



Queensland

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Passenger Transport) Regulation 1994

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

Also see endnotes for information about—

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

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

Transport Operations (Passenger Transport) Regulation 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	7
3	Definitions	7
3A	Notes	9
Part 2	Approach	
4	Approach	9
Part 3	Operator accreditation and driver authorisation	
5	Definition	9
6	Grant or renewal of operator accreditation or driver authorisation—Act, ss 17 and 29	10
7	Term of operator accreditation or driver authorisation—Act, ss 17, 29 and 29A	10
7B	Requirement to prove fitness	11
7C	Restricted driver authorisation—Act, s 29A	11
8	Provisional operator accreditation or driver authorisation—Act, ss 18 and 30	12
9	Refusal of operator accreditation—Act, s 17	13
10	Refusal of driver authorisation—Act, s 29	14
11	Amendment, suspension and cancellation of operator accreditation—Act, s 20	15
11AA	Immediate amendment and suspension of driver authorisation—Act, s 32	16
11AB	Amendment, suspension and cancellation of driver authorisation—Act, s 32	17
11A	Suspension or cancellation of driver licence	18
12	Notifying disqualifying offences or driver disqualifying offences	19
13	Notifying suspension or cancellation	19

*Transport Operations (Passenger Transport)
Regulation 1994*

14	Return of evidence of operator accreditation if cancelled or suspended	19
14A	Return of evidence of driver authorisation if cancelled, suspended or amended	20
15	Public passenger services to which the Act, s 12 does not apply	20
15B	Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply.	21
16	Delegation of powers relating to operator accreditation and driver authorisation.	22
Part 4	Market entry restrictions	
17	Market entry restrictions—Act, s 36	23
Part 5	Service contracts	
18	Matters to be considered—Act, s 59(2)(e)	23
18A	Matters to be considered in deciding amount of compensation—Act, ss 61(4), 62AAH(4) and 161(3)	24
18B	Matters to be considered—Act, s 62AAE(2)(d)	26
19	Service contracts required for administration of taxi services—Act, s 66.	26
19A	Additional service contract areas or routes in Translink area.	26
Part 6	Taxi services and limousine services	
Division 1	General	
20	Passenger safety and comfort	27
21	Amendment of service licence conditions—Act, ss 75(1) and 88(1)	27
22	Transfer, lease or surrender of taxi or limousine service licences—Act, ss 76 and 89.	27
23	Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 79 and 91	28
24	Limitation on number of taxi service licences—Act, s 78	29
25	Associates—Act, s 78	29
25A	Advertising taxi or limousine service	30
Division 2	Taxis	
26	Operations of taxis	30
27	Fares and charges for taxis	30
28	Requirements for taximeters	31
29	Operation of taximeter by taxi driver.	31
30	Multiple hiring.	32
31	Age of taxis.	33

*Transport Operations (Passenger Transport)
Regulation 1994*

32	Appearance of licensed taxi	33
33	Taxi subsidy scheme—Act, s 80.	33
Division 3	Limousines	
34	Luxury motor vehicles—Act, sch 3, def luxury motor vehicle.	34
35	Issue of limousine service licences	35
36	Limousine hiring	35
Part 7	Obligations of operators	
37	Equipment for vehicles	37
38	Advertisements etc.	37
39	Display of evidence of operator accreditation etc.	37
40	Presenting vehicles for inspection	37
40A	Providing safe vehicles.	38
41	Requirement for authority to enter	38
41B	Record to be kept of each use of vehicle to provide service	38
41C	Records prescribed operators must keep about drivers.	39
41D	Prescribed operator who grants restricted driver authorisation to notify chief executive	39
Part 8	Rights and obligations of passengers and drivers	
42	Smoking	40
43	Consumption of food and beverages on public passenger vehicles	40
44	Carrying animals	40
47	Identification of drivers	40
48	Dress of drivers	41
49	Help to passengers	41
50	Drivers of motorcycles	41
Part 8A	Procedures to be followed	
Division 1	Operator accreditation	
51	Refusal to grant or renew operator accreditation	41
51A	Immediate suspension	42
51B	Further action after immediate suspension	42
51C	Amending, suspending or cancelling operator accreditation	43
51D	Other amendments of operator accreditation.	44
Division 2	Driver authorisation	
52	Refusal to grant or renew driver authorisation	45
52A	Category B driver disqualifying offences—exclusion action.	45
52B	Category B driver disqualifying offences—exceptional case	46

*Transport Operations (Passenger Transport)
Regulation 1994*

52C	Immediate amendment or suspension	46
52D	Further action after immediate amendment or suspension	48
52E	Amending, suspending or cancelling driver authorisation	48
52F	Other amendments of driver authorisation	50
52G	Notifying operator of amendment, suspension or cancellation of driver authorisation	50
Division 3	Taxi service licences and limousine service licences	
53	Immediate suspension	51
53A	Further action after immediate suspension	51
53B	Amending, suspending or cancelling taxi service licences and limousine service licences	52
53C	Other amendments of taxi service licences and limousine service licences	53
Part 9	Review of decisions	
55	Review of decisions	54
Part 10	General	
56	Services excluded from passenger services—Act, sch 3, def public passenger service	54
57	Public passenger vehicles—Act, sch 3, def public passenger vehicle	55
61	Disqualifying offences—Act, sch 3, def disqualifying offence, para (d)	55
62	Transport arrangements for pupils	55
62A	Code of conduct for school children	56
62B	Chief executive may issue guidelines	56
63	Local conveyance committees	57
64	Touting etc.	57
65	Records to be maintained	58
66	Change of name and address	58
66A	Operation of Brisbane Airport Rail Link	58
67	Fees and charges	59
Part 11	Transitional provisions	
68	Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles	60
68A	Transitional—maximum age limits extended for certain vehicles specified for a licence to hire	61
69	Transitional—Mercedes Benz C class	62
70	Transitional—notice refusing to grant or renew, or to suspend or cancel, driver authorisation because of disqualifying offence	62

*Transport Operations (Passenger Transport)
Regulation 1994*

Schedule 1	Market entry restrictions	64
Schedule 2	Additional service contract areas or routes in Translink area	67
Schedule 3	Luxury motor vehicles and taxis	68
Schedule 4	Age limits for taxis	69
Schedule 5	Equipment for vehicles	70
1	Off-road passenger vehicles.	70
2	Taxis.	70
Schedule 6	Appeals against decisions	72
Schedule 7	Vehicle types	73
Schedule 8	Annual fees	77
 Endnotes		
1	Index to endnotes.	79
2	Date to which amendments incorporated.	79
3	Key	80
4	Table of reprints	80
5	Tables in earlier reprints.	80
6	List of legislation.	80
7	List of annotations	85

Transport Operations (Passenger Transport) Regulation 1994

[as amended by all amendments that commenced on or before 17 December 2004]

Part 1 Preliminary

1 Short title

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

3 Definitions

In this regulation—

code of conduct means the code of conduct applying in relation to school children travelling on public passenger vehicles approved by the chief executive under section 62A.

commercial scheduled service, for schedule 1, means a public passenger service (other than a community transport service, a courtesy transport service, a school service and a tourist service) conducted on an established route on a road in accordance with a regular timetable for which the operator is remunerated—

- (a) from revenue generated by passengers' fares; or
- (b) by payments from anyone else for, or to provide, the service.

excluded route means any of the following routes—

- (a) Brisbane direct to, or from, Cloncurry;
- (b) Brisbane direct to, or from, Mt Isa;
- (c) Brisbane direct to, or from, Toowoomba;

*Transport Operations (Passenger Transport)
Regulation 1994*

- (d) Cairns direct to, or from, Mt Isa;
- (e) Townsville direct to, or from, Mt Isa.

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.

other public passenger service means a road based public passenger service other than the following services—

- (a) an accommodation transfer service;
- (b) a charter bus service;
- (c) a community transport service;
- (d) a courtesy transport service;
- (e) a limousine service;
- (f) a long distance scheduled passenger service;
- (g) a scheduled passenger service;
- (h) a taxi service;
- (i) a tourist service;
- (j) a tourist transfer service;
- (k) an unscheduled long distance passenger service.

prescribed operator means an operator who holds operator accreditation to operate a community transport service or courtesy transport service.

school children means individuals under 18 years attending—

- (a) a State school within the meaning of the *Education (General Provisions) Act 1989*, section 2(1); or
- (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.

*Transport Operations (Passenger Transport)
Regulation 1994*

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.

3A Notes

A note in the text of this regulation is part of the regulation.

Part 2 Approach

4 Approach

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

5 Definition

In this part—

*Transport Operations (Passenger Transport)
Regulation 1994*

authority means operator accreditation or driver authorisation.

6 Grant or renewal of operator accreditation or driver authorisation—Act, ss 17 and 29

- (1) The chief executive may grant operator accreditation or driver authorisation or renew operator accreditation or driver authorisation, other than restricted driver authorisation, if the applicant for the grant or renewal complies with the requirements under the Act, this regulation and any standard about granting or renewing the accreditation or authorisation.

Note—

Under section 28A of the Act, a person convicted of a category A driver disqualifying offence is ineligible to apply for or hold driver authorisation.

- (2) When granting or renewing driver authorisation, the chief executive may impose a condition on the authorisation that the chief executive considers necessary.
- (3) If the chief executive imposes a condition on a person's driver authorisation, the chief executive must give the person written notice of the chief executive's decision.
- (4) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.
- (5) Subsection (2) is in addition to, and does not limit, another provision of this regulation under which the chief executive may impose a condition on a person's driver authorisation.

