

Queensland



*Transport Operations (Passenger Transport) Act 1994*

# **TRANSPORT OPERATIONS (PASSENGER TRANSPORT) REGULATION 1994**

**Reprinted as in force on 1 June 1995  
(includes amendments up to SL No. 134 of 1995)**

**Reprint No. 2**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This regulation is reprinted as at 1 June 1995. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to—

- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**TRANSPORT OPERATIONS  
(PASSENGER TRANSPORT)  
REGULATION 1994**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	7
2	Commencement .....	7
3	Definitions .....	7
<b>PART 2—APPROACH</b>		
4	Approach .....	8
<b>PART 3—OPERATOR ACCREDITATION AND DRIVER AUTHORISATION</b>		
5	Definition .....	8
6	Granting operator accreditation or driver authorisation—Act, ss 18 and 30 .....	8
7	Term of operator accreditation or driver authorisation—Act, ss 18 and 30 .....	9
8	Provisional operator accreditation or driver authorisation—Act, ss 19 and 31 .....	9
9	Refusal of operator accreditation—Act, s 18 .....	10
10	Refusal of driver authorisation—Act, s 30 .....	10
11	Amendment, suspension and cancellation of authorities—Act, s 21 .....	11
12	Notifying disqualifying offences .....	13
13	Notifying suspension or cancellation .....	13
14	Return of evidence of operator accreditation or driver authorisation .....	13
15	Exemption from scope of operator accreditation and driver authorisation—Act, ss 14(2)(c) and 26(2)(c) .....	14

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

16	Delegation of powers relating to operator accreditation and driver authorisation . . . . .	14
<b>PART 4—MARKET ENTRY RESTRICTIONS</b>		
17	Market entry restrictions—Act, s 37 . . . . .	15
<b>PART 5—SERVICE CONTRACTS</b>		
18	Matters to be considered—Act, s 60(2)(e) . . . . .	15
19	Service contracts required for administration of taxi services—Act, s 67 . . . . .	16
<b>PART 6—TAXI SERVICES AND LIMOUSINE SERVICES</b>		
<i>Division 1—General</i>		
20	Safety requirements . . . . .	16
21	Amendment of service licence conditions—Act, ss 76(1) and 89(1) . . . . .	16
22	Transfer, lease or surrender of taxi or limousine service licences—Act, ss 77 and 90 . . . . .	17
23	Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 80 and 92 . . . . .	17
24	Limitation on number of taxi service licences—Act, s 79 . . . . .	18
25	Associates—Act, s 79 . . . . .	18
<i>Division 2—Taxis</i>		
26	Operations of taxis . . . . .	19
27	Charging by taxis—Act, s 75(2)(c) . . . . .	19
28	Requirements for taximeters . . . . .	20
29	Operation of taximeter by taxi driver . . . . .	20
30	Multiple hiring . . . . .	20
31	Age of taxis . . . . .	21
32	Appearance of licensed taxi . . . . .	21
33	Taxi subsidy scheme—Act, s 81 . . . . .	22
<i>Division 3—Limousines</i>		
34	Luxury motor vehicles—Act, sch 5, def “luxury motor vehicle” . . . . .	23
35	Issue of limousine service licences . . . . .	23
36	Limousine hiring . . . . .	23
<b>PART 7—OBLIGATIONS OF OPERATORS</b>		
37	Equipment for vehicles . . . . .	24

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

38	Advertisements etc. . . . .	24
39	Display of evidence of operator accreditation etc. . . . .	25
40	Obligation to present vehicles for inspection . . . . .	25
41	Requirement for authority to enter . . . . .	25
<b>PART 8—RIGHTS AND OBLIGATIONS OF PASSENGERS AND DRIVERS</b>		
42	Smoking . . . . .	26
43	Consumption of food and beverages on public passenger vehicles . . . . .	26
44	Carrying animals . . . . .	26
45	Passengers causing nuisance etc. . . . .	26
46	Fares . . . . .	27
47	Identification of drivers . . . . .	27
48	Dress of drivers . . . . .	28
49	Help to passengers . . . . .	28
50	Drivers of motorcycles . . . . .	28
<b>PART 9—REVIEW PANELS AND REVIEW OF DECISIONS</b>		
51	Procedure of review panels—Act, s 106 . . . . .	28
52	Conditions of appointment . . . . .	29
53	Member of review panel unable to finish review . . . . .	29
54	Representation before review panel . . . . .	29
55	Review of other decisions . . . . .	30
<b>PART 10—GENERAL</b>		
56	Services excluded from passenger services—Act, sch 5, def “public passenger service” . . . . .	30
57	Public passenger vehicles—Act, sch 5, def “public passenger vehicle” . . . . .	31
58	Procedure to be followed—amending, suspending or cancelling . . . . .	31
59	Procedure to be followed—refusal to grant or renew . . . . .	33
60	Notifying operators . . . . .	33
61	Disqualifying offences—Act, sch 5, def “disqualifying offence”, para (d) . . . . .	33
62	Transport arrangements for pupils . . . . .	33
63	Local conveyance committees . . . . .	34
64	Touting etc. . . . .	34

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

65	Records to be maintained . . . . .	35
66	Change of name and address . . . . .	35
67	Fees and charges . . . . .	35
68	Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles . . . . .	36
68A	Transitional—maximum age limits extended for certain vehicles specified for a licence to hire . . . . .	37
	<b>SCHEDULE 1</b> . . . . .	38
	<b>MARKET ENTRY RESTRICTIONS</b>	
	<b>SCHEDULE 2</b> . . . . .	39
	<b>MAXIMUM FARES FOR TAXIS</b>	
	<b>SCHEDULE 3</b> . . . . .	41
	<b>LUXURY MOTOR VEHICLES AND TAXIS</b>	
	<b>SCHEDULE 4</b> . . . . .	43
	<b>AGE LIMITS FOR TAXIS</b>	
	<b>SCHEDULE 5</b> . . . . .	44
	<b>EQUIPMENT FOR VEHICLES</b>	
	<b>SCHEDULE 6</b> . . . . .	46
	<b>APPEALS AGAINST DECISIONS</b>	
	<b>SCHEDULE 7</b> . . . . .	47
	<b>VEHICLE TYPES</b>	
	<b>SCHEDULE 8</b> . . . . .	50
	<b>FEES</b>	
	<b>ENDNOTES</b>	
1	Index to endnotes . . . . .	52
2	Date to which amendments incorporated . . . . .	52
3	Key . . . . .	53
4	Table of earlier reprints . . . . .	53
5	Tables in earlier reprints . . . . .	53
6	List of legislation . . . . .	53
7	List of annotations . . . . .	54







*Transport Operations (Passenger Transport)  
Regulation 1994*

---

## **TRANSPORT OPERATIONS (PASSENGER TRANSPORT) REGULATION 1994**

[as amended by all amendments that commenced on or before 1 June 1995]

### **PART 1—PRELIMINARY**

#### **Short title**

1. This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 1994*.

#### **Commencement**

2. This regulation commences on the commencement of the Act.

#### **Definitions**

3. In this regulation—

“**de facto relationship**” means the relationship between 2 persons who, although not married to each other, live in a relationship like the relationship between a married couple.

