

South Australia

Passenger Transport Variation Regulations 2013

under the *Passenger Transport Act 1994*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Passenger Transport Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on 13 January 2014.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Passenger Transport Regulations 2009*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Life Skills Development Program*—delete "for Families and Communities" and substitute:

responsible for the administration of the *Family and Community Services Act 1972*

- (2) Regulation 3(1), definition of *regular passenger service operator*—delete "a passenger" and substitute:

a person

- (3) Regulation 3(1)—after the definition of *relevant person* insert:

SATSS conditions of use means the conditions of use determined by the Minister under regulation 150A;

SATSS member means a person who is a member of the South Australian Transport Subsidy Scheme;

SATSS voucher means—

- (a) a voucher, docket or card approved by the Minister entitling a SATSS member to travel in taxis and certain hire cars at subsidised fares fixed by the SATSS conditions of use; or
- (b) a voucher, docket or card under a similar interstate scheme recognised by the Minister for the purposes of this definition;

South Australian Transport Subsidy Scheme or *SATSS* means the scheme approved by the Minister entitling an eligible person to travel in taxis and certain hire cars at subsidised fares fixed in the SATSS conditions of use and includes—

- (a) the Journey to Work Scheme (*JTWS*); and
- (b) the Tertiary Education Assistance Scheme (*TEAS*); and
- (c) any other scheme recognised by the Minister for the purposes of this definition;

- (4) Regulation 3(1), definition of *ticket*—after "a ticket" insert:

or card

- (5) Regulation 3(1), definition of *ticket*—after "the ticket" insert:

or card

- (6) Regulation 3(1), definition of *ticket validating equipment* or *ticket validator*—delete "*ticket validating equipment* or"
- (7) Regulation 3(1), definition of *validate*—delete the definition and substitute:

validate means—

- (a) to insert or scan a ticket in or with a ticket validator so that it may be encoded, printed or scanned; or
- (b) to present a ticket in any other manner approved by the Minister;

5—Variation of regulation 8—Operators—eligibility

Regulation 8—after its present contents (now to be designated as subregulation (1)) insert:

- (2) The Minister may require a person or, in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate, who applies for an accreditation under Part 4 Division 1 of the Act to consent to the Minister obtaining a criminal history check relating to the person.

6—Variation of regulation 11—Drivers—eligibility

Regulation 11—after subregulation (2) insert:

- (3) A person who applies for an accreditation under Part 4 Division 2 of the Act must consent to the Minister obtaining a criminal history check relating to the person.

7—Variation of regulation 13—Conditions

Regulation 13(1)—after paragraph (f) insert:

- (fa) a condition that the accredited person will fill in on the work sheet, in a manner and form determined by the Minister, information for each trip after each hiring of the taxi ends and before the next hiring of the taxi begins;

8—Insertion of regulation 13A

After regulation 13 insert:

13A—Duration of accreditation

For the purposes of section 32(1) of the Act, an accreditation under Part 4 Division 2 of the Act continues in force—

- (a) for a period not exceeding 3 years; or
- (b) for a period not exceeding the expiry date on the applicant for accreditation's drivers licence,

whichever occurs first.

9—Variation of regulation 14—Centralised booking services—eligibility

Regulation 14—after subregulation (2) insert:

- (3) The Minister may require a person or, in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate, who applies for an accreditation under Part 4 Division 3 of the Act to consent to the Minister obtaining a criminal history check relating to the person.

10—Variation of regulation 26—Renewals

Regulation 26—after subregulation (2) insert:

- (3) The Minister may require a person, or in the case of a body corporate, each director, manager or other person who is in a position to control or influence substantially the affairs of the body corporate, who applies for a renewal of an accreditation under Part 4 Division 1 or Part 4 Division 3 of the Act to consent to the Minister obtaining a criminal history check relating to the person.
- (4) A person who applies for a renewal of an accreditation under Part 4 Division 2 of the Act must consent to the Minister obtaining a criminal history check relating to the person.