7 Term of operator accreditation or driver authorisation—Act, ss 17, 29 and 29A

- (1) An authority is for a term, stated in the authority, of not longer than 5 years.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (2) However, an authority may be renewed for successive terms of not longer than 5 years.
- (3) Despite subsection (1), restricted driver authorisation is for the term in the authorisation, of not longer than 1 year.
- (4) Despite subsection (2), restricted driver authorisation is not renewable.¹

7B Requirement to prove fitness

- (1) This section applies if—
 - (a) a standard requires a person (when applying for, or renewing, a driver authorisation) to provide evidence of their medical fitness to operate a public passenger vehicle to an approved standard; and
 - (b) the chief executive reasonably considers the medical fitness of the holder of a driver authorisation no longer meets the approved standard.
- (2) The chief executive may, by written notice, require the holder to provide evidence of their medical fitness to operate a public passenger vehicle to the approved standard.

7C Restricted driver authorisation—Act, s 29A

- (1) A prescribed operator may, on behalf of the chief executive, grant a restricted driver authorisation to a person authorising the person to operate a public passenger vehicle while, and only while, it is being used by the operator to provide the service.
- (2) A restricted driver authorisation may only be granted on the prescribed operator's initiative, and must be in the approved form.
- (3) A prescribed operator must not grant a restricted driver authorisation to a person unless—

¹ A fresh restricted driver authorisation may be granted after the expiry of restricted driver authorisation.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (a) the operator is satisfied the person complies with the requirements of any standard applying to restricted driver authorisation; and
- (b) the person gives the operator the following information about the person, and the operator has no reason to suspect the information is false—
 - (i) the person has not been convicted of a driver disqualifying offence;²
 - (ii) there is no charge for a driver disqualifying offence against the person, that has not been finally disposed of;
 - (iii) no driver authorisation granted to the person has been cancelled or suspended.

Maximum penalty for subsection (3)—20 penalty units.

8 Provisional operator accreditation or driver authorisation—Act, ss 18 and 30

- (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.

² See the Act, schedule 3, definition *driver disqualifying offence*.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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.

9 Refusal of operator accreditation—Act, s 17

- (1) The chief executive may refuse to grant operator accreditation to a person, or to renew a person's operator accreditation, if—
 - (a) for an individual—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; 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 a person's operator accreditation, 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; or
 - (d) the chief executive otherwise considers it necessary in the public interest.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (3) Action under this section to refuse to grant or renew operator accreditation must be as required by section 51.³

10 Refusal of driver authorisation—Act, s 29

- (1) The chief executive may refuse to grant driver authorisation to a person, or to renew a person's driver authorisation, if the person—
- (a) has been convicted of a category C driver disqualifying offence; or
 - (b) has been charged with a driver disqualifying offence and the charge has not been finally disposed of.

Note—

See sections 28A and 28B of the Act for provisions relating to category A and category B driver disqualifying offences.

- (2) The chief executive may also refuse to grant driver authorisation to a person, or to renew a person's driver authorisation, if—
- (a) the person does not comply with a standard applying to the driver authorisation; or
 - (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; or
 - (e) the chief executive otherwise considers it necessary in the public interest.
- (3) Action under this section to refuse to grant or renew driver authorisation must be as required by section 52.⁴

3 Section 51 (Refusal to grant or renew operator accreditation)

4 Section 52 (Refusal to grant or renew driver authorisation)

*Transport Operations (Passenger Transport)
Regulation 1994*

11 Amendment, suspension and cancellation of operator accreditation—Act, s 20

- (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.
- (3) The chief executive may amend, suspend or cancel operator accreditation granted to a person if—
 - (a) for an individual—the person does not comply with a standard applying to the accreditation 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 accreditation 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 accreditation or the chief executive otherwise considers it necessary in the public interest.
- (4) The chief executive may immediately suspend operator accreditation 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

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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 immediately suspend operator accreditation must be as required by section 51A;⁵ or
 - (b) to amend, suspend or cancel operator accreditation must be as required by section 51C.⁶

11AA Immediate amendment and suspension of driver authorisation—Act, s 32

- (1) The chief executive may immediately amend a person’s driver authorisation by imposing a condition on the authorisation if—
 - (a) the person has been convicted of a category B or category C driver disqualifying offence; or
 - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
 - (c) a ground exists under section 11AB(2)(b), (c) or (d) to suspend or cancel the authorisation and the chief executive considers it necessary in the public interest; or
 - (d) the chief executive otherwise considers it necessary in the public interest.
- (2) The chief executive may immediately suspend a person’s driver authorisation if—
 - (a) the person has been convicted of a category B or category C driver disqualifying offence; or
 - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or

5 Section 51A (Immediate suspension)

6 Section 51C (Amending, suspending or cancelling operator accreditation)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (c) the person does not comply with a notice under section 7B;⁷ or
 - (d) a ground exists under section 11AB(2)(b), (c) or (d) to suspend or cancel the authorisation and the chief executive considers it necessary in the public interest; or
 - (e) the chief executive otherwise considers it necessary in the public interest.
- (3) Action under this section to immediately amend or immediately suspend driver authorisation must be as required by section 52C.⁸

11AB Amendment, suspension and cancellation of driver authorisation—Act, s 32

- (1) The chief executive may amend a person's driver authorisation, including by altering the term of the authorisation or by imposing a condition on the authorisation, if—
- (a) the person has been convicted of a category B or category C driver disqualifying offence; or
 - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
 - (c) the person does not comply with a standard applying to the 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; or
 - (e) the chief executive considers it necessary because of the person's driving history; or
 - (f) the chief executive otherwise considers it necessary in the public interest.

7 Section 7B (Requirement to prove fitness)

8 Section 52C (Immediate amendment or suspension)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (2) The chief executive may suspend or cancel a person's driver authorisation if—
 - (a) the person has been convicted of a category C driver disqualifying offence; or
 - (b) the person does not comply with a standard applying to the authorisation; 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; or
 - (d) the chief executive considers it necessary because of the person's driving history; or
 - (e) the chief executive otherwise considers it necessary in the public interest.
- (3) Action under this section—
 - (a) to amend driver authorisation if section 52B(1)⁹ applies must be as required by section 52B; or
 - (b) to otherwise amend, suspend or cancel driver authorisation must be as required by section 52E.¹⁰

11A Suspension or cancellation of driver licence

- (1) If the driver licence of a person who holds driver authorisation is suspended, the driver authorisation is suspended during the suspension.
- (2) If the driver licence of a person who holds driver authorisation is cancelled, the driver authorisation is cancelled.
- (3) If on cancellation of a driver licence a person is disqualified from holding or obtaining a driver licence for a period, the person is disqualified from holding or obtaining driver authorisation during the period.

⁹ Section 52B (Category B driver disqualifying offences—exceptional case)

¹⁰ Section 52E (Amending, suspending or cancelling driver authorisation)

12 Notifying disqualifying offences or driver disqualifying offences

- (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)—
- section 19(1) (Applicant to notify charge for disqualifying offence etc.)
 - section 21(1) (Accredited operator to notify charge for disqualifying offence etc.)
 - section 22(1) and (3) (Member of partnership must inform another partner of charge for disqualifying offence etc.)
 - section 31(1) (Applicant to notify charge for driver disqualifying offence etc.)
 - section 33(1) (Authorised driver must notify charge for driver disqualifying offence etc.).
- (2) A notification under section 19(2), 21(2), 22(2) or (4), 31(2) or 33(2) of the Act must be in writing.

13 Notifying suspension or cancellation

A notification under section 34 or 35¹¹ of the Act must be in writing.

14 Return of evidence of operator accreditation if cancelled or suspended

If a person's operator accreditation 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 to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

11 Section 34 (Authorised driver must notify suspension or cancellation of licence etc.) or 35 (Obligation to notify accredited operator of suspension or cancellation of licence etc.) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

14A Return of evidence of driver authorisation if cancelled, suspended or amended

- (1) If a person's driver authorisation is cancelled, suspended for longer than 3 months or immediately suspended for any period, the person must, as soon as practicable but within 14 days, return the document evidencing the driver authorisation to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) If a person's driver authorisation is amended, the chief executive may, by written notice, require the person to return the document evidencing the driver authorisation, in a stated way and within a stated time of at least 14 days, for amendment.
- (3) The person must comply with the notice, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (4) The amendment has effect from the date stated in the notice, even if the person does not return the document evidencing the driver authorisation for amendment.

15 Public passenger services to which the Act, s 12 does not apply

- (1) Section 12¹² of the Act does not apply to ferry services.
- (2) Section 12 of the Act does not apply to a community transport service or courtesy transport service if—
- (a) no more than 2 vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*; or
 - (b) the service is not available to the general community.

12 Section 12 (What is operator accreditation) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

Examples of services available to the general community—

- 1 Membership of a bowls club is open to the general community. The club provides a courtesy transport service but only to club members. The service is available to the general community.
- 2 A community transport service is available to all women living within 10 km of a refuge to take them there. The service is available to the general community.

15B Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply

- (1) Until the end of 31 May 2000, a public passenger service is a service to which section 24 of the Act does not apply if it is—
 - (a) a community transport service; or
 - (b) a courtesy transport service; or
 - (c) a ferry service.
- (2) After 31 May 2000, a public passenger service is a service to which section 24 of the Act does not apply if it is—
 - (a) a ferry service; or
 - (b) a community transport service or courtesy transport service, but only if—
 - (i) no more than 2 vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*; or
 - (ii) the service is not available to the general community.