“**exempted taxi**” means a taxi not required to have a taximeter installed.

“**local conveyance committee**” means a committee elected by, consisting of and representing parents and guardians of eligible school children who use school services.

“**taximeter**” means an instrument that—

- (a) is able to record fares for individual and multiple hiring of a taxi;  
and
- (b) is designed to show the fare for each hiring.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

## **PART 2—APPROACH**

### **Approach**

4. This regulation reflects an approach consistent with the objectives of the Act and based on—

- (a) allowing operators scope to meet emerging identified needs; and
- (b) holding operators accountable for their performance; and
- (c) placing the onus for compliance on industry rather than specifying in detail how industry is intended to act in all situations; and
- (d) a desire to ensure high levels of safety and the efficient meeting of user needs.

## **PART 3—OPERATOR ACCREDITATION AND DRIVER AUTHORISATION**

### **Definition**

5. In this part—

“**authority**” means operator accreditation or driver authorisation.

### **Granting operator accreditation or driver authorisation—Act, ss 18 and 30**

6. The chief executive may grant an authority to a person if the person complies with the Act and this regulation and also the standards applying to the authority.

### **Term of operator accreditation or driver authorisation—Act, ss 18 and 30**

7.(1) An authority is for a term, stated in the authority, of not longer than

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

5 years.

(2) However, an authority may be renewed for successive terms of not longer than 5 years.

**Provisional operator accreditation or driver authorisation—Act, ss 19 and 31**

**8.(1)** The chief executive may grant an authority to a person on a provisional basis—

- (a) for any authority—if the person meets some but not all the standards applying to the authority; or
- (b) for operator accreditation—while the person’s criminal history is being checked.

(2) A grant under subsection (1)(a) may be subject to a condition about the person meeting all the standards applying to the authority within a specified time.

(3) Despite subsection (1), the chief executive may grant driver authorisation to a person on a provisional basis without a formal application being made to ensure a public passenger service can continue to be provided in an emergency.

(4) A grant under subsection (3) is subject to the condition that the person will make a formal application for driver authorisation as soon as practicable after the grant.

(5) Operator accreditation granted on a provisional basis may be refused, amended, suspended or cancelled on the same basis as operator accreditation.

(6) Driver authorisation granted on a provisional basis may be refused, amended, suspended or cancelled on the same basis as driver authorisation.

**Refusal of operator accreditation—Act, s 18**

**9.(1)** The chief executive may refuse to grant operator accreditation to a person, or to renew operator accreditation for a person, if—

- (a) for an individual—the person has been convicted of a

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or

- (b) for a member of a partnership—the person, or another member of the partnership, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
- (c) for a corporation—the person, or an executive officer of the person, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.

(2) The chief executive may also refuse to grant operator accreditation to a person, or to renew operator accreditation for a person, if—

- (a) the person does not comply with a standard applying to the operator accreditation; or
- (b) an operator accreditation granted to the person has been cancelled or suspended; or
- (c) the person has repeatedly engaged in conduct that, in the chief executive's opinion, is damaging to the reputation of public passenger transport.

(3) Action under this section to refuse to grant or renew operator accreditation must be in accordance with section 59.<sup>1</sup>

**Refusal of driver authorisation—Act, s 30**

**10.(1)** The chief executive may refuse to grant driver authorisation to a person, or to renew driver authorisation for a person, if the person has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.

(2) The chief executive may also refuse to grant driver authorisation to a person, or to renew driver authorisation for a person, if—

- (a) the person does not comply with a standard applying to the driver authorisation; or

---

<sup>1</sup> Procedure to be followed—refusal to grant or renew

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (b) a driver authorisation granted to the person has been cancelled or suspended; or
- (c) the chief executive considers the person's driving history renders the person unsuitable to hold driver authorisation; or
- (d) the person has repeatedly engaged in conduct that, in the chief executive's opinion, is damaging to the reputation of public passenger transport.

(3) Action under this section to refuse to grant or renew driver authorisation must be in accordance with section 59.<sup>2</sup>

**Amendment, suspension and cancellation of authorities—Act, s 21**

**11.(1)** The chief executive may amend, suspend or cancel operator accreditation granted to a person if—

- (a) for an individual—the person has been convicted of a disqualifying offence; or
- (b) for a member of a partnership—the person or another member of the partnership has been convicted of a disqualifying offence; or
- (c) for a corporation—the person, or an executive officer of the person, has been convicted of a disqualifying offence.

(2) The chief executive may amend, suspend or cancel driver authorisation granted to a person if the person has been convicted of a disqualifying offence, or the chief executive considers it necessary because of the person's driving history.

(3) The chief executive may amend, suspend or cancel an authority granted to a person, or refuse to renew an authority granted to a person, if—

- (a) for an individual—the person does not comply with a standard applying to the authority or the chief executive otherwise considers it necessary in the public interest; or
- (b) for a partnership—the person or another member of the partnership does not comply with a standard applying to the

---

<sup>2</sup> Procedure to be followed—refusal to grant or renew

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

authority or the chief executive otherwise considers it necessary in the public interest; or

- (c) for a corporation—the person, or an executive officer of the person, does not comply with a standard applying to the authority or the chief executive otherwise considers it necessary in the public interest; or
- (d) in any case—fees payable for the issue or renewal of the authority remain unpaid after the day payment is required to be made.

**(4)** The chief executive may immediately suspend an authority granted to a person if—

- (a) for an individual—the person is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
- (b) for a partnership—the person or another member of the partnership is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
- (c) for a corporation—the person, or an executive officer of the person, is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest.

**(5)** Action under this section—

- (a) to amend, suspend or cancel an authority must be in accordance with section 58;<sup>3</sup> or
- (b) to refuse to renew an authority must be in accordance with section 59.<sup>4</sup>

### **Notifying disqualifying offences**

**12.(1)** A notification under any of the following provisions of the Act must be made in writing and must state details of the charge (including the day when the charge will be heard)—

---

<sup>3</sup> Procedure to be followed—amending, suspending or cancelling

<sup>4</sup> Procedure to be followed—refusal to grant or renew

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- section 20(1) (Applicant to notify charge for disqualifying offence etc.)
- section 22(1) (Accredited operator to notify charge for disqualifying offence etc.)
- section 23(1) and (3) (Member of partnership must inform another partner of charge for disqualifying offence etc.)
- section 32(1) (Applicant to notify charge for disqualifying offence etc.)
- section 34(1) (Authorised driver must notify charge for disqualifying offence etc.).

(2) A notification under section 20(2), 22(2), 23(2) or (4), 32(2) or 34(2) of the Act must be in writing.

