

TASMANIA

**PASSENGER TRANSPORT SERVICES
AMENDMENT REGULATIONS 2022**

STATUTORY RULES 2022, No. 85

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**PASSENGER TRANSPORT SERVICES
AMENDMENT REGULATIONS 2022**

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 7 November 2022.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These regulations may be cited as the *Passenger Transport Services Amendment Regulations 2022*.

2. Commencement

These regulations take effect on
1 December 2022.

3. Principal Regulations

In these regulations, the *Passenger Transport Services Regulations 2013** are referred to as the Principal Regulations.

4. Regulation 3 substituted

Regulation 3 of the Principal Regulations is rescinded and the following regulation is substituted:

3. Interpretation

- (1) In these regulations –

Act means the *Passenger Transport Services Act 2011*;

on-demand driver means a driver of a vehicle used for the provision of an on-demand 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 Industry Regulations 2018* has the same meaning as in that Act or regulations.

*S.R. 2013, No. 43

5. Regulation 4A inserted

After regulation 4 of the Principal Regulations,
the following regulation is inserted in Part 1:

4A. Booking service providers

(1) For the purposes of this regulation –

community transport service means a
transport service provided by –

(a) an organisation 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:

(A) the
Commonwealth;

(B) the State;

(C) a council –

and that service is being provided
in pursuit of the primary purposes
of that organisation; or

(b) an organisation that is, or is
entitled to be, endorsed by the
Australian Taxation Office as a

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charitable or benevolent
institution; or

(c) a council; or

(d) the Crown.

(2) For 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 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 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 and registered operator in relation to a vehicle being operated as a taxi, but is not affiliated with a taxi dispatch service;
- (e) a person who is the licence holder, accredited operator and 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.

6. Part 2, Division 1: Heading inserted

Part 2 of the Principal Regulations is amended by inserting the following heading before regulation 6:

Division 1 – General

7. Regulation 6 amended (Accreditation register)

Regulation 6 of the Principal Regulations is amended as follows:

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- (a) by inserting the following paragraph after paragraph (c):
 - (ca) the accreditation number associated with each type of accreditation held by the accredited operator;
- (b) by omitting from paragraph (g) “operator.” and substituting “operator;”;
- (c) by inserting the following paragraphs after paragraph (g):
 - (h) the number of persons operating as an on-demand driver for each on-demand passenger transport service in relation to which accreditation is held by the accredited operator;
 - (i) 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;

- (iii) the date of the conclusion of the operation of the person, if applicable;
- (j) the number of vehicles being operated under the on-demand passenger transport service in relation to which accreditation is held by the accredited operator;
- (k) 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 of the vehicle recorded on the register of motor vehicles and trailers kept under the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*;
 - (ii) the VIN allocated to the vehicle and recorded in relation to the vehicle on the register of motor vehicles and trailers kept under the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2021*;

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- (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;
- (l) whether the accredited operator is a booking service provider;
- (m) 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.

8. Part 2, Divisions 2 and 3 inserted

After regulation 10 of the Principal Regulations,
the following Divisions are inserted in Part 2:

***Division 2 – Requirements for on-demand passenger
transport service accredited operators***

10A. 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 6(ca), (h), (i), (j), (k), (l) and (m);
 - (b) particulars of any breach, in relation to the service, of a standard approved under section 16 of the Act;
 - (c) 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*

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*Licensing and Vehicle
Registration) Regulations 2021;*

- (d) 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*;
- (e) 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*;
- (f) 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;
- (g) 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 extent that the vehicle was unable to be used to complete the service;
- (h) 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;

- (i) 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;
- (j) 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;
- (k) particulars of any incident occurring during the provision of the service which resulted in the on-demand driver who was operating the vehicle being made subject to a disqualification from driving under one or more of the following Acts:
 - (i) *Police Offences Act 1935*;
 - (ii) *Road Safety (Alcohol and Drugs) Act 1970*;
 - (iii) *Sentencing Act 1997*;

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- (iv) *Vehicle and Traffic Act 1999*;
- (l) a record of any accidents, incidents, hazards identified, or complaints made, in relation to the provision of the service;
- (m) 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;
- (n) a record of all current policies, procedures and training records in relation to the service;
- (o) a record of compliance or non-compliance with any requirement under the Act or any other Act, in relation to the service, of the following:
 - (i) an affiliated operator;
 - (ii) a responsible person;
 - (iii) a taxi licence holder;
 - (iv) a vehicle;
 - (v) an on-demand driver;

- (p) 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.
- (2) If requested by the Commission or an authorised officer, an accredited operator who is a natural person, or the responsible person in relation to an accreditation, is to provide to the Commission or authorised officer a copy of a record kept in accordance with subregulation (1), within the timeframe requested by the Commission or authorised person.