*Transport Operations (Passenger Transport)
Regulation 1994*

16 Delegation of powers relating to operator accreditation and driver authorisation

- (1) Section 16(2)¹³ of the Act applies to the delegation of powers under the Act, sections 17 and 18¹⁴ 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 28(2)¹⁵ of the Act applies to the delegation of powers under sections 29 and 30¹⁶ 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, 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.

13 Section 16 (Responsibility for system of operator accreditation) of the Act

14 Sections 17 (Granting, renewing or refusing operator accreditation) and 18 (Provisional operator accreditation) of the Act

15 Section 28 (Responsibility for system of driver authorisation) of the Act

16 Sections 29 (Granting, renewing or refusing driver authorisation) and 30 (Provisional driver authorisation) of the Act

Part 4 Market entry restrictions

17 Market entry restrictions—Act, s 36

For chapter 5¹⁷ 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 the service in column 2 if the chief executive declares as required under section 42 or 71¹⁸ of the Act in relation to the service.

Part 5 Service contracts

18 Matters to be considered—Act, s 59(2)(e)

The following matters are prescribed for section 59(2)(e)¹⁹ of the Act—

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

17 Chapter 5 (Market entry restrictions) of the Act

18 Section 42 (Declaration that service contracts are required) or 71 (Taxi service areas) of the Act

19 Section 59 (Matters to be considered) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

18A Matters to be considered in deciding amount of compensation—Act, ss 61(4), 62AAH(4) and 161(3)

- (1) This section applies if an arbitrator is deciding an amount of compensation under section 61(3), 62AAH(3) or 161(2) of the Act.
- (2) The arbitrator must consider the following—
 - (a) for deciding compensation under section 61(3)—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new service contract that were previously provided by an existing operator or service contract holder who is a party to the arbitration;
 - (b) for deciding compensation under 62AAH(3)—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new Translink service contract that were previously provided by an affected operator who is a party to the arbitration;
 - (c) for deciding compensation under section 161(2)—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the invitation to offer for a Translink service contract that were previously provided by the service contract holder;
 - (d) the capitalisation of future maintainable profits or the discounting of future cash flows as the principal valuation methodology;
 - (e) the definition *future maintainable profits* in subsection (4) when selecting the appropriate capitalisation rate to apply to the future maintainable profits;
 - (f) the definition *future cash flows* in subsection (4) when selecting the appropriate discount rate to apply to the future cash flows;
 - (g) relevant risk factors including the life of the contract;
 - (h) the value of the services derived using implied revenue multiples or other customary industry benchmarks.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (3) The arbitrator must not consider the following—
- (a) capital gains tax;
 - (b) additional costs incurred by the existing or affected operator or service contract holder that are not related to the services acquired by the new operator or, for deciding compensation under section 161(2), additional costs incurred by the service contract holder in relation to the termination of the holder's service contract, including, for example, costs of or in relation to the following—
 - (i) advisers;
 - (ii) emotional distress;
 - (iii) loss of employment, lifestyle or public standing;
 - (iv) mortgage or loan foreclosures;
 - (v) relocation;
 - (c) income and expenses from activities, such as tourist and charter bus services, that are outside the scope of the new service contract, or the services provided for in the invitation to offer for a Translink service contract;
 - (d) economies of scale and operating efficiencies available to a new operator but not able to be achieved or accrued by the existing or affected operator or service contract holder.

- (4) In this section—

future cash flows means future maintainable profits adjusted for depreciation and capital expenditure.

future maintainable profits means earnings before financial leases, interest and tax determined on the basis of past profits adjusted for the following—

- (a) abnormal or exceptional revenue or expense items;
- (b) owner's remuneration;
- (c) variations in accounting standards application;

*Transport Operations (Passenger Transport)
Regulation 1994*

- (d) future changes to revenues and costs resulting from announced changes to government policy including, for example, changes in policy about—
 - (i) school payment rates; and
 - (ii) subsidy arrangements; and
 - (iii) average vehicle age.

18B Matters to be considered—Act, s 62AAE(2)(d)

The following matters are prescribed for section 62AAE(2)(d)²⁰ of the Act—

- (a) evidence that proposed minimum service levels will be achieved;
- (b) evidence of financial viability;
- (c) overall suitability of vehicles, having regard to vehicle age and accessibility.

19 Service contracts required for administration of taxi services—Act, s 66

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 must be performed under a service contract.

19A Additional service contract areas or routes in Translink area

Schedule 2 prescribes service contract areas or routes for the Act, schedule 3, definition *Translink area*, paragraph (b).

²⁰ Section 62AAE (Matters to be considered generally when considering offers for Translink service contracts) of the Act

Part 6 Taxi services and limousine services

Division 1 General

20 Passenger safety and comfort

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.

21 Amendment of service licence conditions—Act, ss 75(1) and 88(1)

- (1) 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.
- (2) Action under this section must be as required by section 53B.²¹

22 Transfer, lease or surrender of taxi or limousine service licences—Act, ss 76 and 89

- (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 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

²¹ Section 53B (Amending, suspending or cancelling taxi service licences and limousine service licences)

*Transport Operations (Passenger Transport)
Regulation 1994*

lease as soon as practicable (but within 14 days) after the transfer or lease takes effect.

Maximum penalty—20 penalty units.

- (2A) If a person has leased a licence to someone else, the person must give the chief executive written notice of the end of the lease as soon as practicable (but within 14 days) after the lease ends.

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.
- (5) In this section—
end of the lease includes the expiry of the lease.

23 Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 79 and 91

- (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—
- (a) to immediately suspend a taxi service licence or limousine service licence must be as required by section 53;²² or

²² Section 53 (Immediate suspension)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (b) to amend, suspend or cancel a taxi service licence or limousine service licence must be as required by section 53B.²³

24 Limitation on number of taxi service licences—Act, s 78

- (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.
- (4) In this section—
hold includes lease.

25 Associates—Act, s 78

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;

²³ Section 53B (Amending, suspending or cancelling taxi service licences and limousine service licences)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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.

25A Advertising tax or limousine service

A person must not advertise a taxi service or limousine service unless the service is operated by the operator of a taxi service licence or limousine service licence.

Maximum penalty—20 penalty units.

Division 2 Taxis

26 Operations of taxis

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.

27 Fares and charges for taxis

- (1) The driver of a taxi to which the maximum fares under section 74A²⁴ of the Act apply must not charge more than the maximum fare.

Maximum penalty—40 penalty units.

- (3) The driver of a taxi mentioned in a gazette notice under section 74A(2) of the Act must not demand more than the agreed amount.

Maximum penalty—10 penalty units.

²⁴ Section 74A (Maximum taxi fares) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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 person 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.

28 Requirements for taximeters

- (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 the taximeter records fares in a way that ensures the maximum fares specified in a gazette notice under section 74A(1) of the Act are not exceeded.

Maximum penalty—40 penalty units.

29 Operation of taximeter by taxi driver

- (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.

Maximum penalty—5 penalty units.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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.

Maximum penalty—5 penalty units.

- (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.

- (4) This section does not apply to a hiring of a taxi stated in a gazette notice under section 74A(2) of the Act unless the agreed fare for the hiring is to be worked out by referring to the appropriate metered fare for the journey that would otherwise be payable by the hirer for the journey had the taxi not been booked and the fare agreed.

Examples—

A taxi operator and a hirer agree that the fare for a hiring is to be—

- the metered fare plus \$10; or
- the metered fare plus 50% of the metered fare.

30 Multiple hiring

- (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
 - (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.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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.

31 Age of taxis

- (1) The operator of a taxi to which section 68A²⁵ 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.

32 Appearance of licensed taxi

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.

33 Taxi subsidy scheme—Act, s 80

- (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—
 - (i) the permanent use of large and complex walking aids; or

²⁵ 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*

- (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
 - (fa) has another disability of a type specified, for this section, by the Minister in a gazette notice; 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 149(3)²⁶ 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

34 Luxury motor vehicles—Act, sch 3, def *luxury motor vehicle*

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

²⁶ Section 149 (Offences of dishonesty) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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);²⁷ or
- (c) at least 40 years old that is registered and safe.

35 Issue of limousine service licences

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

36 Limousine hiring

- (1) A person must not ply or stand a limousine for hire at a place unless the place is—
 - (a) the limousine owner's premises; or
 - (b) a place approved in writing by the chief executive; or
 - (c) another place approved in writing by the chief executive as a place where the limousine may stand for hire to set destinations or areas for set fares (a *limousine rank*).

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 limousine rank.

Maximum penalty—10 penalty units.

- (3) The driver of a limousine who is at a limousine rank must not—
 - (a) provide, or offer to provide, a service to a destination or area unless the destination or area is displayed on a

²⁷ 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*

notice approved by the chief executive (the *approved notice*); or

- (b) charge a fare for a service to a destination or area displayed on the approved notice that is different to the fare for the destination or area displayed on the notice.

Maximum penalty—10 penalty units.

- (3A) If an approved notice is not displayed at a limousine rank, the driver of a limousine at the rank must—
 - (a) carry an approved notice; and
 - (b) show the approved notice to a prospective hirer on request; and
 - (c) ensure that—
 - (i) prospective hirers are informed that set fares apply; or
 - (ii) a sign stating that set fares apply is placed in a position where it is likely to be seen by prospective hirers.