### **Notifying suspension or cancellation**

**13.** A notification under section 35<sup>5</sup> or 36<sup>6</sup> of the Act must be in writing.

### **Return of evidence of operator accreditation or driver authorisation**

**14.** If a person's operator accreditation or driver authorisation is cancelled, or suspended for longer than 1 week, the person must, as soon as practicable (but within 14 days), return the certificate evidencing the operator accreditation or driver authorisation to the chief executive, unless the person has a reasonable excuse for not returning it.

Maximum penalty—10 penalty units.

### **Exemption from scope of operator accreditation and driver authorisation—Act, ss 14(2)(c) and 26(2)(c)**

**15.** The following public passenger services are exempted from the requirements for operator accreditation and driver authorisation—

---

<sup>5</sup> Authorised driver must notify suspension or cancellation of licence etc.

<sup>6</sup> Obligation to notify accredited operator of suspension or cancellation of licence etc.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (a) ferry services;
- (b) community transport services provided for community support or home care using a vehicle with a gross vehicle mass limit of not more than 5 t.

**Delegation of powers relating to operator accreditation and driver authorisation**

**16.(1)** Section 17(2)<sup>7</sup> of the Act applies to the delegation of powers under the Act, sections 18<sup>8</sup> and 19<sup>9</sup> to—

- (a) the Taxi Council of Queensland Inc.; or
- (b) the Bus and Coach Association of Queensland Inc.; or
- (c) the Bus Operators Association (Queensland) Inc.; or
- (d) the Limousine Association Queensland Inc.

**(2)** Section 29(2)<sup>10</sup> of the Act applies to the delegation of powers under sections 30<sup>11</sup> and 31<sup>12</sup> of the Act to—

- (a) the Taxi Council of Queensland Inc.; or
- (b) the Bus and Coach Association of Queensland Inc.; or
- (c) the Bus Operators Association (Queensland) Inc.; or
- (d) the Limousine Association Queensland Inc.; or
- (e) the Brisbane City Council.

**(3)** A person who is, or has been, involved in the administration of driver authorisation or operator accreditation under a delegation mentioned in this section must not make a record of, or directly or indirectly disclose,

---

<sup>7</sup> Responsibility for system of operator accreditation

<sup>8</sup> Granting, renewing or refusing operator accreditation

<sup>9</sup> Provisional operator accreditation

<sup>10</sup> Responsibility for system of driver authorisation

<sup>11</sup> Granting, renewing or refusing driver authorisation

<sup>12</sup> Provisional driver authorisation



*Transport Operations (Passenger Transport)  
Regulation 1994*

---

information about an applicant including, for example, information about the applicant's criminal history and medical history.

(4) Subsection (3) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.

## **PART 4—MARKET ENTRY RESTRICTIONS**

### **Market entry restrictions—Act, s 37**

17. For chapter 5<sup>13</sup> of the Act, a public passenger service mentioned in schedule 1, column 1 is to be provided with market entry restrictions in the area or over the route listed opposite to the service in column 2.

## **PART 5—SERVICE CONTRACTS**

### **Matters to be considered—Act, s 60(2)(e)**

18. In deciding between 2 or more offers for a service contract, the chief executive must have regard to the extent to which the offers provide—

- (a) evidence that proposed minimum service levels will be achieved; and
- (b) evidence of financial viability; and
- (c) overall suitability of vehicles, having regard to vehicle age and accessibility; and
- (d) plans to increase patronage through marketing of services and public passenger transport.

---

<sup>13</sup> Market entry restrictions

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

**Service contracts required for administration of taxi services—Act,  
s 67**

**19.** On and from a day to be fixed by the chief executive by gazette notice, the administration of taxi services in a taxi service area declared under chapter 5<sup>14</sup> must be performed under a service contract.

**PART 6—TAXI SERVICES AND LIMOUSINE  
SERVICES**

*Division 1—General*

**Safety requirements**

**20.** The operator of a taxi or a limousine must ensure that the vehicle adequately provides for the safety and comfort of passengers.

Maximum penalty—10 penalty units.

**Amendment of service licence conditions—Act, ss 76(1) and 89(1)**

**21.** The chief executive may amend the conditions of a taxi service licence or a limousine service licence if the chief executive is satisfied the amendment will result in a higher quality of service or will better meet the needs of users.

**Transfer, lease or surrender of taxi or limousine service licences—Act,  
ss 77 and 90**

**22.(1)** The holder of a taxi service licence or limousine service licence may—

- (a) transfer or lease the licence to another person who is accredited to

---

<sup>14</sup> Market entry restrictions

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

provide the service; or

- (b) enter into other operating arrangements about the licence with another person who is accredited to provide the service.

(2) A person who transfers or leases a licence to someone else must notify the chief executive in writing of the transfer or lease as soon as practicable (but within 14 days) after the transfer or lease takes effect.

Maximum penalty—20 penalty units.

(3) The holder of a taxi service licence or limousine service licence may surrender the licence by written notice given to the chief executive.

(4) A surrender takes effect from the day the notice is received or a later day stated in the notice.

**Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 80 and 92**

23.(1) The chief executive may suspend or cancel a person's taxi service licence or limousine service licence if—

- (a) the person is convicted of a disqualifying offence; or
- (b) the person contravenes a condition of the licence; or
- (c) fees payable for the licence remain unpaid after the day payment is required to be made.

(2) Action under this section must be in accordance with section 58.<sup>15</sup>

**Limitation on number of taxi service licences—Act, s 79**

24.(1) If there are more than 10 but not more than 20 taxi service licences for a taxi service area, a person must not hold more than 10 of the licences.

(2) If there are more than 20 taxi service licences for a taxi service area, a person must not hold more than 50% of the licences.

(3) For this section, a taxi service licence held by an associate of a person is taken to be held by the person.

---

<sup>15</sup> Procedure to be followed—amending, suspending or cancelling

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

(4) In this section—  
“**hold**” includes lease.

**Associates—Act, s 79**

25. For licences, a person is an associate of another if 1 or more of the following relationships exists between them—

- (a) marriage or de facto relationship;
- (b) the relationship of ascendant or descendant, or the relationship of persons who have a parent or grandparent in common;
- (c) partnership;
- (d) the relationship of employer and employee;
- (e) a fiduciary relationship;
- (f) the relationship of persons 1 of whom is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the other;
- (g) the relationship of corporation and director or executive officer of the corporation;
- (h) the relationship of corporation and a person who is in a position of control or has substantial influence over the corporation’s conduct.

*Division 2—Taxis*

**Operations of taxis**

26.(1) The driver of a taxi available for hire must not refuse a hiring for a destination—

- (a) in the taxi service area for which the taxi is licensed; or
- (b) within 40 km of the pick up point.

Maximum penalty—5 penalty units.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

(2) Subsection (1) is subject to section 45.<sup>16</sup>

**Charging by taxis—Act, s 75(2)(c)**

**27.(1)** The operator of a taxi service must not charge more than the maximum fares and charges set out in schedule 2.

Maximum penalty—40 penalty units.

(2) However, subsection (1) does not apply to a taxi provided for a customer who requests a luxury standard of vehicle and service when booking a taxi and who agrees an amount for the hiring at the time of booking if the taxi is of a type mentioned in schedule 3.