11—Variation of regulation 64—Fares for hiring taxis

- (1) Regulation 64(4)(b)—delete "docket issued as part of the South Australian Transport Subsidy Scheme, or under a similar scheme recognised by the Minister for the purposes of this regulation" and substitute:

SATSS voucher

- (2) Regulation 64(4)—after paragraph (b) insert:

(ba) by credit or debit card and EFTPOS at an EFTPOS terminal if—

- (i) subject to subregulation (6), the EFTPOS terminal is installed and operated in compliance with regulation 64A; and
- (ii) the credit or debit card is of a type identified on the taxi as being accepted by the taxi operator; or

- (3) Regulation 64(4)(c)—after "means" insert:

or technical process

- (4) Regulation 64(5)(b)—delete "docket issued as part of the South Australian Transport Subsidy Scheme, or under a similar scheme recognised by the Minister for the purposes of this regulation" and substitute:

SATSS voucher

- (5) Regulation 64(5)—after paragraph (b) insert:

(ba) by credit or debit card and EFTPOS at an EFTPOS terminal if—

- (i) subject to subregulation (6), the EFTPOS terminal is installed and operated in compliance with regulation 64A; and
 - (ii) the credit or debit card is of a type identified on the taxi as being accepted by the taxi operator; or
 - (6) Regulation 64(5)(c)—after "means" insert:
 - or technical process
 - (7) Regulation 64(5), penalty provision—delete the penalty provision and substitute:
 - Maximum penalty: \$1 250.
 - Expiation fee: \$160.
 - (8) Regulation 64—after subregulation (5) insert:
 - (6) If an EFTPOS terminal installed in a taxi in compliance with regulation 64A is not in proper working order, the driver of the taxi must—
 - (a) advise the person who hires the taxi that the terminal is not in proper working order—
 - (i) as soon as the driver becomes aware that the terminal is not in proper working order; or
 - (ii) if the driver is aware that the terminal is not in proper working order before the commencement of the hiring—at the commencement of the hiring; and
 - (b) accept payment by a manual payment alternative using credit or debit facilities.
- Maximum penalty: \$750.
Expiation fee: \$105.

12—Insertion of regulation 64A

After regulation 64 insert:

64A—Electronic payment of fares

- (1) An EFTPOS terminal for the electronic payment of fares by credit or debit card and EFTPOS must be installed and operated in compliance with the following requirements:
 - (a) the terminal must be—
 - (i) linked by a cable connection wire or encrypted wireless communication to the taxi; and
 - (ii) programmed with the taxi licence number;
 - (b) the operator of a taxi service must only install and operate a terminal provided by a service provider approved by the Accreditation and Licensing Centre of the Department;

- (c) the operator of a taxi service must ensure that the terminal is in proper working order at all times that the taxi is available to ply for hire, except where there is a temporary failure or malfunction of the terminal as a result of the terminal service provider or network and such failure or malfunction is not attributable to the actions of the operator.
- (2) The driver of a taxi must provide a receipt to a person who pays a fare by credit or debit card, EFTPOS and any other technical process approved by the Minister for the purpose of this subregulation which includes—
- (a) unless the receipt is produced by an EFTPOS terminal—the driver's signature; and
 - (b) the licence number of the taxi; and
 - (c) the taxi driver's accreditation number; and
 - (d) the taxi driver's ABN; and
 - (e) the name of the centralised booking service to which the taxi belongs; and
 - (f) the location the hire was accepted and terminated; and
 - (g) in the case of a receipt produced by an EFTPOS terminal—the name of the EFTPOS terminal's service provider; and
 - (h) an itemised list of the cost of the fare including the metered fare, GST, service fees and any additional rates and charges; and
 - (i) the total amount of the fare; and
 - (j) the time and date of the payment of the fare; and
 - (k) any other information required by the Minister.

Maximum penalty: \$750.

Expiation fee: \$105.

