

Our Ref: E1910630

TO ALL LOCAL GOVERNMENTS

CIRCULAR N^o 04-2019

REVIEW OF PARKING LOCAL LAWS

In October 2018, the *Transport (Road Passenger Services) Act 2018* (TRPS Act) was passed by the Parliament of Western Australia and a number of reforms impacting parking local laws will come into effect on 2 July 2019.

Local governments are encouraged to review and amend their parking local law as a result of the changes being made by the TRPS Act.

BACKGROUND

The TRPS Act was developed by the Department of Transport (DoT), in response to national and international trends in the on-demand passenger transport sector. In particular to address the emergence of new participants in the industry, new approaches to service delivery (which is often connected with technological changes) and shifting consumer expectations.

While some of the elements of the TRPS Act have already commenced, the next tranche of reforms will come into operation on 2 July 2019.

IMPACT ON LOCAL GOVERNMENTS

The TRPS Act replaces the definitions of an 'omnibus' and 'taxi' in existing legislation (the *Transport Co-ordination Act 1966* and the *Taxi Act 1994*) with a number of new definitions. The new definition under section 4(1) provides for a 'passenger transport service' which includes a number a transport options:

- 'on-demand passenger transport service' (taxis and uber etc);
- 'regular passenger transport service' (timetabled Public Transport Authority and other buses on regular routes); and
- 'tourism passenger transport service' (any vehicle being used for hire or reward for the purposes of tourism that operates on a publicly available tour itinerary).

Local laws that refer to definitions under the *Transport Co-ordination Act 1966* or *Taxi Act 1994* will need to be amended to reflect the definition changes made by the TRPS Act.

Definitions in local laws which refer to the *Road Traffic Code 2000 (Code)* are not likely to require amendment due to consequential amendments that will be made to the *Code* on 2 July 2019.

It has also been noted that several parking local laws refer to 'TC' (omnibus) number plates. This class of vehicle registration was removed in July 2016 and local laws should be amended accordingly.

The Department of Local Government Sport and Cultural Industries has considered whether it would be appropriate to use section 3.17 of the *Local Government Act 1995* to make global amendments. Due to the number of variations relating to different types of passenger vehicles, an amendment made in that way may inadvertently affect the underlying policy objectives set by individual local governments.

For further information, please contact Mr Steven Elliott, Senior Legislation Officer on (08) 6552 1642 or via email to legislation@dlgsc.wa.gov.au.



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