(3) The driver of a taxi mentioned in subsection (2) must not demand more than the agreed amount.

Maximum penalty—10 penalty units.

(4) The driver of a taxi must not drive the vehicle to the destination specified by the hirer in a way that involves excessive charging.

Maximum penalty—10 penalty units.

(5) The driver of a taxi may charge a hirer who soils the taxi an additional amount (not more than 1 penalty unit) for cleaning the taxi.

(6) If the driver of a taxi is of the opinion that he or she will not be able to obtain the fare at the destination, the driver may, before starting the hiring, require the payment of the estimated fare or agreed amount for the hiring as a deposit.

**Requirements for taximeters**

**28.(1)** The operator of a taxi must have a taximeter fitted to the taxi unless the taxi service licence for the taxi exempts the operator from the requirement.

Maximum penalty—40 penalty units.

(2) The operator of a taxi to which a taximeter is fitted must ensure that

---

<sup>16</sup> Passengers causing nuisance etc.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

the taximeter records fares in a way that ensures the maximum fares specified in schedule 2 are not exceeded.

Maximum penalty—40 penalty units.

### **Operation of taximeter by taxi driver**

**29.(1)** The driver of a taxi that has a taximeter must only activate it—

- (a) for a hail or rank hiring—when the hirer enters the taxi; or
- (b) for a booking—when the hirer is notified of the taxi's arrival; or
- (c) for a booking for a specific time—at that time or the time when the hirer enters the taxi, whichever is earlier.

**(2)** The driver of a taxi must, during a hiring, stop the taximeter from registering a charge for any period during which the vehicle is unable to continue the hiring.

**(3)** Before receiving payment or a voucher for a hiring, the driver of a taxi that has a taximeter must deactivate the taximeter on arrival at the destination.

Maximum penalty—5 penalty units.

### **Multiple hiring**

**30.(1)** The driver of a taxi may carry out at the same time 2 or more individual hirings if—

- (a) all of the hirers agree to the driver of the taxi accepting the other hirings; and
- (b) the hirers are travelling to—
  - (i) destinations in the same locality; or
  - (ii) destinations the furthest of which is in the general direction of the nearest; and
- (c) the fare payable by each hirer is less than the maximum metered fare that would be payable by that hirer for a journey direct to that hirer's destination; and

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (d) each hirer is advised of the rate of discount applying or the applicable fare before the journey commences; and
- (e) the hirings are not provided to a timetable.

(2) A driver of a taxi must not carry out at the same time 2 or more individual hirings otherwise than under subsection (1).

Maximum penalty for subsection (2)—10 penalty units.

### **Age of taxis**

**31.(1)** The operator of a taxi to which section 68A<sup>17</sup> applies must ensure the taxi is not older than the taxi's maximum age limit specified in section 68A(2) or (4).

(2) The operator of a taxi to which section 68A does not apply must ensure the taxi is not older than the taxi's maximum age limit specified in schedule 4.

Maximum penalty—10 penalty units.

### **Appearance of licensed taxi**

**32.** A person must not place, or cause or permit to be placed, any printing or sign on a vehicle that implies the vehicle is a licensed taxi unless it is a vehicle for which a taxi service licence is in force.

Maximum penalty—20 penalty units.

### **Taxi subsidy scheme—Act, s 81**

**33.(1)** This section applies to a person who, in the chief executive's opinion (based on medical advice)—

- (a) is permanently unable to walk; or
- (b) is permanently dependent on a wheel chair; or
- (c) has severe and permanent problems in walking that require—

---

<sup>17</sup> Section 68A extends the maximum age limit for some taxis that were specified for a licence to hire in force on 6 November 1994.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (i) the permanent use of large and complex walking aids; or
- (ii) constant assistance from someone else for mobility; or
- (d) has a total loss of vision or severe permanent vision impairment; or
- (e) has severe and uncontrollable epilepsy; or
- (f) has an intellectual disability causing behavioural problems—
  - (i) resulting in socially unacceptable behaviour; and
  - (ii) requiring the constant assistance of someone else for travel on public transport; or
- (g) has a disability of a type mentioned in this subsection of a temporary nature, and is undergoing medical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

(2) A person who has been convicted of an offence against section 138(3)<sup>18</sup> of the Act in relation to the taxi subsidy scheme may be excluded from the scheme by the chief executive.

(3) The chief executive is to administer a scheme under which 50% of the cost of taxi travel specified in the scheme by a person to whom this section applies is funded by the State.

*Division 3—Limousines*

**Luxury motor vehicles—Act, sch 5, def “luxury motor vehicle”**

**34.** A luxury motor vehicle is a motor vehicle (other than a taxi)—

- (a) of a type mentioned in schedule 3, that is not older than the vehicle’s maximum age limit specified in schedule 3; or
- (b) that is a luxury vehicle under section 68(2) or (4);<sup>19</sup> or

---

<sup>18</sup> Offences of dishonesty

---

<sup>19</sup> Section 68(2) and (4) apply to some vehicles specified for a licence to hire that was in force on 6 November 1994.



*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (c) at least 40 years old that is registered and safe.

### **Issue of limousine service licences**

**35.** The chief executive is to decide the price at which limousine service licences are to be issued.

### **Limousine hiring**

**36.(1)** A person must not ply or stand a limousine for hire at a place other than the limousine owner's premises unless the place is approved in writing by the chief executive.

Maximum penalty—10 penalty units.

**(2)** The driver of a limousine must not hire the vehicle unless either—

- (a) an earlier booking has been made for the vehicle and the amount that will be charged for the hiring is agreed with the prospective hirer before the vehicle is hired; or
- (b) the vehicle is hired at a place approved in writing by the chief executive under subsection (1) as a place where the vehicle may stand for hire to set destinations for set fares.

Maximum penalty—10 penalty units.

**(3)** The driver of a limousine who is at a place mentioned in subsection (2)(b) must not—

- (a) provide or offer to provide a service to a destination that is not displayed on a notice approved by the chief executive at the place; or
- (b) charge a fare for a service to a destination displayed on the notice that is different to the fare for that destination displayed on the notice.

Maximum penalty—10 penalty units.

**(4)** The driver of a limousine must not demand a fare that is more than the agreed amount or set fare.

Maximum penalty—10 penalty units.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

(5) If the driver of a limousine is of the opinion that he or she will not be able to obtain the fare at the destination, the driver may, before starting the hiring, require the payment of the agreed amount or set fare for the hiring as a deposit.

## **PART 7—OBLIGATIONS OF OPERATORS**

### **Equipment for vehicles**

37. The operator of a public passenger vehicle must ensure that the vehicle complies with schedule 5.

Maximum penalty—10 penalty units.

### **Advertisements etc.**

38. The operator of a public passenger vehicle must ensure that the vehicle is not driven on a road if an advertisement or other marking is displayed on the vehicle—

- (a) that causes danger to a person; or
- (b) that conceals or obliterates a sign, writing or number required by or under an Act to be placed on the vehicle or that makes the sign, writing or number difficult to read.

