloaded;
 - (f) that the downloading of the video recording was done in accordance with the Act;
 - (g) that the recording is an accurate and complete duplication of the recording made by the security camera system.
- (2) A downloading certificate is prima facie evidence –

- (a) of the particulars stated in the certificate;
and
 - (b) that the security camera system used to record, and the equipment used to download, the video recording was in proper working order.
- (3) A delivery certificate is prima facie evidence of the particulars stated in the certificate.

49. Reviewable decisions

For the purposes of paragraph (b) of the definition of *administrative decision* in section 53 of the Act, decisions, actions or determinations of the Commission made or done under the following provisions are declared to be administrative decisions:

- (a) section 61A of the Act;
- (b) section 64 of the Act;
- (c) regulation 9.

50. Prescribed fees

The fees specified in Schedule 2 are prescribed as the fees that are payable for the matters to which they respectively relate.

51. Infringement notice offences

For the purposes of section 61B of the Act –

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- (a) an offence against a provision of the Act or regulations specified in column 2 of a table in Schedule 3 is prescribed to be an infringement offence for which an infringement notice may be issued; and
- (b) the penalty specified in –
 - (i) column 3 of a table in Schedule 3 for that infringement offence is prescribed as the penalty applicable to that infringement offence that is payable by an individual under an infringement notice; and
 - (ii) column 4 of a table in Schedule 3 for that infringement offence is prescribed as the penalty applicable, if any, to that infringement offence that is payable by a body corporate under an infringement notice.

52. Savings and transitional provisions

- (1) In this regulation –

former regulations means the *Passenger Transport Services Regulations 2013*.

- (2) Records kept in accordance with the former regulations immediately before the commencement of these regulations are taken to be records kept for the purposes of these regulations.

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- (3) Written instructions in relation to the display of accreditation issued under regulation 7 of the former regulations, immediately before the commencement of these regulations, continue in force until written instructions are issued under regulation 9 of these regulations.
 - (4) Any matters specified by the Commission under regulation 10D of the former regulations to be identified, under a condition in respect of a risk management system placed on an accreditation immediately before the commencement of these regulations, are taken to be matters specified under regulation 13 of these regulations.
 - (5) If the accredited operator of a passenger transport service has refused to permit a person to travel on a vehicle providing the service under regulation 12 of the former regulations, and that refusal is in force immediately before the commencement of these regulations, the refusal is taken to be a disallowance under regulation 27(1) for the period specified in the written notice issued under regulation 12(2)(c) of the former regulations in relation to the refusal.

53. Legislation rescinded

The *Passenger Transport Services Regulations 2013* are rescinded.

SCHEDULE 1 – OPERATIONAL CAPACITY

Regulation 15

1. Operational capacity

The operational capacity of a vehicle being used to provide a passenger transport service is the sum of its operational seating capacity as determined under clause 2 to this Schedule and its operational standing capacity as determined under clause 3 to this Schedule.

2. Operational seating capacity

(1) In this clause –

compliant seatbelt means a seatbelt that complies with the relevant second edition ADR or third edition ADR;

second edition ADR has the same meaning as in the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*;

third edition ADR has the same meaning as in the *Vehicle and Traffic (Vehicle Standards) Regulations 2014*.

(2) Subject to subclause (3) or (4), the operational seating capacity of a vehicle being used to provide a passenger transport service is equal to its adult seating capacity, as specified in the record of motor vehicles kept under the *Vehicle and Traffic Act 1999* with the following qualifications:

- (a) any 3 children being carried on that passenger transport service are to be counted as 2 passengers if none of those children has attained the age of 10 years and the seating positions on the vehicle –
 - (i) are not fitted with seatbelts; or
 - (ii) are fitted with compliant seatbelts that are designed specifically to convert from 2 adult seating positions to 3 child seating positions;
 - (b) a child being carried on that passenger transport service need not be counted as a passenger if the child has not attained the age of 5 years and is being carried on the lap of another person.
- (3) The Commission may determine, having regard to the condition of the route and other relevant factors, that the operational seating capacity of a vehicle used to provide a regular passenger service should be less than the seating capacity determined under subclause (2).
- (4) If the Commission gives the accredited operator of a regular passenger service written notice of the making of a determination under subclause (3) in respect of a vehicle, the operational seating capacity of that vehicle when it is being used to provide the service is the seating capacity determined by the Commission under that subclause.