13—Variation of regulation 73—Interpretation

Regulation 73, definition of *authorised purpose*—after paragraph (b) insert:

- (ba) a purpose connected with the exercise of disciplinary powers exercised by the *Passenger Transport Standards Committee* under Part 4 Division 5 of the Act; or

14—Variation of regulation 101—Validation of tickets

Regulation 101(1)—delete "validation equipment" and substitute:

a ticket validator

15—Variation of regulation 104—Special provision for declared areas

Regulation 104—delete "valid" wherever occurring

16—Variation of regulation 105—Surrender of invalid ticket or card

- (1) Regulation 105(1)(b)—after "using a" insert:
ticket,
- (2) Regulation 105(1)—after paragraph (b) insert:
or
(c) that a person is subject to a transit barring order,
- (3) Regulation 105(1)—delete "that ticket" and substitute:
his or her ticket
- (4) Regulation 105—after subregulation (3) insert:
(4) In this regulation—
invalid ticket means a ticket—
 - (a) not issued or approved by the Minister; or
 - (b) in respect of which a person does not hold a valid student identification card or valid travel concession card; or
 - (c) that has not been validated; or
 - (d) that is a stolen ticket.

17—Variation of regulation 112—Interference with equipment etc

Regulation 112(b)—delete "validating equipment" and substitute:
validator

18—Substitution of regulation 133

Regulation 133—delete the regulation and substitute:

133—Transit barring orders

- (1) Subject to this regulation, a police officer may, on the authorisation of a senior police officer, by order (a *transit barring order*) served on a person, bar the person from—
 - (a) boarding or travelling on—
 - (i) specified classes of public transport; or
 - (ii) all public transport other than as specified by the order; or
 - (iii) all public transport; or
 - (b) entering or remaining on—
 - (i) specified prescribed premises; or
 - (ii) specified classes of prescribed premises; or
 - (iii) all prescribed premises other than as specified by the order; or
 - (iv) all prescribed premises,

- for a specified period not exceeding any applicable limit fixed by this regulation—
- (c) if the person commits an offence, or behaves in an offensive or disorderly manner, on public transport or specified prescribed premises, or in an area adjacent to specified prescribed premises; or
 - (d) on any other reasonable ground.
- (2) If a transit barring order is authorised—
- (a) by a senior police officer of or above the rank of Inspector, the order remains in force—
 - (i) if the person has not previously been barred under this regulation—for the period specified in the order (which may not exceed 3 months); or
 - (ii) if the person has on 1 previous occasion been barred under this regulation—for the period specified in the order (which may not exceed 6 months); or
 - (iii) if the person has on at least 2 previous occasions been barred under this regulation—for an indefinite period or the period specified in the order; or
 - (b) by a senior police officer of or above the rank of Sergeant or in charge for the time being of a police station (not being a police officer of or above the rank of Inspector)—the order remains in force for a period specified in the order (which may not exceed 72 hours).
- (3) An authorisation to issue a transit barring order under this regulation may be granted orally or in writing but a written record must be kept of—
- (a) the name, rank and identification number of the senior police officer giving the authorisation; and
 - (b) the name, rank and identification number of the police officer requesting the authorisation; and
 - (c) details of the conduct giving rise to the request; and
 - (d) the following details relating to the transit barring order:
 - (i) the name of the person barred under the order;
 - (ii) the public transport or prescribed premises from which the person has been barred under the order;
 - (iii) the grounds on which the issuing of the order is authorised;
 - (iv) the period for which the order remains in force.
- (4) A transit barring order must be served on the person personally and is not binding on the person until it has been so served.