Maximum penalty—10 penalty units.

### **Display of evidence of operator accreditation etc.**

39. The operator of a public passenger service for which operator accreditation is required must display on each vehicle used to provide the service, in a way approved by the chief executive, evidence of the person's accreditation.

Maximum penalty—5 penalty units.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

### **Obligation to present vehicles for inspection**

**40.(1)** The chief executive may direct the operator of a public passenger vehicle to take the vehicle to a specified place within a reasonable distance for inspection and testing.

**(2)** A person must comply with the direction as soon as practicable (but within 7 days) after the direction is given.

Maximum penalty for subsection (2)—20 penalty units.

### **Requirement for authority to enter**

**41.** The operator of a public passenger service must not allow the service to be provided to any of the following places unless the operator has the authority of the person who owns or operates the place—

- (a) a place on private property;
- (b) an airport;
- (c) a protected area under the *Nature Conservation Act 1992*;
- (d) a State Forest;
- (e) a place controlled by Aborigines or Torres Strait Islanders.

Maximum penalty—10 penalty units.

## **PART 8—RIGHTS AND OBLIGATIONS OF PASSENGERS AND DRIVERS**

### **Smoking**

**42.** A person must not smoke in a public passenger vehicle.

Maximum penalty—2 penalty units.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

### **Consumption of food and beverages on public passenger vehicles**

**43.** A person must not consume food or beverages in a public passenger vehicle without the permission of the operator or driver.

Maximum penalty—2 penalty units.

### **Carrying animals**

**44.(1)** The driver of a public passenger vehicle may refuse to carry an animal.

**(2)** However, subsection (1) does not apply to an animal—

- (a) accompanying a person who has a disability; and
- (b) that is specifically trained to give assistance to the person in relation to the disability.

### **Passengers causing nuisance etc.**

**45.(1)** If the driver of a public passenger vehicle or an authorised person believes, on reasonable grounds that, a person who is on, or about to enter, a public passenger vehicle is causing, or is likely to cause—

- (a) a nuisance or annoyance to the driver or passengers on the vehicle; or
- (b) danger to themselves or others;

the driver or authorised person may direct the person to leave, or not to enter, the public passenger vehicle.

**(2)** A person must not contravene the direction, unless the person has a reasonable excuse.

Maximum penalty—2 penalty units.

**(3)** A person who contravenes, without reasonable excuse, a direction under this section to leave a public passenger vehicle may be removed from the public passenger vehicle by a police officer.

**(4)** A direction cannot be given under this section if—

- (a) complying with the direction could endanger the safety of a

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

person; or

- (b) for school children—alternative procedures approved by the chief executive of the department in which the *Education (General Provisions) Act 1989* is administered exist for the effective disciplining of the children.

### **Fares**

**46.** A passenger in a public passenger vehicle who has not paid the required fare must pay it on demand by the driver of the vehicle.

Maximum penalty—40 penalty units.

### **Identification of drivers**

**47.(1)** A person must not drive a public passenger vehicle for which driver authorisation is required unless the person—

- (a) carries evidence of his or her driver authorisation; and
- (b) displays it to passengers.

Maximum penalty—5 penalty units.

**(2)** Subsection (1) does not apply to a driver unless the chief executive has notified the driver that the subsection applies.

**(3)** Subsection (2) and this subsection expire 2 years after the commencement.

### **Dress of drivers**

**48.** The driver of a public passenger vehicle must be neatly dressed.

Maximum penalty—2 penalty units.

### **Help to passengers**

**49.** If a passenger or intending passenger on a public passenger vehicle asks for reasonable help to board or leave the vehicle, or with luggage, the driver of the vehicle must, if reasonable, give the help.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

Maximum penalty—5 penalty units.

### **Drivers of motorcycles**

**50.** The driver of a motorcycle or motor tricycle that is used to provide a public passenger service must ensure each passenger who uses the service is in appropriate condition to ride as a passenger so that the safety of the driver or passengers is not unreasonably put at risk.

Maximum penalty—5 penalty units.

## **PART 9—REVIEW PANELS AND REVIEW OF DECISIONS**

### **Procedure of review panels—Act, s 106**

**51.(1)** The departmental representative on a review panel is to preside at meetings of the panel.

**(2)** However, if there is more than 1 departmental representative, the departmental representative nominated by the chief executive is to preside at meetings of the panel.

**(3)** If the presiding member is not present, the member chosen by the presiding member presides.

**(4)** A review panel must consider and make a recommendation on an application referred to it by the chief executive as soon as practicable after the referral.

**(5)** Each member of a review panel may vote on a proposed recommendation, but the presiding member has a casting vote.

**(6)** A recommendation of a review panel must be in writing and must state the reasons for the recommendation.

**(7)** Any other procedure to be followed by a review panel is to be as decided by the panel.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

(8) Subject to section 106<sup>20</sup> of the Act, the chief executive may give directions about the constitution of a review panel for a particular review.

### **Conditions of appointment**

52. A member of a review panel holds office on the terms decided by the chief executive.

### **Member of review panel unable to finish review**

53.(1) If—

- (a) a review panel has started a review; and
- (b) 1 of the members of the panel has ceased to be a member or ceased to be available for the review;

the review may be finished by the remaining members or, if the chief executive directs, the review panel is to be reconstituted in accordance with the direction.

(2) A reconstituted panel may have regard to any record of proceedings of the panel as previously constituted.

### **Representation before review panel**

54. A person appearing before a review panel is entitled to be represented by someone else.

### **Review of other decisions**

55.(1) A person whose interests are affected by a decision specified in schedule 6 may apply, under chapter 10<sup>21</sup> of the Act, for a review of the decision as if the decision were specified in schedule 2 of the Act.

(2) A person who may seek a review of a decision is entitled to receive a

---

<sup>20</sup> Review panels

<sup>21</sup> Review of and appeals against decisions

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

statement of reasons for the decision.

(3) An appeal may be made against a decision on reconsideration to the court specified in schedule 6 opposite to the reference to the decision that was reviewed.

(4) Chapter 10 of the Act applies to a review under this section.

## **PART 10—GENERAL**

### **Services excluded from passenger services—Act, sch 5, def “public passenger service”**

**56.** The following services are excluded from the Act—

- (a) a military service;
- (b) an ambulance service;
- (c) a police service;
- (d) a fire service;
- (e) a service provided with a human or animal powered vehicle;
- (f) a service provided for amusement other than on a road;
- (g) car pooling arrangements.

### **Public passenger vehicles—Act, sch 5, def “public passenger vehicle”**

**57.** A vehicle mentioned in schedule 7, column 2 is a public passenger vehicle if it is used to provide the service mentioned in column 1.

### **Procedure to be followed—amending, suspending or cancelling**

**58.(1)** This section applies if the chief executive considers that grounds exist—

- (a) to amend, suspend or cancel operator accreditation or driver authorisation; or



*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (b) to amend the conditions of a taxi service licence or a limousine service licence; or
- (c) to suspend or cancel a taxi service licence or limousine service licence (the “**proposed action**”).