10B. Monthly report

- (1) If, in relation to an on-demand passenger transport service, there has been –
 - (a) the commencement of operation of, or cessation of operation of, a person operating as an on-demand driver for the service; and
 - (b) the commencement of operation of, or cessation of operation of, a vehicle for the service –

the accredited operator of the service who is a natural person, the booking

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services provider, or the responsible person in relation to the accreditation of the service, is to give to the Commission, within 10 business days after the end of the calendar month in which the commencement or cessation occurred, a report notifying of the commencement or cessation in relation to the service.

- (2) The Commission may exempt, for a specified period, an operator, a provider or a person from the requirement to provide a report under subregulation (1).

10C. 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 in which a vehicle being operated during the provision of the passenger transport 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*;

- (ii) 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 officer or in the injured person being treated in a hospital;
- (iii) 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;
- (iv) an incident in which a mechanical or other fault in the vehicle that was being operated during the provision of the passenger transport service caused the vehicle to be unable to be used to complete the service;
- (v) an incident occurring during the provision of the passenger transport service that resulted in a complaint being made to the police containing

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allegations of assault,
indecent or indecent
assault;

- (vi) 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;
- (vii) an incident occurring during the provision of the passenger transport service that resulted in the driver who was operating the vehicle being made subject to a disqualification from driving under one or more of the following Acts:
 - (A) *Police Offences Act 1935*;
 - (B) *Road Safety (Alcohol and Drugs) Act 1970*;
 - (C) *Sentencing Act 1997*;
 - (D) *Vehicle and Traffic Act 1999*;

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

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- (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 a State; or
 - (B) an ancillary certificate in accordance with the *Vehicle and Traffic Act 1999*,

or a like authority
issued under a
corresponding law
of a State –

during the provision of
the passenger transport
service.

10D. Risk management system

If the Commission approves an application for accreditation in respect of a service under section 21 of the Act, and in doing so places on the 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 person 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 person is accredited.

Division 3 – Duties in relation to on-demand passenger transport services

10E. Offence in relation to duties

A person on whom a duty is imposed under this Division must comply with that duty.

Penalty: Fine not exceeding 50 penalty units.

10F. Duties of operators

- (1) It is the duty of a person who is 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 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.
- (2) It is the duty of a person who is the responsible operator of a taxi licence, a responsible operator of a booking service provider who is providing a taxi service, or a responsible operator who is not an affiliated operator who is providing a taxi service, to ensure –
 - (a) that the vehicle that is being operated as a taxi under the authority of the licence, or as part of that service, is fitted with a taximeter that calculates and displays the relevant fares for the taxi and –
 - (i) has undergone a remote electronic update; or
 - (ii) in the case of a taximeter that is unable to undergo a remote electronic update, has been sealed by an authorised meter adjuster with a tamperproof seal; or

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- (iii) in the case of a taximeter that is capable of being physically reprogrammed without breaking the tamperproof seal, has an electronic seal applied to it; and
- (b) if the taxi licence is a security camera taxi licence, that a security camera installed in a vehicle that is being operated as a taxi under the authority of the licence is fully operational; and
- (c) that there is displayed in the taxi being operated under the authority of the licence a notice of the relevant fares and charges applicable to the taxi as produced and directed by the Commission.

10G. Duties of on-demand driver

The following are duties of an on-demand driver when providing an on-demand passenger transport service:

- (a) 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 a State, authorising the holder to drive a public passenger vehicle;

- (b) to ensure that a vehicle that the driver is operating in the course of providing the service displays any sign, symbol, label or notice required to be displayed in relation to such a service under any Act;
- (c) 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;
- (d) 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 reliant on a wheelchair or other mobility aid;
- (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 that the driver is operating in the course of providing the service, except in accordance with section 54A of that Act.

10H. Duties of taxi driver

- (1) The following are duties of a taxi driver when providing a taxi service:
 - (a) 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;
 - (b) 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;
 - (c) 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;
 - (d) not to leave the taxi that the driver is operating unattended in a taxi zone without reasonable grounds for doing so;
 - (e) not to prevent another taxi from leaving a taxi zone;
 - (f) not to inform a person that the person is required to hire the taxi

standing in the foremost space within the taxi zone;

- (g) 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;
- (h) subject to subregulation (2), to accept a hiring while the taxi is in a taxi zone within the taxi area specified on the taxi licence of the taxi –
 - (i) whether or not the taxi is occupying at the time of the hiring the foremost space within that zone; and
 - (ii) if the taxi is a wheelchair-accessible taxi, whether or not the passenger seeking the hiring has a wheelchair;
- (i) to ensure that, if the taxi licence under which the taxi is operating is a security camera taxi licence, that a security camera installed in the taxi under the authority of the licence is fully operational;

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- (j) to start the taximeter installed in the taxi that the driver is operating at the commencement of the hiring period and not before;
- (k) 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;
- (l) 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 in accordance with AS/NZS 10542.1:2015;
- (m) 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;
- (n) 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 was hired to the destination stated by the passenger;
- (o) not to operate a taxi while the taximeter installed in that taxi is

operating on a tariff other than that specified, by a taxi fare order, to apply to the taxi;

- (p) not to charge a passenger more than the fare displayed on the taximeter for the hiring period;
- (q) 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 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,

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could have prevented or avoided;

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

(2) A taxi driver may refuse to accept a hiring if –

(a) the driver has reasonable grounds for believing that–

(i) the intending hirer would not be able to pay for the hiring; or

(ii) the intending hirer or another passenger represents a real or potential threat to the driver's physical safety or to the safe operation of the taxi; or

(b) the taxi is unable to transport, appropriately and safely –

(i) a proposed passenger; or

(ii) a proposed item.