- (5) A police officer may provide a regular passenger service operator with information about a person (including photographic and other information that may identify the person) for the purpose of identifying a person who has been barred from public transport or prescribed premises.
- (6) A police officer may, on the authorisation of a senior police officer, vary or revoke a transit barring order by subsequent order served on the person.
- (7) For the purposes of subregulation (6), a condition or limitation under this regulation in relation to the making of a particular transit barring order extends to a variation or revocation of the order under that subregulation.
- (8) A person who contravenes a transit barring order is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (9) In proceedings for an offence against this regulation, a certificate apparently signed by a police officer of or above the rank of Inspector stating that a person was barred from public transport or prescribed premises under this regulation for the period specified in the certificate will be accepted, in the absence of proof to the contrary, as proof of the matters stated in the certificate.
- (10) In proceedings for an offence against this regulation, a certificate apparently signed by a police officer of or above the rank of Inspector stating—
 - (a) that an authorisation under subregulation (3) was given; and
 - (b) that the authorisation authorised the making of a transit barring order under this regulation; and
 - (c) the grounds on which the authorisation was given,will be accepted, in the absence of proof to the contrary, as proof of the matters stated in the certificate.
- (11) In this regulation—
senior police officer means—
 - (a) if the order is to be made for a period exceeding 72 hours—a police officer of or above the rank of Inspector; or
 - (b) in any other case—a police officer of or above the rank of Sergeant or in charge for the time being of a police station.

19—Variation of regulation 143—Prescribed classes of vehicles

Regulation 143—after paragraph (b) insert:

- (c) buses other than those operating regular passenger services within Metropolitan Adelaide.

20—Variation of regulation 147—Loss or theft of registration plates

Regulation 147(2)(b)—delete "sign" and substitute:
plate

21—Insertion of regulations 150A, 150B and 150C

After regulation 150 insert:

150A—SATSS Conditions of Use

- (1) The Minister may determine (or vary) conditions of use for the South Australian Transport Subsidy Scheme for—
 - (a) the drivers and operators of taxi services or certain car hire services; and
 - (b) centralised booking services; and
 - (c) SATSS members.
- (2) The Minister must ensure that the SATSS conditions of use (or a variation to conditions of use) under subregulation (1) are published in the Gazette.
- (3) The SATSS conditions of use may include rules, procedures, prohibitions, restrictions or limitations that are to apply to accredited drivers, operators, centralised booking services and SATSS members, including (but not limited to)—
 - (a) eligibility criteria for persons using the scheme; and
 - (b) requirements for the carrying, presentation and verification of certain identification cards determined by the Minister for the purposes of the scheme; and
 - (c) requirements relating to persons permitted to travel in taxis or certain hire cars for a subsidised trip; and
 - (d) rules about entering information on or in respect of a SATSS voucher; and
 - (e) rules about the calculation and payment of fares; and
 - (f) requirements relating to the issuing of receipts by drivers and the information required on receipts; and
 - (g) requirements for reporting any real or potential conflict of interest as defined in the SATSS conditions of use.
- (4) A SATSS member who fails to comply with a SATSS condition of use is guilty of an offence.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (5) A driver of a taxi or certain hire car, an operator of a taxi service or hire car service or a centralised booking service who fails to comply with a SATSS condition of use in respect of that driver, operator or service is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

150B—SATSS Vouchers

- (1) A person must not use a SATSS voucher unless he or she is eligible to use the voucher in accordance with the SATSS conditions of use and any other requirements determined by the Minister.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) A driver of a taxi or certain hire car must not accept more than 1 SATSS voucher in satisfaction for the amount of the fare for a hiring unless in compliance with the SATSS conditions of use.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A driver of a taxi or certain hire car, an operator of a taxi service or hire car service or a centralised booking service who—

- (a) makes a false statement or misrepresentation on a SATSS voucher; or
- (b) forges or fraudulently alters a SATSS voucher; or
- (c) fraudulently allows a SATSS voucher to be used by a person other than a SATSS member,

is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (4) A person who—

- (a) makes a false statement or misrepresentation on a SATSS voucher; or
- (b) forges or fraudulently alters a SATSS voucher; or
- (c) fraudulently allows a SATSS voucher to be used by a person other than a SATSS member,

is guilty of an offence.