(2) Before taking the proposed action, the chief executive must give the holder of the accreditation, authorisation or licence (the “**authority**”), a written notice—

- (a) stating the proposed action; and
- (b) stating the grounds for the proposed action; and
- (c) outlining the facts and circumstances forming the basis for the grounds; and
- (d) if the proposed action is amendment of the authority—stating the proposed amendment; and
- (e) if the proposed action is suspension of the authority—stating the proposed suspension period; and
- (f) inviting the holder to show, within a stated time of at least 28 days, why the proposed action should not be taken.

(3) If, after considering all written representations made within the stated time, the chief executive still considers grounds to take the proposed action exist, the chief executive may—

- (a) if the proposed action was to amend the authority—amend the authority in the way stated in the notice or in another way having regard to the representations; or
- (b) if the proposed action was to suspend the authority—suspend the authority for no longer than the period stated in the notice; or
- (c) if the proposed action was to cancel the authority—cancel the authority or suspend it for a period.

(4) The chief executive must inform the holder of the decision by written notice.

(5) If the chief executive decides to amend, suspend or cancel the authority, the notice must state—

- (a) the reasons for the decision; and

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (b) that the holder may apply within 28 days for review of the decision; and
- (c) how the holder may apply for review of the decision.

(6) Despite subsection (1), if the chief executive considers it necessary in the public interest, the chief executive may by notice under the subsection immediately suspend the authority until—

- (a) the chief executive gives the holder notice of the chief executive's decision; or
- (b) 56 days after the notice under subsection (1) is given to the holder.

(7) A notice given under subsection (1) because of subsection (6) must state—

- (a) that the holder may apply within 28 days for review of the decision to immediately suspend the authority; and
- (b) how the holder may apply for review of the decision.

(8) Subsections (1) to (7) do not apply if the chief executive proposes to amend the authority only—

- (a) for a formal or clerical reason; or
- (b) in another way that does not adversely affect the holder's interests; or
- (c) if the holder asks.

(9) The chief executive may make amendments of a type mentioned in subsection (8) by written notice given to the holder.

**Procedure to be followed—refusal to grant or renew**

**59.(1)** The chief executive may refuse to grant or renew operator accreditation or driver authorisation for a person by written notice given to the person.

(2) The notice must state—

- (a) the reasons for the decision; and

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (b) that the holder may apply within 28 days for review of the decision; and
- (c) how the holder may apply for review of the decision.

### **Notifying operators**

#### **60. If—**

- (a) a person operates a vehicle for an accredited operator; and
- (b) the chief executive suspends or cancels the person's driver authorisation;

the chief executive may advise the operator of the action.

### **Disqualifying offences—Act, sch 5, def “disqualifying offence”, para (d)**

#### **61. The following offences are also disqualifying offences—**

- (a) an offence against the Act;
- (b) an offence against this regulation for which the maximum penalty is at least 20 penalty units.

### **Transport arrangements for pupils**

**62.** A child of a parent or guardian who has been convicted of an offence against section 138(3)<sup>22</sup> of the Act, in relation to transport arrangements made under section 133<sup>23</sup> of the Act, may be excluded from free travel under the arrangements.

### **Local conveyance committees**

**63.(1)** The chief executive may refuse to award a government funded service contract for transporting eligible school children unless—

---

<sup>22</sup> Offences of dishonesty

<sup>23</sup> Transport arrangements for pupils

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

- (a) parents and guardians of the eligible school children who will use the service to be provided under the contract have established a local conveyance committee; and
- (b) the chief executive is satisfied that the committee is established, and is operating in accordance with, local conveyance committee guidelines approved by the chief executive.

(2) In awarding government funded service contracts for transporting eligible school children, the chief executive must ensure that the views of any relevant local conveyance committee are taken into account.

(3) Local conveyance committees will have an ongoing role in—

- (a) monitoring the performance of the holders of government funded service contracts; and
- (b) assisting the holders of government funded service contracts in the development of timetabling and route design; and
- (c) assisting school principals and the holders of government funded service contracts in maintaining discipline of school children.

### **Touting etc.**

**64.(1)** A person must not solicit or tout for passengers for a public passenger vehicle or for a hiring of a public passenger vehicle.

Maximum penalty—10 penalty units.

(2) Attempting to arrange a multiple hiring for a taxi at a taxi rank under section 30(1)<sup>24</sup> is not soliciting or touting for passengers or a hiring.

### **Records to be maintained**

**65.** If a standard requires a person to maintain records, the person must—

- (a) maintain the records for at least 5 years; and
- (b) produce the records if asked by the chief executive or an

---

<sup>24</sup> Multiple hiring

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

authorised person.

Maximum penalty—10 penalty units.

### **Change of name and address**

**66.(1)** This section applies to the holder of operator accreditation, driver authorisation, a service contract, a taxi service licence or a limousine service licence.

**(2)** If the holder's name or address changes, the holder must notify the chief executive in writing of the new name or address within 10 business days after the change.

Maximum penalty—2 penalty units.

### **Fees and charges**

**67.(1)** The fees specified in schedule 8 are payable for the issue or renewal of authorities mentioned in the schedule for each year for which the authority is in force.

**(2)** The fees may be paid—

- (a) in a lump sum before the authorities are issued or renewed; or
- (b) by arrangement with the chief executive—yearly or in some other way approved by the chief executive.

**(3)** The chief executive may waive the payment of a fee for any person.

### **Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles**

**68.(1)** Subsection (2) applies to a vehicle if—

- (a) on 6 November 1994, the vehicle's registered owner held, or leased, a licence to hire-private hire car, specifying the vehicle for the licence; and
- (b) the vehicle is of any type, other than a type mentioned in schedule 3, group A, B or D; and

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

(c) the date of the vehicle's manufacture is after 7 November 1987.

(2) The vehicle is a luxury motor vehicle until 7 years after the date of the vehicle's manufacture.

(3) Subsection (4) applies to a vehicle if—

(a) on 6 November 1994, the vehicle's registered owner held or leased a licence to hire-private hire car specifying the vehicle for the licence; and

(b) the date of the vehicle's manufacture is after 7 November 1954 but before 7 November 1964.

(4) The vehicle is a luxury motor vehicle until 40 years after the date of the vehicle's manufacture.

(5) Subsections (2) and (4) cease to apply—

(a) if the vehicle's registered owner held the licence to hire on 6 November 1994—if the licence to hire, or a corresponding limousine service licence, specifying the vehicle for the licence, is transferred; or

(b) if the vehicle's registered owner was the lessee of the licence to hire on 6 November 1994—if the lessee ceases (other than on expiry of a licence) to be the lessee of the licence to hire, or a corresponding limousine service licence, specifying the vehicle for the licence.

**Transitional—maximum age limits extended for certain vehicles specified for a licence to hire**

**68A.(1)** Subsection (2) applies to a vehicle if—

(a) on 6 November 1994, the vehicle's registered owner held, or leased, a licence to hire-taximeter cab specifying the vehicle for the licence; and

(b) the vehicle is of a type not mentioned in schedule 3, group C; and

(c) the licence does not require a wheelchair accessible vehicle.