3. Operational standing capacity

(1) In this clause –

holding device means an approved strap, approved handgrip or other approved device for providing support for standing passengers on passenger transport services;

prescribed vehicle means a vehicle providing a passenger transport service that has –

- (a) a distance between floor and roof, at each point where a passenger may stand upright, of at least 1.8m; and
 - (b) an aisle width of at least 380mm; and
 - (c) a holding device for each standing passenger.
- (2) The standing capacity of a prescribed vehicle is the same as the number of holding devices fitted to the vehicle but is not in any case greater than one person for each 1 600cm² of unobstructed floor space.
- (3) The standing capacity of a vehicle providing a passenger transport service that is not a prescribed vehicle is zero.
- (4) Subject to subclauses (5) and (6), the operational standing capacity of a vehicle is the same as its standing capacity.

- (5) The Commission may determine, having regard to the length of the route and the normal operating speed and other relevant factors, that the operational standing capacity of a prescribed vehicle used to provide a regular passenger service should be less than the vehicle's standing capacity.
- (6) If the Commission gives the accredited operator of a regular passenger service written notice of the making of a determination under subclause (5) in respect of a prescribed vehicle, the operational standing capacity of that vehicle when it is being used to provide that service is the operational standing capacity determined by the Commission under that subclause.

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SCHEDULE 2 – FEES

		Regulation 50
Item	Matter for which fee is payable	Fee (Fee units)
1.	Application to become an accredited operator for a passenger transport service	79
2.	Application to become a booking service provider in relation to an on-demand passenger transport service	424
3.	Application to become an affiliated operator in relation to a booking service provider	79
4.	Application to become an accredited operator for a hire and drive passenger service	79
5.	Application to provide a regular passenger service	79
6.	Application to vary conditions of accreditation	50
7.	Application to update who is the relevant person for an accreditation	50
8.	Issue of revised accreditation certificate	20

SCHEDULE 3 – INFRINGEMENT NOTICES

Regulation 51

Item	Offence	PART 1 – OFFENCES AGAINST ACT	
		Penalty: Individual (penalty units)	Penalty: Body corporate (penalty units)
1.	Section 23(7)	5	10
2.	Section 29(1)	5	10
3.	Section 29(2)	5	10
4.	Section 32(2)	5	10
5.	Section 32(3)	5	10
6.	Section 33(1)	5	10
7.	Section 33(2)	5	10
8.	Section 33(3)	5	10
9.	Section 33M(1)	5	5
10.	Section 33M(2)	5	10
11.	Section 41	1.75	-
12.	Section 60A(1)	5	10
13.	Section 60A(3)	5	10
14.	Section 61A(5)	5	10

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Item	Offence	Penalty: Individual (penalty units)	Penalty: Body corporate (penalty units)
15.	Section 61D(2)	5	10
16.	Section 61D(5)	5	10
17.	Section 64(6)	1.75	-

PART 2 – OFFENCES AGAINST REGULATIONS

Item	Offence	Penalty: Individual (penalty units)	Penalty: Body corporate (penalty units)
1.	Regulation 9	1	3
2.	Regulation 15(1)	1.5	4.5
3.	Regulation 15(2)	1.5	4.5
4.	Regulation 16	1.5	4.5
5.	Regulation 19(1)	1.5	-
6.	Regulation 19(2)	1.5	-
7.	Regulation 20	1.5	-
8.	Regulation 21	1.5	-
9.	Regulation 22(1)	1	-

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Item	Offence	Penalty: Individual (penalty units)	Penalty: Body corporate (penalty units)
10.	Regulation 22(3)	1.5	-
11.	Regulation 22(4)	1.5	-
12.	Regulation 23	17	-
13.	Regulation 24(2)	1.5	-
14.	Regulation 24(3)	1.25	-
15.	Regulation 24(4)	1	-
16.	Regulation 24(5)	1	-
17.	Regulation 24(7)	0.5	-
18.	Regulation 25(1)	1.5	-
19.	Regulation 25(2)	1.5	-
20.	Regulation 25(3)	1.5	4.5
21.	Regulation 25(4)	1.5	-
22.	Regulation 26	1.5	4.5
23.	Regulation 28(4)	1.5	4.5

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Notified in the *Gazette* on 26 June 2023.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) prescribe, for the purposes of the *Passenger Transport Services Act 2011* –
 - (i) certain requirements, duties, obligations and powers of service providers, operators, drivers, authorised officers and passengers of passenger transport services; and
 - (ii) the non-application of that Act in certain circumstances; and
 - (iii) fees and other administrative matters; and
- (b) are made consequent on the repeal of the *Passenger Transport Services Regulations 2013* under section 11 of the *Subordinate Legislation Act 1992*.