Maximum penalty: \$1 250.

Expiation fee: \$160.

150C—Defences

In proceedings for an offence against regulation 150A(4) or regulation 150B(4), it is a defence to prove that—

- (a) the defendant was unable to comply with the regulation because of a disability; or
- (b) the act or omission constituting the offence was attributable to an honest and reasonable mistake on the defendant's part.

22—Variation of regulation 152—Keeping of records

Regulation 152(a)—delete "6" and substitute:

12

23—Variation of Schedule 5—Codes of practice

(1) Schedule 5, clause 2, after item (p) insert:

and

- (q) insofar as SATSS applies to the operator of the service—
 - (i) comply with the SATSS conditions of use; and
 - (ii) take all necessary steps to ensure that SATSS vouchers are not being fraudulently or inappropriately lodged; and
 - (iii) ensure that all SATSS vouchers are—
 - (A) thoroughly checked at the time of presentation by the driver, to ensure that the driver has actually carried out the work; and
 - (B) tagged and recorded in such a manner that any information from that voucher can be accessed quickly and accurately; and
 - (C) returned to the driver if there are any obvious deletions or alterations, or if the voucher is not legible.

(2) Schedule 5, clause 3, after item (k) insert:

- (ka) not leave the membership of a centralised booking service before the operator has fulfilled all of his or her obligations in respect of any disciplinary action ordered by that service; and
- (kb) comply with any requirements, policy or procedure issued by the centralised booking service; and
- (kc) comply with the SATSS conditions of use; and
- (kd) ensure that all SATSS vouchers are—
 - (i) thoroughly checked at the time of presentation by the driver, to ensure that the driver has actually carried out the work; and

- (ii) tagged and recorded in such a manner that any information from that voucher can be accessed quickly and accurately; and
 - (iii) returned to the driver if there are any obvious deletions or alterations, or if the voucher is not legible; and
 - (iv) only presented to the centralised booking service affiliated with the taxi recorded on the voucher; and
 - (ke) take all necessary steps to ensure that SATSS vouchers are not being fraudulently or inappropriately lodged; and
 - (kf) not engage in conduct that may bring the taxi industry into disrepute; and
- (3) Schedule 5, clause 4, after item (o) insert:
- (oa) not accept a request for hire from a centralised booking service that is not accredited under Part 4 Division 3 of the Act; and
 - (ob) comply with the SATSS conditions of use; and
 - (oc) ensure that all SATSS vouchers are thoroughly checked at the time of presentation by the passenger; and
 - (od) take all necessary steps to ensure that SATSS vouchers are not being fraudulently or inappropriately lodged; and
 - (oe) comply with any requirements, policy or procedure issued by the centralised booking service, including any disciplinary action ordered by the centralised booking service; and
 - (of) not engage in dishonest or dishonourable conduct in carrying out his or her duties; and
 - (og) not engage in conduct that may bring the taxi industry into disrepute; and
- (4) Schedule 5, clause 5, after item (i) insert:
- and
- (j) insofar as SATSS applies to the general passenger service driver—
 - (i) comply with the SATSS conditions of use; and
 - (ii) ensure that all SATSS vouchers are thoroughly checked at the time of presentation by the passenger; and
 - (iii) take all necessary steps to ensure that SATSS vouchers are not being fraudulently or inappropriately lodged.
- (5) Schedule 5, clause 6, after item (k) insert:
- (ka) comply with the SATSS conditions of use; and
 - (kb) not engage in conduct that may bring the taxi industry into disrepute; and

- (6) Schedule 5, clause 6, item (s)—delete "dockets of the South Australian Transport Subsidy Scheme (SATSS docket)" and substitute:

SATSS vouchers

- (7) Schedule 5, clause 6, item (s)—delete "docket" wherever occurring and substitute in each case:

voucher

- (8) Schedule 5, clause 6, item (t)—delete "dockets" and substitute:

vouchers

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 21 November 2013

No 258 of 2013

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