Maximum penalty for subsection (3A)—10 penalty units.

- (3B) When a limousine is at a limousine rank, the driver—
 - (a) must be available for immediate hire; and
 - (b) must not refuse a hiring to a destination, or area, displayed on the approved 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.

- (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.

*Transport Operations (Passenger Transport)
Regulation 1994*

40A Providing safe vehicles

The operator of a public passenger vehicle must ensure it is in a safe condition when it is being used to provide a public passenger service.

Maximum penalty—20 penalty units.

41 Requirement for authority to enter

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.

41B Record to be kept of each use of vehicle to provide service

An operator of a public passenger service for which operator accreditation is required must keep a written record that states the following particulars for each use of a public passenger vehicle used to provide the service—

- (a) the vehicle used;
- (b) the registration number of the vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*;
- (c) the date and times during which the vehicle was used;
- (d) the name of each driver who used the vehicle;

*Transport Operations (Passenger Transport)
Regulation 1994*

- (e) the driver's driver authorisation number other than for a driver who has a restricted driver authorisation.

Maximum penalty—20 penalty units.

41C Records prescribed operators must keep about drivers

A prescribed operator who grants on behalf of the chief executive a restricted driver authorisation to a person must keep a written record of the following particulars—

- (a) the person's name;
- (b) the date the restricted driver authorisation was granted;
- (c) the date the restricted driver authorisation will expire;
- (d) the number of the driver licence the person must hold under the *Transport Operations (Passenger Transport) Standard 2000* to be granted the restricted driver authorisation;
- (e) the State or foreign country where the driver licence was issued.

Maximum penalty—20 penalty units.

41D Prescribed operator who grants restricted driver authorisation to notify chief executive

A prescribed operator who grants on behalf of the chief executive a restricted driver authorisation must, within 5 working days after granting the restricted driver authorisation, notify the chief executive in the approved form of the granting of the restricted driver authorisation.

Maximum penalty—10 penalty units.

Part 8 **Rights and obligations of passengers and drivers**

42 **Smoking**

A person must not smoke in a public passenger vehicle.

Maximum penalty—2 penalty units.

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

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.

44 **Carrying animals**

- (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.

47 **Identification of drivers**

- (1) A person must not drive a public passenger vehicle for which driver authorisation is required unless the person carries evidence of his or her driver authorisation.

Maximum penalty—5 penalty units.

- (2) If the chief executive has imposed a condition on the person's driver authorisation, the person must also carry evidence of the condition imposed.

Maximum penalty—5 penalty units.

*Transport Operations (Passenger Transport)
Regulation 1994*

48 Dress of drivers

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

Maximum penalty—2 penalty units.

49 Help to passengers

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.

Maximum penalty—5 penalty units.

50 Drivers of motorcycles

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 8A Procedures to be followed**Division 1 Operator accreditation****51 Refusal to grant or renew operator accreditation**

- (1) This section applies if the chief executive decides under section 9²⁸—
- (a) to refuse to grant operator accreditation to a person; or
 - (b) to refuse to renew a person's operator accreditation.

28 Section 9 (Refusal of operator accreditation—Act, s 17)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (2) The chief executive must give the person written notice of the chief executive's decision.
- (3) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

51A Immediate suspension

- (1) This section applies if the chief executive considers a ground exists under section 11(4)²⁹ to immediately suspend a person's operator accreditation.
- (2) Despite section 51C, the chief executive may, by written notice given to the person, immediately suspend the person's accreditation until the earlier of the following—
 - (a) the chief executive informs the person of the chief executive's decision under section 51C(4);
 - (b) the end of 56 days after the notice is given to the person.
- (3) The notice of immediate suspension must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision to immediately suspend the accreditation; and
 - (c) how the person may apply for review of the decision; and
 - (d) that the person may apply for a stay of the decision if the person applies for a review.

51B Further action after immediate suspension

- (1) This section applies if—

²⁹ Section 11 (Amendment, suspension and cancellation of operator accreditation—Act, s 20)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (a) under section 51A, the chief executive immediately suspends a person's operator accreditation; and
 - (b) the chief executive also proposes to take proposed action under section 51C.
- (2) The notice under section 51A must also state the information mentioned in section 51C(2) in relation to the proposed action.
- (3) Section 51C(3) to (5) applies to the proposed action as if the notice had been given under section 51C(2).

51C Amending, suspending or cancelling operator accreditation

- (1) This section applies if the chief executive considers a ground exists under section 11(1) or (3)—
- (a) to amend a person's operator accreditation; or
 - (b) to suspend a person's operator accreditation; or
 - (c) to cancel a person's operator accreditation.
- (2) Before taking the action mentioned in subsection (1)(a), (b) or (c) (the ***proposed action***), the chief executive must give the person 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 accreditation—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the accreditation—stating the proposed suspension period; and
 - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (3) If, after considering all written representations made within the stated time, the chief executive still considers a ground exists to take the proposed action, the chief executive may—
 - (a) if the proposed action was to amend the accreditation—
 - (i) amend the accreditation in the way stated in the notice; or
 - (ii) amend the accreditation in another way having regard to the representations; or
 - (b) if the proposed action was to suspend the accreditation—suspend the accreditation for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the accreditation—
 - (i) cancel the accreditation; or
 - (ii) suspend the accreditation for a period.
- (4) The chief executive must inform the person of the decision by written notice.
- (5) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

51D Other amendments of operator accreditation

- (1) This section applies only if the chief executive proposes to amend a person's operator accreditation—
 - (a) for a formal or clerical reason; or
 - (b) in another way that does not adversely affect the person's interests; or
 - (c) if the person asks.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

Division 2 Driver authorisation

52 Refusal to grant or renew driver authorisation

- (1) This section applies if the chief executive decides under section 10³⁰—
 - (a) to refuse to grant driver authorisation to a person; or
 - (b) to refuse to renew a person's driver authorisation.
- (2) The chief executive must give the person written notice of the chief executive's decision.
- (3) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

52A Category B driver disqualifying offences—exclusion action

- (1) This section applies if the chief executive takes exclusion action under section 28B³¹ of the Act in relation to a person who has been convicted of a category B driver disqualifying offence.
- (2) The chief executive must inform the person of the chief executive's decision taken in relation to the exclusion action by written notice given to the person.
- (3) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

30 Section 10 (Refusal of driver authorisation—Act, s 29)

31 Section 28B (Driver authorisation—category B driver disqualifying offences) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

52B Category B driver disqualifying offences—exceptional case

- (1) This section applies if the chief executive—
 - (a) decides not to take exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence because the chief executive is satisfied that an exceptional case exists; but
 - (b) decides that it is necessary in the particular case to impose a condition on the person's driver authorisation.
- (2) The chief executive may—
 - (a) for an applicant for driver authorisation—impose a condition when granting driver authorisation to the person; or
 - (b) for a person who holds driver authorisation—amend the person's driver authorisation by imposing a condition on the authorisation.
- (3) The chief executive must inform the person of the chief executive's decision under this section by written notice.
- (4) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

52C Immediate amendment or suspension

- (1) This section applies if the chief executive considers—
 - (a) a ground exists under section 11AA(1)³² to immediately amend a person's driver authorisation by imposing a condition on the authorisation; or

³² Section 11AA (Immediate amendment and suspension of driver authorisation—Act, s 32)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (b) a ground exists under section 11AA(2) to immediately suspend a person's driver authorisation.
- (2) This section applies even if the chief executive takes exclusion action under section 28B of the Act in relation to the person.
- (3) Despite section 52E, the chief executive may, by written notice given to the person—
 - (a) immediately amend the person's driver authorisation by imposing a condition on the authorisation; or
 - (b) immediately suspend the person's driver authorisation.
- (4) The amendment or suspension has effect until—
 - (a) if the ground is that the person has been convicted of a category B driver disqualifying offence, the earlier of the following—
 - (i) the chief executive informs the person of the chief executive's decision under section 52A(2) or 52B(3);
 - (ii) the end of 56 days after the notice is given to the person; or
 - (b) if the ground is that the person has been charged with a driver disqualifying offence, the earlier of the following—
 - (i) the charge is finally disposed of;
 - (ii) the person's driver authorisation sooner expires without being renewed; or
 - (c) in any other case, the earlier of the following—
 - (i) the chief executive informs the person of the chief executive's decision under section 52E(5);
 - (ii) the end of 56 days after the notice is given to the person.
- (5) The notice of immediate amendment or immediate suspension must state—
 - (a) the reasons for the decision; and

*Transport Operations (Passenger Transport)
Regulation 1994*

- (b) that the person may apply within 28 days for review of the decision to immediately suspend or immediately amend the authorisation; and
- (c) how the person may apply for review of the decision; and
- (d) that the person may apply for a stay of the decision if the person applies for a review.

52D Further action after immediate amendment or suspension

- (1) This section applies if—
 - (a) under section 52C, the chief executive immediately amends or immediately suspends a person's driver authorisation; and
 - (b) the chief executive also proposes to take proposed action under section 52E.
- (2) The notice under section 52C must also state the information mentioned in section 52E(3) in relation to the proposed action.
- (3) Section 52E(4) to (6) applies to the proposed action as if the notice had been given under section 52E(3).