(2) The vehicle's maximum age limit is extended to the end of the first month in which, after 6 years from the vehicle's date of manufacture, the

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

licence to hire expires or there falls an anniversary of the expiry of the licence to hire.

**(3)** Subsection (4) applies to a vehicle if—

- (a) on 6 November 1994, the vehicle's registered owner held, or leased, a licence to hire-taximeter cab specifying the vehicle for the licence; and
- (b) the vehicle's type is mentioned in schedule 3, group C or the licence requires a wheelchair accessible vehicle.

**(4)** The vehicle's maximum age limit is extended to the end of the first month in which, after 8 years from the vehicle's date of manufacture, the licence to hire expires or there falls an anniversary of the expiry of the licence to hire.

**(5)** Subsections (2) and (4) cease to apply—

- (a) if the vehicle's registered owner held the licence to hire on 6 November 1994—if the licence to hire, or a corresponding taxi service licence, specifying the vehicle for the licence, is transferred; or
- (b) if the vehicle's registered owner was the lessee of the licence to hire on 6 November 1994—the lessee ceases (other than on expiry of a licence) to be the lessee of the licence to hire, or a corresponding taxi service licence, specifying the vehicle for the licence.

## SCHEDULE 1

### MARKET ENTRY RESTRICTIONS

section 17

<b>Column 1</b>	<b>Column 2</b>
<b>Public passenger service</b>	<b>Area or route</b>
1. Urban commercial scheduled bus services	Cities and towns having a population more than 7 500.
2. Non-urban commercial scheduled bus services	1. Routes for distances not more than 40 km between towns each having a population more than 7 500.  2. Routes for distances not more than 40 km between a village and a town if the village has a population more than 500 and the town has a population more than 7 500.
3. School services	Routes serving schools.
4. Taxi services	Each area that is a taxi service area under section 153 of the Act (Licensed areas for taxi and limousine services).



## SCHEDULE 2

### MAXIMUM FARES FOR TAXIS

section 27(1)

	\$
<b>1. Taxis operating south of the Tropic of Capricorn—</b>	
(a) at flag fall, including fare for first 122.3 m or part . . .	1.80
(b) for each additional 122.3 m or part . . . . .	0.10
(c) for each 16 seconds of metered time a taxi is stationary (whether during a journey or when held for a hirer) . . . . .	0.10
(d) additional amount for a hiring either—	
(i) on a public holiday; or	
(ii) between 8 p.m. on a weekday and 6 a.m. the next day or between 1 p.m. on Saturday and 6 a.m. the next Monday . . . . .	1.10
<b>2. Taxis operating north of the Tropic of Capricorn—</b>	
(a) at flag fall, including fare for first 110.7 m or part . . .	1.80
(b) for each additional 110.7 m or part . . . . .	0.10
(c) for each 16 seconds of metered time a taxi is stationary (whether during a journey or when held for a hirer) . . . . .	0.10
(d) additional amount for a hiring either—	
(i) on a public holiday; or	
(ii) between 8 p.m. on a weekday and 6 a.m. the next day or between 1 p.m. on Saturday and 6 a.m. the next Monday . . . . .	1.10
<b>3. Exempted taxis—</b>	
(a) for each passenger, for the first kilometre or part—	
(i) while operating between 7 a.m. and 7 p.m. . . . .	1.70
(ii) while operating between 7 p.m. and 7 a.m. . . . .	1.80
(b) for each additional kilometre or part (regardless of the number of passengers) . . . . .	0.99

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

SCHEDULE 2 (continued)

	(c) for each minute a taxi is held for a hirer . . . . .	0.33
<b>4.</b>	Additional amount payable by a hirer—	
	(a) if a taxi is booked for the hirer . . . . .	0.60
	(b) if a hiring (other than of an exempted taxi) ends outside the taxi's service area, for each kilometre or part of a kilometre from where the hiring ends to the boundary of the taxi's service area by the shortest practicable way . . . . .	0.60
	(c) if a hiring of an exempted taxi ends more than 1 km from its start, for each kilometre or part of a kilometre between where the hiring starts and ends by the shortest practicable way . . . . .	0.60
	(d) if a taxi is licensed to carry more than 5 passengers, for each kilometre or part of a kilometre the taxi carries more than 5 passengers . . . . .	0.03
	(e) a toll or ferry charge incurred during a hiring . . . . .	the amount of the toll or charge

## **SCHEDULE 3**

### **LUXURY MOTOR VEHICLES AND TAXIS**

sections 27(2), 34 and 68

<b>Make of vehicle</b>	<b>Maximum age limit for luxury motor vehicles</b>
<b>Group A</b>	
<ul style="list-style-type: none"><li>• Bentley</li><li>• Rolls Royce</li><li>• Other vehicles approved by the chief executive</li></ul>	25 years
<b>Group B</b>	
<ul style="list-style-type: none"><li>• BMW 7 Series</li><li>• Cadillac</li><li>• Daimler</li><li>• Jaguar</li><li>• Mercedes Benz</li><li>• Toyota Lexus LS 400</li><li>• Other vehicles approved by the chief executive</li></ul>	15 years
<b>Group C</b>	
<ul style="list-style-type: none"><li>• Ford Fairlane/LTD</li><li>• Holden Statesman/Caprice</li><li>• Volvo 960</li><li>• Other vehicles approved by the chief executive</li></ul>	6 years

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

SCHEDULE 3 (continued)

**Group D**

A stretched version of any of the sedans in this schedule      3 years more than would otherwise apply (if approved by the chief executive)

## **SCHEDULE 4**

### **AGE LIMITS FOR TAXIS**

section 31

<b>Type of licence</b>	<b>Maximum age limit</b>
Taxi service licence (other than for an exempted taxi)	6 years from the date of manufacture
Taxi service licence (for a type of vehicle mentioned in schedule 3)	6 years from the date of manufacture
Taxi service licence (Wheelchair accessible)	8 years from the date of manufacture
Taxi service licence for an exempted taxi	age limit stated in the licence

## **SCHEDULE 5**

### **EQUIPMENT FOR VEHICLES**

section 37

#### **Off-road passenger vehicles**

**1.(1)** Off-road passenger vehicles operating tourist services must be fitted with—

- (a) an approved fire extinguisher; and
- (b) a device to prevent a damaged tailshaft from striking the ground.

**(2)** If a tourist service is of more than 1 days duration, the following equipment must also be fitted to the vehicle and in working order—

- winch
- first aid kit
- Royal Flying Doctor radio.

#### **Taxis**

**2.(1)** Taxis must—

- (a) be constructed, or have a safety partition or some other equipment fitted, to prevent luggage or other goods being carried in the luggage compartment of the vehicle from entering the passenger compartment; or
- (b) if luggage is carried in the passenger compartment—be constructed or have equipment fitted to secure the luggage.

**(2)** Taxis must also be constructed so that the passengers have control over the opening and shutting of the doors of the vehicle independently of the driver.