10I. Duties and powers in relation to fares

(1) It is the duty of the driver of a luxury hire car providing a passenger transport

service to ensure that agreement has been reached with a passenger using the service, before the service commences, as to the fare for the hire of the vehicle that the driver is operating.

- (2) A taxi driver, before accepting a hiring, may request payment of a deposit that does not exceed the expected cost of the hiring.

9. Regulation 15A inserted

After regulation 15 of the Principal Regulations, the following regulation is inserted in Part 3:

15A. Offensive behaviour by driver

A driver of a vehicle providing a passenger transport service must not, while that vehicle is being used to provide the service, or being used in connection to the service –

- (a) behave in an offensive manner in the vehicle or in the vicinity of the vehicle; or
- (b) intentionally interfere, or intentionally attempt to interfere, with the comfort or safety of any person.

Penalty: Fine not exceeding 50 penalty units.

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10. Regulation 22A inserted

After regulation 22 of the Principal Regulations,
the following regulation is inserted in Part 4:

22A. Infringement notices

For the purposes of section 61B of the
Act –

- (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 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 that table 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.

11. Schedule 2 amended (Fees)

Schedule 2 to the Principal Regulations is amended by inserting after item 1 the following items:

1A.	Application to become a booking service provider in relation to an on-demand passenger transport service	424
1B.	Application to become an affiliated operator in relation to a booking service provider	79

12. Schedule 3 inserted

After Schedule 2 to the Principal Regulations, the following Schedule is inserted:

SCHEDULE 3 – INFRINGEMENT NOTICES

Regulation 22A

PART 1 – OFFENCES AGAINST ACT

Item	Offence	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

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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
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 7(2)	1	2
2.	Regulation 8(1)	1.75	-
3.	Regulation 9	1.75	-
4.	Regulation 10(1)	1.50	-

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Item	Offence	Penalty: individual (penalty units)	Penalty: body corporate (penalty units)
5.	Regulation 10(2)	1	-
6.	Regulation 10E	1	2
7.	Regulation 11(4)	0.25	-
8.	Regulation 13(1)	0.75	-
9.	Regulation 14(1)	0.75	-
10.	Regulation 15(2)	0.75	-
11.	Regulation 15A	1	2
12.	Regulation 16(1)(a)	1.25	-
13.	Regulation 16(1)(b)	1.25	-
14.	Regulation 16(1)(c)	1.25	-
15.	Regulation 16(1)(d)	1.25	-
16.	Regulation 16(1)(e)	1.25	-
17.	Regulation 16(1)(f)	1.25	-
18.	Regulation 16(1)(g)	1.25	-
19.	Regulation 16(1)(h)	1.25	-
20.	Regulation 16(2)(a)	0.75	-
21.	Regulation 16(2)(b)	0.75	-

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Item	Offence	Penalty: individual (penalty units)	Penalty: body corporate (penalty units)
22.	Regulation 16(2)(c)	0.25	-
23.	Regulation 16(2)(d)	0.25	-
24.	Regulation 16(2)(e)	0.25	-
25.	Regulation 16(2)(f)	0.25	-
26.	Regulation 16(2)(g)	0.25	-
27.	Regulation 16(2)(h)	0.25	-
28.	Regulation 16(2)(i)	0.25	-
29.	Regulation 16(3)	0.75	-
30.	Regulation 16(5)(a)	0.25	-
31.	Regulation 16(5)(b)	0.25	-
32.	Regulation 16(5)(c)	0.25	-
33.	Regulation 16(5)(d)	0.25	-
34.	Regulation 16(5)(e)	0.25	-
35.	Regulation 17(2)	0.75	-
36.	Regulation 18(1)	0.75	-
37.	Regulation 18(3)	0.75	-
38.	Regulation 19(a)	1	-

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Item	Offence	Penalty: individual (penalty units)	Penalty: body corporate (penalty units)
39.	Regulation 19(b)	1	-
40.	Regulation 20(a)	1	-
41.	Regulation 20(b)	1	-
42.	Regulation 21(a)	1.50	-
43.	Regulation 21(b)	1.50	-

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 16 November 2022.

These regulations are administered in the Department of State Growth.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Passenger Transport Services Regulations 2013* by –

- (a) consolidating and incorporating provisions relating to the requirements and duties of certain passenger transport service operators and drivers; and
- (b) including application fees for affiliated operators and booking service providers; and
- (c) providing for the issue of infringement notices, and the penalties in relation to those notices.