52E Amending, suspending or cancelling driver authorisation

- (1) This section applies if the chief executive considers—
 - (a) a ground exists under section 11AB(1)³³ to amend a person's driver authorisation; or
 - (b) a ground exists under section 11AB(2) to suspend a person's driver authorisation; or
 - (c) a ground exists under section 11AB(2) to cancel a person's driver authorisation.

³³ Section 11AB (Amendment, suspension and cancellation of driver authorisation—Act, s 32)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (2) However, this section does not apply if section 52A or 52B applies.
- (3) Before taking the action mentioned in subsection (1)(a), (b) or (c) (the **proposed action**), the chief executive must give the person 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 authorisation—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the authorisation—stating the proposed suspension period; and
 - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (4) If, after considering all written representations made within the stated time, the chief executive still considers a ground exists to take the proposed action, the chief executive may—
 - (a) if the proposed action was to amend the authorisation—
 - (i) amend the authorisation in the way stated in the notice; or
 - (ii) amend the authorisation in another way, having regard to the representations; or
 - (b) if the proposed action was to suspend the authorisation—
 - (i) suspend the authorisation for no longer than the period stated in the notice; or
 - (ii) amend the authorisation; or
 - (c) if the proposed action was to cancel the authorisation—
 - (i) cancel the authorisation; or
 - (ii) suspend the authorisation for a period; or

*Transport Operations (Passenger Transport)
Regulation 1994*

- (iii) amend the authorisation.
- (5) The chief executive must inform the person of the decision by written notice.
- (6) The notice must state—
 - (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

52F Other amendments of driver authorisation

- (1) This section applies only if the chief executive proposes to amend a person's driver authorisation—
 - (a) for a formal or clerical reason; or
 - (b) in another way that does not adversely affect the person's interests; or
 - (c) if the person asks.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

52G Notifying operator of amendment, suspension or cancellation of driver authorisation

- (1) This section applies if—
 - (a) a person operates a vehicle for an accredited operator; and
 - (b) the chief executive amends, suspends or cancels the person's driver authorisation.
- (2) The chief executive may—
 - (a) advise the operator that the person's driver authorisation has been amended, suspended or cancelled; and
 - (b) if the chief executive has amended the person's authorisation by imposing a condition on the authorisation, advise the operator of the condition.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (3) Section 53B(3) to (5) applies to the proposed action as if the notice had been given under section 53B(2).

53B Amending, suspending or cancelling taxi service licences and limousine service licences

- (1) This section applies if the chief executive considers—
- (a) a ground exists under section 21³⁴ to amend the conditions of a person's taxi service licence or limousine service licence; or
 - (b) a ground exists under section 23³⁵ to suspend a person's taxi service licence or limousine service licence; or
 - (c) a ground exists under section 23 to cancel a person's taxi service licence or limousine service licence.
- (2) Before taking the action mentioned in subsection (1)(a), (b) or (c) (the *proposed action*), the chief executive must give the person 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 licence—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the licence—stating the proposed suspension period; and
 - (f) inviting the person 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 a ground exists to take the proposed action, the chief executive may—

34 Section 21 (Amendment of service licence conditions—Act, ss 75(1) and 88(1))

35 Section 23 (Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 79 and 91)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (a) if the proposed action was to amend the licence—
 - (i) amend the licence in the way stated in the notice; or
 - (ii) amend the licence in another way, having regard to the representations; or
 - (b) if the proposed action was to suspend the licence—suspend the licence for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the licence—
 - (i) cancel the licence; or
 - (ii) suspend the licence for a period.
- (4) The chief executive must inform the person of the decision by written notice.
- (5) The notice must state—
- (a) the reasons for the decision; and
 - (b) that the person may apply within 28 days for review of the decision; and
 - (c) how the person may apply for review of the decision.

53C Other amendments of taxi service licences and limousine service licences

- (1) This section applies only if the chief executive proposes to amend a person's taxi service licence or limousine service licence—
- (a) for a formal or clerical reason; or
 - (b) in another way that does not adversely affect the person's interests; or
 - (c) if the person asks.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

Part 9 Review of decisions

55 Review of decisions

- (1) A person whose interests are affected by a decision specified in schedule 6 may apply, under chapter 10³⁶ 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 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

56 Services excluded from passenger services—Act, sch 3, def *public passenger service*

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;
- (h) a funeral service;

³⁶ Chapter 10 (Review of and appeals against decisions) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

- (i) a service provided as part of a street parade authorised by law.

57 Public passenger vehicles—Act, sch 3, def *public passenger vehicle*

- (1) A vehicle of a type mentioned in schedule 7, column 2 is a public passenger vehicle if it is used to provide the service set out opposite the type of vehicle in column 1.
- (2) A person must not operate a public passenger service mentioned in schedule 7, column 1 unless the person uses a vehicle of a type set out opposite the service in column 2.

Maximum penalty—20 penalty units.

- (3) However, subsection (2) does not apply to—
 - (a) a limousine service;³⁷ or
 - (b) a public passenger service operated using an aircraft, a ferry, or a fixed track vehicle.

61 Disqualifying offences—Act, sch 3, def *disqualifying offence*, para (d)

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.

62 Transport arrangements for pupils

A child of a parent or guardian who has been convicted of an offence against section 149(3)³⁸ of the Act, in relation to transport arrangements made under section 144³⁹ of the Act,

³⁷ The conditions of limousine licences already require a luxury motor vehicle to be used for a limousine service. See the Act, section 87(2)(b).

³⁸ Section 149 (Offences of dishonesty) of the Act

³⁹ Section 144 (Transport arrangements for pupils) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

may be excluded (by written notice from the chief executive) from free travel under the arrangements.

62A Code of conduct for school children

The chief executive, by gazette notice, may approve a code of conduct applying in relation to school children travelling on public passenger vehicles.

62B Chief executive may issue guidelines

(1) The chief executive may issue guidelines about the following matters—

(a) suitable types and ages of vehicles to provide public passenger services for which operator accreditation is required;

Example—

A guideline that mentions the type of bus suitable to provide a particular school service that uses a bus to provide the service.

(b) the cleanliness, tidiness and comfort of vehicles used to provide a taxi service, limousine service, scheduled passenger service or long distance scheduled passenger service for which operator accreditation is required.

(2) A notice of the making of guidelines and of a place or places where copies of the guidelines are available must be published in the gazette.

(3) On the day the notice is published, copies of the guidelines must be available for purchase or free of charge at the place, or each of the places, stated in the notice.

(4) In this section—

equipment, of a vehicle, includes a sign fitted to the vehicle.

type, of vehicle, includes the type of model, design, components, construction, equipment, capability and other characteristics of the vehicle.

*Transport Operations (Passenger Transport)
Regulation 1994*

63 Local conveyance committees

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

64 Touting etc.

- (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.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (2) Attempting to arrange a multiple hiring for a taxi at a taxi rank under section 30(1)⁴⁰ is not soliciting or touting for passengers or a hiring.

65 Records to be maintained

If the Act, this regulation or 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 authorised person.

Maximum penalty—10 penalty units.

66 Change of name and address

- (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.

66A Operation of Brisbane Airport Rail Link

- (1) Employees of Queensland Rail are prescribed under section 111(2)(d)⁴¹ of the Act as persons the chief executive may appoint to be authorised persons for BARL.
- (2) To remove doubt, it is declared that the railway operator for BARL may charge a reasonable fare for a person's use of any public passenger service the operator provides on BARL.
- (3) In this section—

40 Section 30 (Multiple hiring)

41 Section 111 (Appointment of authorised persons etc.) of the Act

*Transport Operations (Passenger Transport)
Regulation 1994*

BARL means the railway known as the Brisbane Airport Rail Link, linking Brisbane Airport with the railway network operated by Queensland Rail.

67 Fees and charges

- (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—
 - (a) waive the payment of a fee for a person; or
 - (b) refund the whole, or a part, of a fee paid by a person.
- (4) Despite the provisions of part 8A,⁴² if a person's cheque for payment of the fee for an authority is dishonoured, the authority is—
 - (a) for an application for an authority—void from the day it was issued; or
 - (b) for an application to renew an authority—suspended from the renewal date until a valid payment is made; or
 - (c) if the payment was made under an arrangement entered into under subsection (2)(b)—suspended from the date the payment was due under the arrangement until a valid payment is made.
- (5) If the State incurs expense because a person's cheque is dishonoured—
 - (a) the person must reimburse the expense; and
 - (b) the amount of the expense may be recovered as a debt payable by the person to the State.

42 Part 8A (Procedures to be followed)

*Transport Operations (Passenger Transport)
Regulation 1994*

- (6) In this section—
- cheque* includes a method of payment other than by cash.
- dishonoured* includes not honoured on presentation.

Part 11 Transitional provisions

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

- (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
 - (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

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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.

68A Transitional—maximum age limits extended for certain vehicles specified for a licence to hire

- (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 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

*Transport Operations (Passenger Transport)
Regulation 1994*

- (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.

69 Transitional—Mercedes Benz C class

- (1) This section applies to a Mercedes Benz C class vehicle if, on 7 November 1997, the vehicle's registered owner held or leased a limousine service licence specifying the vehicle for the licence.
- (2) The vehicle is a luxury motor vehicle until 15 years after it was manufactured.
- (3) Subsection (2) stops applying if the vehicle's registered owner—
 - (a) transfers the licence; or
 - (b) stops leasing the licence, other than on expiry of the licence.

