

South Australia

# **Passenger Transport (Definition of Metropolitan Adelaide and Other Matters) Variation Regulations 2021**

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 (Definition of Metropolitan Adelaide and Other Matters) Variation Regulations 2021*.

### **2—Commencement**

These regulations come into operation on 2 December 2021.

### **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—Substitution of regulation 4

Regulation 4—delete the regulation and substitute:

#### 4—Definition of Metropolitan Adelaide

- (1) The following areas are included within the ambit of the definition of *Metropolitan Adelaide* in section 4(1) of the Act:
  - (a) the areas defined in a plan deposited in the General Registry Office by the Minister for the purposes of this regulation and identified by the Minister by notice in the Gazette;
  - (b) that portion of the area of the Adelaide Hills Council that is outside Metropolitan Adelaide as defined in the *Development Act 1993* immediately before 1 July 2019;
  - (c) the area of the Mount Barker District Council.
- (2) In these regulations, unless the contrary intention appears—

*Metropolitan Adelaide (Area A)* means the area comprised of—

  - (a) Metropolitan Adelaide as defined in the *Development Act 1993* immediately before 1 July 2019; and
  - (b) the areas specified in subregulation (1)(a);

*Metropolitan Adelaide (Area B)* means the areas specified in subregulation (1)(b) and (c).

### 5—Insertion of regulation 7AA

After regulation 7A insert:

#### 7AA—Sections 39(3)(a), 40(5) and 40(6) of Act not to apply in Metropolitan Adelaide (Area B)

- (1) Section 39(3)(a) of the Act does not apply in relation to service contracts that relate (either wholly or partly) to regular passenger services operating in Metropolitan Adelaide (Area B).
- (2) Section 40(5) of the Act does not apply in relation to fares payable by passengers on regular passenger services operating in Metropolitan Adelaide (Area B).
- (3) Section 40(6) of the Act does not apply in relation to fares or fare systems under service contracts that relate (either wholly or partly) to regular passenger services operating in Metropolitan Adelaide (Area B).

### 6—Variation of regulation 68—Duty to accept or continue hiring

Regulation 68(1)(a)—after "Metropolitan Adelaide" insert:

(other than Metropolitan Adelaide (Area B))

## 7—Variation of Schedule 3—Maximum fares (metropolitan taxis)

Schedule 3, clauses 1 and 2—delete the clauses and substitute:

### 1—Journeys ending in Metropolitan Adelaide

- (1) This clause applies to the following journeys by metropolitan taxi:
  - (a) a journey within Metropolitan Adelaide (Area A);
  - (b) a journey that begins and ends in Metropolitan Adelaide (Area A);
  - (c) a journey within Metropolitan Adelaide (Area B);
  - (d) a journey that begins in Metropolitan Adelaide (Area B) and ends in Metropolitan Adelaide (Area A).
- (2) For a journey by metropolitan taxi to which this clause applies, the fare must not exceed the sum of the following:
  - (a) flagfall—

(i) on tariff 1	\$3.70
(ii) on tariff 2	\$4.90
(iii) on tariff 3	\$4.70
(iv) on tariff 4	\$6.40
  - (b) for the distance travelled—

(i) on tariff 1—for every 53.41 metres or part	\$0.10
(ii) on tariff 2—for every 46.24 metres or part	\$0.10
(iii) on tariff 3—for every 41.25 metres or part	\$0.10
(iv) on tariff 4—for every 35.55 metres or part	\$0.10
  - (c) for waiting time after the commencement of the hiring—

(i) on tariff 1—for each period of 9.16 seconds	\$0.10
(ii) on tariff 2—for each period of 9.16 seconds	\$0.10
(iii) on tariff 3—for each period of 7.05 seconds	\$0.10
(iv) on tariff 4—for each period of 7.05 seconds	\$0.10
- (3) The following tariffs apply to the hiring of a metropolitan taxi for a journey to which this clause applies:
  - (a) in the case of a multi-seat hiring—
    - (i) commenced between the hours of 7 pm on Monday to Thursday inclusive and 6 am on the following day, or between the hours of 7 pm on Friday and 6 am on the following Monday, or during a public holiday—tariff 4 applies;
    - (ii) commenced at any other time—tariff 3 applies;
  - (b) in any other case—

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- (i) commenced between the hours of 7 pm on Monday to Thursday inclusive and 6 am on the following day, or between the hours of 7 pm on Friday and 6 am on the following Monday, or during a public holiday—tariff 2 applies;
  - (ii) commenced at any other time—tariff 1 applies.
- (4) For a journey by metropolitan taxi to which this clause applies that is—
  - (a) between the hours of 12.01 am and 5.59 am on a Saturday or public holiday; or
  - (b) on a day during a declared period,the fare calculated in accordance with this clause may include an additional amount of \$2.

**Note—**

All Sundays are public holidays under the *Holidays Act 1910*.

- (5) In circumstances determined by the Minister, a lifting fee of an amount determined by the Minister may be charged in respect of a period determined by the Minister during which the taxi is delayed by reason of the driver assisting the user of a wheelchair, scooter or other large (ride-on) mobility aide to enter or leave the taxi instead of an amount that would be chargeable for that period under subclause (2)(c).
- (6) In this clause—

***declared period*** means—

  - (a) a declared period within the meaning of the *South Australian Motor Sport Act 1984*; or
  - (b) any period declared by the Minister by notice in the Gazette to be a declared period for the purposes of this clause.

**2—Journeys ending outside Metropolitan Adelaide (Area A)**

- (1) This clause applies to the following journeys by metropolitan taxi:
  - (a) a journey that begins in Metropolitan Adelaide (Area A) and ends in Metropolitan Adelaide (Area B);
  - (b) a journey that begins in Metropolitan Adelaide (Area A) and ends outside Metropolitan Adelaide;
  - (c) a journey that begins in Metropolitan Adelaide (Area B) and ends outside Metropolitan Adelaide.

- (2) For a journey by metropolitan taxi to which this clause applies, the fare must be determined by contract between the hirer and the driver but—
  - (a) in the case of a multi-seat hiring—must not exceed \$1.54 per kilometre calculated on the forward and return journey plus waiting time at the rate of \$0.10 for each period of 9.16 seconds;
  - (b) in any other case—must not exceed \$1.18 per kilometre calculated on the forward and return journey plus waiting time at the rate of \$0.10 for each period of 9.16 seconds.
- (3) The hirer must, if requested to do so by the driver, pay the estimated fare in advance.
- (4) If at the conclusion of the forward journey the hirer requests the driver to wait and pays the fare for the forward journey plus the estimated waiting time at the rate of \$0.10 for each period of 9.16 seconds up to a limit of 2 hours, the driver must comply with the request and complete the journey at the contract rate.
- (5) The hirer must pay for all meals and accommodation expenses necessarily incurred by the driver in the journey but time spent during meals or rest periods must not be calculated as waiting time.
- (6) Unless otherwise agreed, the flagfall specified in clause 1 applies to any such journey.

**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 Administrator**

with the advice and consent of the Executive Council  
on 2 December 2021

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