**(3)** Taxis (other than exempted taxis or taxis operating as taxis mentioned in section 27(2)) must be fitted with—

SCHEDULE 5 (continued)

- a green distress light
- a hail light
- a child restraint anchorage bolt.

## SCHEDULE 6

### APPEALS AGAINST DECISIONS

section 55

<b>Section</b>	<b>Description of decision</b>	<b>Court</b>
33(2)	Exclusion from taxi subsidy scheme	Magistrates
36(1)	Refusal to approve a place where a limousine may ply or stand for hire	Magistrates
36(3)(a)	Refusal to approve a notice about the hiring of a limousine	Magistrates
62	Exclusion from free travel	Magistrates
schedule 3	Refusal to approve a vehicle as a luxury motor vehicle or a luxury taxi	Magistrates
	Refusal to approve an age extension for a stretched version of a sedan	Magistrates
schedule 4	Maximum age limit stated in taxi service licence for an exempted taxi	Magistrates



## SCHEDULE 7

### VEHICLE TYPES

section 57

<b>Column 1</b>	<b>Column 2</b>
<b>Service category</b>	<b>Vehicle type</b>
Scheduled passenger service	forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus  passenger car for which a taxi service licence or limousine service licence is in force
Long distance scheduled passenger service	forward-control passenger vehicle, off-road passenger vehicle, light bus or a heavy bus
Charter bus service	light bus or heavy bus
Community transport service	motor vehicle
Courtesy transport service	motor vehicle
Taxi service	passenger car, forward-control passenger vehicle or an off-road passenger vehicle  light bus having up to 12 seating positions, including the driver's position
Tourist service	off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and side-car, motor tricycle or forward-control passenger vehicle

SCHEDULE 7 (continued)

	passenger car or forward-control passenger vehicle for which a taxi service licence or luxury limousine service licence is in force
Limousine service	passenger car

**Vehicle type definitions**

In this schedule—

**“forward-control passenger vehicle”** means a passenger vehicle, other than an off-road passenger vehicle, having up to 9 seating positions, including the driver’s position, and in which the centre of the steering wheel is in the forward quarter of the vehicle’s total length.

**“heavy bus”** means a bus with a gross vehicle mass of more than 5 t.

**“light bus”** means a bus with a gross vehicle mass of not more than 5 t.

**“motor cycle”** means a 2 wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50 ml; or
- (b) a maximum speed of more than 50 km/h.

**“motor cycle and side-car”** means a motor vehicle with 3 wheels asymmetrically in relation to the longitudinal median axis and with either—

- (a) an engine cylinder capacity of more than 50 ml; or
- (b) a maximum speed of more than 50 km/h.

**“motor tricycle”** means a motor vehicle with 3 wheels symmetrically arranged in relation to the longitudinal median axis with—

- (a) a gross vehicle mass of not more than 1 t; and
- (b) either—
  - (i) an engine cylinder capacity of more than 50 ml; or
  - (ii) a maximum speed of more than 50 km/h.

## SCHEDULE 7 (continued)

**“motor vehicle”** has the meaning given by section 9 of the *Traffic Act 1949*.

**“off-road passenger vehicle”** means a passenger vehicle that has up to 9 seating positions, including the driver’s position, designed with special features for off-road operation as defined by the Australian Design Rules.

**“passenger car”** means a passenger vehicle, other than an off-road passenger vehicle or a forward-control passenger vehicle, having up to 9 seating positions, including the driver’s position.

**“passenger vehicle”** means a motor vehicle constructed primarily for the carriage of persons and having at least 4 wheels.

## SCHEDULE 8

### FEES

section 67

	<b>Annual fee</b> \$
<b>Service Contracts</b>	
Commercial—scheduled bus	
• 1–10 buses .....	100
• 11–20 buses .....	250
• 21–50 buses .....	500
• 50+ buses .....	1 000
Taxi companies	
• 1–50 vehicles	100
• 51–100 vehicles .....	250
• 101–200 vehicles .....	500
• 200+ vehicles .....	1 000
<b>Service Licences</b>	
Taxi .....	100
Exempted taxi .....	50
Limousines .....	100
<b>Operator Accreditation</b>	
Commercial service contract .....	100
Government-funded service contract .....	100
Long distance	
• 1–10 buses .....	200
• 11+ buses .....	1 000
Tourist	
• 1–10 buses .....	200
• 11+ buses .....	1 000

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

SCHEDULE 8 (continued)

Charter	
• 1–10 buses .....	200
• 11+ buses .....	1 000
Community .....	100
Courtesy .....	100
Taxi .....	100
Exempted taxi .....	50
Limousines .....	100
 <b>Driver Authorisation</b>	
Taxi .....	42
Limousines .....	42

## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	52
3	Key . . . . .	53
4	Table of earlier reprints . . . . .	53
5	Tables in earlier reprints . . . . .	53
6	List of legislation . . . . .	53
7	List of annotations . . . . .	54

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 June 1995. Future amendments of the Transport Operations (Passenger Transport) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

### 3 Key

**Key to abbreviations in list of legislation and annotations**

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R	=	Reprint No.
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Reprint date
1	none	18 November 1994

### 5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of Table	Reprint No.
Corrected minor errors	1

### 6 List of legislation

**Transport Operations (Passenger Transport) Regulation 1994 SL No. 379**

notfd gaz 28 October 1994 pp 813–5

ss 1–2 commenced on date of notification

remaining provisions commenced 7 November 1994 (see s 2, 1994 SL No. 378)

*Transport Operations (Passenger Transport)  
Regulation 1994*

---

as amended by—

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1)  
1995 SL No. 134**

notfd gaz 19 May 1995 pp 809–11

ss 1–2 commenced on date of notification

s 8 commenced 7 November 1994 (see s 2)

remaining provisions commenced 21 May 1995 (see s 2)

## **7 List of annotations**

### **Age of taxis**

**s 31** sub 1995 No. 134 s 4

### **Luxury motor vehicles—Act, sch 5, def “luxury motor vehicle”**

**s 34** sub 1995 No. 134 s 5

### **Identification of drivers**

**s 47** (2)–(3) exp 7 November 1996 (see s 47(3))

### **Drivers of motorcycles**

**s 50** sub 1995 No. 134 s 6

### **Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles**

**s 68** sub 1995 No. 134 s 7

### **Transitional—maximum age limits extended for certain vehicles specified for a licence to hire**

**s 68A** ins 1995 No. 134 s 8

### **Amendment of State Transport Regulation 1987**

**s 69** om R1 (see RA s 40)

### **Amendment of Transport Infrastructure (Roads) Regulation 1991**

**s 70** om R1 (see RA s 40)

### **SCHEDULE 2—MAXIMUM FARES FOR TAXIS**

sub 1995 No. 134 s 9

### **SCHEDULE 9—AMENDMENT OF STATE TRANSPORT REGULATION 1987**

om R1 (see RA s 40)

### **SCHEDULE 10—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991**

om R1 (see RA s 40)