70 Transitional—notice refusing to grant or renew, or to suspend or cancel, driver authorisation because of disqualifying offence

- (1) This section applies to a notice given by the chief executive—
 - (a) refusing to grant driver authorisation to a person; or
 - (b) refusing to renew a person's driver authorisation; or
 - (c) suspending a person's driver authorisation; or
 - (d) cancelling a person's driver authorisation.
- (2) However, this section applies only if—
 - (a) the relevant notice was given on or after 20 May 2004 but before the commencement of this section; and
 - (b) the facts and circumstances forming the basis for the grounds for the notice involved an offence that was described in the notice as a disqualifying offence.

*Transport Operations (Passenger Transport)
Regulation 1994*

- (3) If the relevant notice stated that a person had been charged with a disqualifying offence, the reference in the notice to a disqualifying offence is taken to have been a reference to a driver disqualifying offence.
- (4) If—
 - (a) the relevant notice stated that the person had been convicted of a disqualifying offence; and
 - (b) the offence is a category C driver disqualifying offence; the reference in the notice to a disqualifying offence is taken to have been a reference to a category C driver disqualifying offence.

Schedule 1 Market entry restrictions

section 17

Column 1	Column 2
Public passenger service	Area or route
1 Commercial scheduled services	1 Cities and towns having a population more than 7 500. 2 Routes for distances not more than 40 km between cities or towns each having a population more than 7 500. 3 Routes for distances not more than 40 km between a village and a city or town if the village has a population more than 500 and the city or town has a population more than 7 500. 4 Airlie Beach, Cannonvale, Proserpine, Shute Haven, Shute Harbour and the routes between them. 5 Routes between Proserpine and Proserpine Airport.
2 School services	Routes serving schools.
3 Taxi services	Queensland.
4 Air services	A route, other than an excluded route ^a or a route to the extent that it includes an excluded route, serving any of the following places—

Schedule 1 (continued)

- Barcaldine
- Bedourie
- Birdsville
- Blackall
- Boulia
- Burketown
- Charleville
- Cloncurry
- Cunnamulla
- Doomadgee
- Gununa
- Horn Island
- Hughenden
- Julia Creek
- Longreach
- Mt Isa
- Normanton
- Quilpie
- Richmond
- Roma
- St George
- Thargomindah
- Toowoomba
- Weipa
- Windorah
- Winton.

Schedule 1 (continued)

- | | | | |
|---|----------------|---|---|
| 5 | Ferry services | 1 | Routes between Coochiemudlo Island and Victoria Point. |
| | | 2 | Routes between Karragarra Island, Lamb Island, Macleay Island, Russell Island and Weinam Creek. |
| | | 3 | Routes between Magnetic Island and Townsville. |

a See the definition *excluded route* in section 3 (Definitions).

Schedule 2 Additional service contract areas or routes in Translink area

section 19A

- Gold Coast–Coomera service contract area⁴³
- Sunshine Coast service contract area no. 2⁴⁴

⁴³ The area was declared under section 42 of the Act by public notice on 15 July 2004.

⁴⁴ The area was declared under section 42 of the Act by public notice on 29 July 2004 and a correction notice was published on 16 August 2004.

Schedule 3 Luxury motor vehicles and taxis

sections 34 and 68

Make of vehicle	Maximum age limit for luxury motor vehicles
Group A	
<ul style="list-style-type: none"> • Bentley • Rolls Royce • Other vehicles approved by the chief executive 	unlimited
Group B	
<ul style="list-style-type: none"> • BMW 7 Series • Cadillac • Daimler • Jaguar • Mercedes Benz S or E class • Toyota Lexus LS 400 • Other vehicles approved by the chief executive 	15 years from the date of manufacture
Group C	
<ul style="list-style-type: none"> • Ford Fairlane/LTD • Holden Statesman/Caprice • Volvo 960 • Other vehicles approved by the chief executive 	6 years from the date of manufacture
Group D	
A stretched version of any of the sedans in this schedule	6 years more than would otherwise apply (if approved by the chief executive)

Schedule 4 Age limits for taxis

section 31

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

1 Off-road passenger vehicles

- (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 day's duration, the following equipment must also be fitted to the vehicle and in working order—
 - winch
 - first aid kit
 - Royal Flying Doctor radio or a telephone that operates in conjunction with a satellite.

2 Taxis

- (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 must be fitted with—
 - a green distress light

Schedule 5 (continued)

- a hail light
 - a child restraint anchorage bolt.
- (4) However, subsection (3) does not apply to—
- (a) an exempted taxi; or
 - (b) a luxury motor vehicle that is a taxi.

Schedule 6 Appeals against decisions

section 55

Section	Description of decision	Court
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
sch 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
sch 4	Maximum age limit stated in taxi service licence for an exempted taxi	Magistrates

Schedule 7 Vehicle types

section 57

Column 1	Column 2
Service category	Vehicle type
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

Schedule 7 (continued)

Tourist service	<p>off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and sidecar, motor tricycle or forward-control passenger vehicle</p> <p>passenger car or forward-control passenger vehicle for which a taxi service licence or limousine service licence is in force</p>
Limousine service	luxury motor vehicle
Accommodation transfer service	<p>forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus</p> <p>passenger car for which a taxi service licence or limousine service licence is in force</p>
Tourist transfer service	<p>forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus</p> <p>passenger car for which a taxi service licence or limousine service licence is in force</p>
Unscheduled long distance passenger service	forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus
Other public passenger service	light bus or heavy bus.

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

Schedule 7 (continued)

which the centre of the steering wheel is in the forward quarter of the vehicle's total length, and includes a Chrysler Voyager, Honda Odyssey, Kia Carnival, Mazda MPV, Mitsubishi Nimbus, Mitsubishi Starwagon and Toyota Tarago.

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 sidecar 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.

motor vehicle has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

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

Schedule 7 (continued)

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 Annual fees

section 67

		\$
1	Service contract—	
	(a) under which the holder is remunerated from revenue generated by passengers' fares—	
	(i) 1–10 vehicles	117.80
	(ii) 11–20 vehicles	294.50
	(iii) 21–50 vehicles	588.95
	(iv) more than 50 vehicles	1 177.90
	(b) taxi administration—	
	(i) 1–50 vehicles	117.80
	(ii) 51–100 vehicles	294.50
	(iii) 101–200 vehicles	588.95
	(iv) more than 200 vehicles	1 177.90
2	Taxi service licence for an exempted taxi	58.90
3	Taxi service licence other than for an exempted taxi	117.80
4	Limousine service licence	117.80
5	Operator accreditation to provide—	
	(a) 1 or more scheduled passenger services, other than accreditation under which only a restricted school service may be operated	117.45
	(b) a community transport service	117.45
	(c) a courtesy transport service	117.45
	(d) a limousine service	117.45
	(e) a taxi service under which only an exempted taxi may be used to provide the service	59.15
	(f) a taxi service, other than operator accreditation under which only an exempted taxi may be used to provide the service	117.45
	(g) a service for which no fee is provided under paragraphs (a) to (f), for each service—	

*Transport Operations (Passenger Transport)
Regulation 1994*

Schedule 8 (continued)

	\$
(i) accreditation under which 1 to 10 vehicles may be used to provide the service.....	235.35
(ii) accreditation under which over 10 vehicles may be used to provide the service.....	1 177.90
6 Driver authorisation—	
(a) taxi.....	49.50
(b) limousine.....	49.50

Endnotes

1 Index to endnotes

		Page
2	Date to which amendments incorporated.	79
3	Key	80
4	Table of reprints	80
5	Tables in earlier reprints.	80
6	List of legislation	80
7	List of annotations	85

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 17 December 2004. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1, 5

6 List of legislation

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

made by the Governor in Council on 27 October 1994

notfd gaz 28 October 1994 pp 813–15

ss 1–2 commenced on date of notification

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

exp 1 September 2005 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

*Transport Operations (Passenger Transport)
Regulation 1994*

amending legislation—

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)

Department of Transport (Variation of Fees) Regulation 1995 SL No. 168 ss 1–2, 3(p)

sch 16

notfd gaz 9 June 1995 pp 1165–71

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2)

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 1995

SL No. 367

notfd gaz 15 December 1995 pp 1560–5

ss 1–2 commenced on date of notification

remaining provisions commenced 18 December 1995 (see s 2)

Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1995

SL No. 400

notfd gaz 22 December 1995 pp 1672–6

commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 1996

SL No. 66

notfd gaz 12 April 1996 pp 1595–6

ss 1–2 commenced on date of notification

remaining provisions commenced 15 April 1996 (see s 2)

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 1996

SL No. 300

notfd gaz 25 October 1996 pp 764–7

commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1996

SL No. 343

notfd gaz 22 November 1996 pp 1155–7

ss 1–2 commenced on date of notification

remaining provisions commenced 24 November 1996 (see s 2)

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 1997

SL No. 98

notfd gaz 24 April 1997 pp 1696–7

commenced on date of notification

Department of Transport (Variation of Fees) Regulation (No. 1) 1997 SL No. 120

ss 1–2, 3(j) sch 10

notfd gaz 16 May 1997 pp 242–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1997 (see s 2)

*Transport Operations (Passenger Transport)
Regulation 1994*

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 1997

SL No. 357

notfd gaz 24 October 1997 pp 786–8
commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1997

SL No. 396

notfd gaz 21 November 1997 pp 1294–5
commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 4) 1997

SL No. 425

notfd gaz 5 December 1997 pp 1515–17
commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 1998

SL No. 97

notfd gaz 24 April 1998 pp 1730–2
commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 1998

SL No. 301

notfd gaz 13 November 1998 pp 982–3
commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1998

SL No. 353

notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 1999

SL No. 73

notfd gaz 30 April 1999 pp 2088–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 May 1999 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 1999 SL No. 113 ss 1–2, 3(c)

sch 3

notfd gaz 11 June 1999 pp 675–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1999 (see s 2)

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 1999

SL No. 170

notfd gaz 23 July 1999 pp 1792–3
s 4 commenced 1 August 1999 (see s 2)
remaining provisions commenced on date of notification

Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1999

SL No. 269

notfd gaz 5 November 1999 pp 918–21
commenced on date of notification

*Transport Operations (Passenger Transport)
Regulation 1994*

Road Transport Reform Regulation 1999 SL No. 286 ss 1, 2(2), 4 sch 2

notfd gaz 19 November 1999 pp 1149–52

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 1999 (see s 2(2))

**Transport Operations (Passenger Transport) Amendment Regulation (No. 4) 1999
SL No. 300**

notfd gaz 26 November 1999 pp 1268–70

commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 5) 1999
SL No. 333**

notfd gaz 17 December 1999 pp 1586–9

commenced on date of notification

Transport Legislation Amendment Regulation (No. 1) 2000 SL No. 89 pts 1, 5

notfd gaz 19 May 2000 pp 218–19

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2000
SL No. 101**

notfd gaz 2 June 2000 pp 370–1

commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2001
SL No. 24**

notfd gaz 30 March 2001 pp 1372–3

commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2001 SL No. 57 pts 1, 6

notfd gaz 25 May 2001 pp 334–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2001 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2001
SL No. 60**

notfd gaz 1 June 2001 pp 416–17

commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 2001
SL No. 91**

notfd gaz 29 June 2001 pp 822–5

commenced on date of notification

**Education (Accreditation of Non-State Schools) Regulation 2001 SL No. 211
ss 1–2, 24**

notfd gaz 23 November 2001 pp 1088–91

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2002 (see s 2)

*Transport Operations (Passenger Transport)
Regulation 1994*

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2002
SL No. 29**

notfd gaz 22 February 2002 pp 752–3
ss 1–2 commenced on date of notification
remaining provisions commenced 25 February 2002 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2002
SL No. 68**

notfd gaz 19 April 2002 pp 1477–8
commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2002 SL No. 112 pts 1, 9

notfd gaz 24 May 2002 pp 308–10
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2002 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 2002
SL No. 179**

notfd gaz 5 July 2002 pp 962–3
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 4) 2002
SL No. 252**

notfd gaz 27 September 2002 pp 340–4
commenced on date of notification

**Discrimination Law (Marital Status) Amendment Regulation (No. 1) 2003 SL No. 54
ss 1–3 sch**

notfd gaz 28 March 2003 pp 1125–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 April 2003 (see s 2)

Transport Legislation Amendment Regulation (No. 2) 2003 SL No. 106 pts 1, 10

notfd gaz 30 May 2003 pp 371–6
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2003 (see s 2)

Transport Legislation Amendment Regulation (No. 1) 2004 SL No. 54 pts 1, 9

notfd gaz 14 May 2004 pp 112–14
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2004 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2004
SL No. 98**

notfd gaz 25 June 2004 pp 573–81
ss 1–2 commenced on date of notification
s 7 commenced 1 July 2004 (see s 2)
remaining provisions commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2004
SL No. 230**

notfd gaz 29 October 2004 pp 734–7
commenced on date of notification

*Transport Operations (Passenger Transport)
Regulation 1994*

**Transport and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 248
pts 1–2**

notfd gaz 19 November 2004 pp 955–6
commenced on date of notification

Transport Legislation Amendment Regulation (No. 4) 2004 SL No. 301 s 1, pt 3

notfd gaz 17 December 2004 pp 1277–85
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 2004
SL No. 303**

notfd gaz 17 December 2004 pp 1277–85
commenced on date of notification

7 List of annotations

Commencement

s 2 om R3 (see RA s 37)

Definitions

s 3 def “**code of conduct**” ins 1997 SL No. 425 s 3
def “**commercial scheduled service**” ins 1997 SL No. 98 s 3
def “**de facto relationship**” om 2003 SL No. 54 s 3 sch
def “**excluded route**” ins 2002 SL No. 179 s 3
amd 2002 SL No. 252 s 3
def “**high occupancy taxi**” ins 1995 SL No. 367 s 4
om 1996 SL No. 343 s 4
def “**other public passenger service**” ins 1998 SL No. 97 s 3
def “**prescribed operator**” ins 2000 SL No. 101 s 3(2)
def “**school children**” ins 1997 SL No. 425 s 3
sub 2001 SL No. 211 s 24(2)
def “**unscheduled long distance passenger service**” ins 1998 SL No. 97 s 3
om 2000 SL No. 101 s 3(1)

Notes

s 3A ins 2004 SL No. 248 s 3

Grant or renewal of operator accreditation or driver authorisation—Act, ss 17 and 29

s 6 sub 2000 SL No. 101 s 4
amd 2004 SL No. 248 s 4

Term of operator accreditation or driver authorisation—Act, ss 17, 29 and 29A prov hdg

s 7 amd 2000 SL No. 101 s 5(1)
amd 2000 SL No. 101 s 5(2); 2004 SL No. 248 s 5

Renewing driver authorisation—medical certificates

s 7A ins 1997 SL No. 98 s 4
amd 1998 SL No. 97 s 4
exp 24 April 1999 (see s 7A(3))

*Transport Operations (Passenger Transport)
Regulation 1994*

Requirement to prove fitness

s 7B ins 1997 SL No. 396 s 3

Restricted driver authorisation—Act, s 29A

s 7C ins 2000 SL No. 101 s 6
amd 2004 SL No. 248 s 5

Refusal of operator accreditation—Act, s 17

s 9 amd 2004 SL No. 248 s 6

Refusal of driver authorisation—Act, s 29

s 10 amd 2004 SL No. 248 s 7

Amendment, suspension and cancellation of operator accreditation—Act, s 20

prov hdg amd 1997 SL No. 396 s 4(1)
sub 2004 SL No. 248 s 8(1)

s 11 amd 1997 SL No. 396 s 4(2); 2004 SL No. 248 s 8(2)–(8)

Immediate amendment and suspension of driver authorisation—Act, s 32

s 11AA ins 2004 SL No. 248 s 9

Amendment, suspension and cancellation of driver authorisation—Act, s 32

s 11AB ins 2004 SL No. 248 s 9

Suspension or cancellation of driver licence

s 11A ins 2000 SL No. 101 s 7

Notifying disqualifying offences or driver disqualifying offences

prov hdg sub 2004 SL No. 248 s 10(1)

s 12 amd 2004 SL No. 248 s 10(2)

Return of evidence of operator accreditation if cancelled or suspended

prov hdg sub 2004 SL No. 248 s 11(1)

s 14 amd 2004 SL No. 248 s 11(2)–(3)

Return of evidence of driver authorisation if cancelled, suspended or amended

s 14A ins 2004 SL No. 248 s 12

Public passenger services to which the Act, s 12 does not apply

s 15 sub 1997 SL No. 396 s 5

amd 1998 SL No. 301 s 3

sub 1999 SL No. 73 s 4

amd 2004 SL No. 301 s 6

Requirement for driver authorisation until 31 July 1999—Act, s 25(2)(c)

s 15A ins 1999 SL No. 73 s 4

exp 31 July 1999 (see s 15A(2))

Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply

prov hdg amd 1999 SL No. 300 s 3(1)

s 15B ins 1999 SL No. 73 s 4

sub 1999 SL No. 170 s 4

amd 1999 SL No. 300 s 3(2)–(3); 2004 SL No. 301 s 7

*Transport Operations (Passenger Transport)
Regulation 1994*

Market entry restrictions—Act, s 36

s 17 sub 1997 SL No. 98 s 5

Scope of service contracts—Act, s 39

s 17A ins 1997 SL No. 98 s 6
om 2000 SL No. 101 s 7

Matters to be considered—Act, s 59(2)(e)

s 18 amd 1997 SL No. 396 s 6; 2004 SL No. 98 s 4

**Matters to be considered in deciding amount of compensation—Act, ss 61(4),
62AAH(4) and 161(3)**

s 18A ins 1997 SL No. 98 s 7
sub 2004 SL No. 98 s 5; 2004 SL No. 303 s 3

Matters to be considered—Act, s 62AAE(2)(d)

s 18B ins 2004 SL No. 98 s 6
amd 2004 SL No. 303 s 4

Service contracts required for administration of taxi services—Act, s 66

s 19 amd 1997 SL No. 357 s 3

Additional service contract areas or routes in Translink area

s 19A ins 2004 SL No. 230 s 3

Passenger safety and comfort

s 20 prov hdg sub 1999 SL No. 300 s 4

Amendment of service licence conditions—Act, ss 75(1) and 88(1)

s 21 amd 1997 SL No. 396 s 7; 2004 SL No. 248 s 13

Transfer, lease or surrender of taxi or limousine service licences—Act, ss 76 and 89

s 22 amd 1998 SL No. 97 s 5

**Suspension and cancellation of taxi service licences and limousine service
licences—Act, ss 79 and 91**

s 23 amd 2004 SL No. 248 s 14

Advertising taxi or limousine service

s 25A ins 1997 SL No. 396 s 8

Operations of taxis

s 26 amd 2001 SL No. 60 s 3

Fares and charges for taxis

prov hdg sub 1996 SL No. 343 s 5(1)

s 27 amd 1995 SL No. 367 s 5; 1996 SL No. 343 s 5(2)–(4); 2001 SL No. 60 s 4

Requirements for taximeters

s 28 amd 1996 SL No. 343 s 6

Operation of taximeter by taxi driver

s 29 amd 1996 SL No. 343 s 7; 2001 SL No. 60 s 5

Age of taxis

s 31 sub 1995 SL No. 134 s 4

*Transport Operations (Passenger Transport)
Regulation 1994*

Taxi subsidy scheme—Act, s 80

s 33 amd 1997 SL No. 396 s 9; 1999 SL No. 269 s 3

Luxury motor vehicles—Act, sch 3, def “luxury motor vehicle”

s 34 sub 1995 SL No. 134 s 5

Limousine hiring

s 36 amd 1997 SL No. 396 s 10; 1998 SL No. 97 s 6; 2001 SL No. 60 s 6

Presenting vehicles for inspection

s 40 sub 1997 SL No. 396 s 11

Providing safe vehicles

s 40A ins 1997 SL No. 396 s 11

Restriction on bus charter

s 41A ins 1997 SL No. 357 s 4
exp 24 October 2000 (see s 41A(4))

Record to be kept of each use of vehicle to provide service

s 41B ins 2000 SL No. 101 s 9

Records prescribed operators must keep about drivers

s 41C ins 2000 SL No. 101 s 9

Prescribed operator who grants restricted driver authorisation to notify chief executive

s 41D ins 2000 SL No. 101 s 9

Standing on buses

s 43A ins 1997 SL No. 396 s 12
om 1999 SL No. 300 s 5

Seating capacity

s 43B ins 1997 SL No. 396 s 12
om 1999 SL No. 300 s 5

Passengers causing nuisance etc.

s 45 amd 1997 SL No. 425 s 4
om 2001 SL No. 60 s 7

Fares and charges

prov hdg sub 1996 SL No. 343 s 8(1)
s 46 amd 1996 SL No. 343 s 8(2)
om 2001 SL No. 60 s 7

Identification of drivers

s 47 amd 1996 SL No. 300 s 3
amd 1997 SL No. 396 s 13; 2004 SL No. 248 s 15
(2)–(3) exp 7 November 1997 (see s 47(3))

Drivers of motorcycles

s 50 sub 1995 SL No. 134 s 6

PART 8A—PROCEDURES TO BE FOLLOWED

pt hdg ins 2004 SL No. 248 s 16

*Transport Operations (Passenger Transport)
Regulation 1994*

Division 1—Operator accreditation

div hdg ins 2004 SL No. 248 s 16

Refusal to grant or renew operator accreditation

s 51 prev s 51 om 1998 SL No. 97 s 8
pres s 51 ins 2004 SL No. 248 s 16

Immediate suspension

s 51A ins 2004 SL No. 248 s 16

Further action after immediate suspension

s 51B ins 2004 SL No. 248 s 16

Amending, suspending or cancelling operator accreditation

s 51C ins 2004 SL No. 248 s 16

Other amendments of operator accreditation

s 51D ins 2004 SL No. 248 s 16

Division 2—Driver authorisation

div hdg ins 2004 SL No. 248 s 16

Refusal to grant or renew driver authorisation

s 52 prev s 52 om 1998 SL No. 97 s 8
pres s 52 ins 2004 SL No. 248 s 16

Category B driver disqualifying offences—exclusion action

s 52A ins 2004 SL No. 248 s 16

Category B driver disqualifying offences—exceptional case

s 52B ins 2004 SL No. 248 s 16

Immediate amendment or suspension

s 52C ins 2004 SL No. 248 s 16

Further action after immediate amendment or suspension

s 52D ins 2004 SL No. 248 s 16

Amending, suspending or cancelling driver authorisation

s 52E ins 2004 SL No. 248 s 16

Other amendments of driver authorisation

s 52F ins 2004 SL No. 248 s 16

Notifying operator of amendment, suspension or cancellation of driver authorisation

s 52G ins 2004 SL No. 248 s 16

Division 3—Taxi service licences and limousine service licences

div hdg ins 2004 SL No. 248 s 16

Immediate suspension

s 53 prev s 53 om 1998 SL No. 97 s 8
pres s 53 ins 2004 SL No. 248 s 16

Further action after immediate suspension

s 53A ins 2004 SL No. 248 s 16

*Transport Operations (Passenger Transport)
Regulation 1994*

Amending, suspending or cancelling taxi service licences and limousine service licences

s 53B ins 2004 SL No. 248 s 16

Other amendments of taxi service licences and limousine service licences

s 53C ins 2004 SL No. 248 s 16

Representation before review panel

s 54 om 1998 SL No. 97 s 8

PART 9—REVIEW OF DECISIONS

pt hdg sub 1998 SL No. 97 s 7

Review of decisions

s 55 prov hdg amd 1998 SL No. 97 s 9

Services excluded from passenger services—Act, sch 3, def “public passenger service”

s 56 amd 1997 SL No. 396 s 14; 2002 SL No. 29 s 4
(1)(j)–(2) exp 7 March 2002 (see s 56(2))

Public passenger vehicles—Act, sch 3, def “public passenger vehicle”

s 57 amd 1997 SL No. 396 s 15; 2000 SL No. 101 s 10; 2001 SL No. 60 s 8; 2002 SL No. 68 s 3

Procedure to be followed—amending, suspending or cancelling

s 58 amd 1997 SL No. 396 s 16
om 2004 SL No. 248 s 17

Procedure to be followed—refusal to grant or renew

s 59 om 2004 SL No. 248 s 17

Notifying operators

s 60 om 2004 SL No. 248 s 17

Disqualifying offences—Act, sch 3, def “disqualifying offence”, para (d)

s 61 amd 1997 SL No. 425 s 5; 2001 SL No. 60 s 9

Transport arrangements for pupils

s 62 amd 1997 SL No. 396 s 17

Code of conduct for school children

s 62A ins 1997 SL No. 425 s 6

Chief executive may issue guidelines

s 62B ins 1999 SL No. 300 s 6
amd 2004 SL No. 301 s 8

Records to be maintained

s 65 amd 1997 SL No. 396 s 18

Operation of Brisbane Airport Rail Link

s 66A ins 2001 SL No. 24 s 3
amd 2001 SL No. 91 s 3; 2004 SL No. 98 s 7

*Transport Operations (Passenger Transport)
Regulation 1994*

Fees and charges

s 67 amd 1997 SL No. 396 s 19; 2004 SL No. 248 s 18

PART 11—TRANSITIONAL PROVISIONS

pt hdg ins 2004 SL No. 248 s 19

Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles
s 68 sub 1995 SL No. 134 s 7

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

s 68A ins 1995 SL No. 134 s 8

Transitional—Mercedes Benz C class

s 69 prev s 69 om R1 (see RA s 40)
pres s 69 ins 1997 SL No. 396 s 20

Transitional—notice refusing to grant or renew, or to suspend or cancel, driver authorisation because of disqualifying offence

s 70 prev s 70 om R1 (see RA s 40)
pres s 70 ins 2004 SL No. 248 s 20

SCHEDULE 1—MARKET ENTRY RESTRICTIONS

amd 1996 SL No. 66 s 4; 1996 SL No. 300 s 4
sub 1997 SL No. 98 s 8
amd 1998 SL No. 353 s 3; 1999 SL No. 300 s 7; 1999 SL No. 333 s 3; 2002 SL No. 179 s 4

SCHEDULE 2—ADDITIONAL SERVICE CONTRACT AREAS OR ROUTES IN TRANSLINK AREA

prev sch 2 sub 1995 SL No. 134 s 9; 1995 SL No. 400 s 3
om 1996 SL No. 343 s 9
pres sch 2 ins 2004 SL No. 230 s 4

SCHEDULE 3—LUXURY MOTOR VEHICLES AND TAXIS

amd 1997 SL No. 396 s 21; 2001 SL No. 60 s 10

SCHEDULE 4—AGE LIMITS FOR TAXIS

sub 1997 SL No. 396 s 22

SCHEDULE 5—EQUIPMENT FOR VEHICLES**Off-road passenger vehicles**

s 1 amd 1999 SL No. 300 s 8(1)

Taxis

s 2 amd 1999 SL No. 300 s 8(2)–(3)

SCHEDULE 7—VEHICLE TYPES

amd 1997 SL No. 396 s 23; 1998 SL No. 97 s 10; 1999 SL No. 286 s 4 sch 2;
2000 SL No. 101 s 11; 2001 SL No. 60 s 11

SCHEDULE 8—ANNUAL FEES

sub 1995 SL No. 168 s 3(p) sch 16
amd 1996 SL No. 300 s 5
sub 1997 SL No. 120 s 3(j) sch 10

*Transport Operations (Passenger Transport)
Regulation 1994*

amd 1999 SL No. 73 s 5

sub 1999 SL No. 113 s 3(c) sch 3; 2000 SL No. 89 s 10; 2001 SL No. 57 s 12;

2002 SL No. 112 s 18; 2003 SL No. 106 s 20; 2004 SL No. 54 s 18

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)