



Queensland

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Passenger Transport) Regulation 2005

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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

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 reprint.**

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 2005*.

2 Definitions

The dictionary in schedule 11 defines particular words used in this regulation.

3 Notes

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

Part 2 Operator accreditation

Division 1 Preliminary

4 Purpose of pt 2

The purpose of this part is to provide for matters about operator accreditation for chapter 3¹ of the Act.

¹ Chapter 3 (Operator accreditation) of the Act

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Note—

Section 11 of the Act sets out the purpose of operator accreditation.

Division 2 Provisions for applications and other matters

5 Application for grant or renewal of operator accreditation

- (1) A person may apply to the chief executive for the grant or renewal of operator accreditation.
- (2) The application must be in the approved form.
- (3) An application may be made jointly by 2 or more persons.

6 Deciding application

After receiving the application for the grant or renewal of operator accreditation, the chief executive must consider it and decide—

- (a) if the applicant complies with the requirements under the Act about granting or renewing operator accreditation—to grant or renew operator accreditation; or
- (b) if paragraph (a) does not apply but, under section 7, the chief executive may grant the person provisional operator accreditation—to grant provisional operator accreditation; or
- (c) otherwise—to refuse, under section 8, to grant or renew operator accreditation.

7 Provisional operator accreditation—Act, s 18

- (1) The chief executive may grant operator accreditation to the person on a provisional basis (a *provisional operator accreditation*)—
 - (a) if the person meets some but not all the standards applying to operator accreditation; or

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- (b) while—
 - (i) if the person is an individual—the criminal history of the person is being checked; or
 - (ii) if the person is a member of a partnership—the criminal history of the person, or another member of the partnership, is being checked; or
 - (iii) if the person is a corporation—the criminal history of an executive officer of the corporation 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 operator accreditation within a specified time.
- (3) If, before the end of the term stated in the provisional operator accreditation as its term, the chief executive is satisfied the applicant complies with the requirements under the Act about granting or renewing operator accreditation, the chief executive may grant operator accreditation to the person.

8 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 corporation, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.

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- (2) Also the chief executive may 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 chief executive considers the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services as mentioned in section 11 of the Act.

Example for paragraph (c)—

The accredited operator has been charged or convicted of an offence (other than a disqualifying offence). If the act or omission constituting the alleged offence or the offence placed at risk the safety of passengers, particularly children or other vulnerable members of the community or involved the person acting fraudulently, the chief executive may consider the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services.

- (3) If the chief executive refuses to grant or to renew operator accreditation in relation to a person under this section (even if the chief executive grants the person provisional operator accreditation), the chief executive must give the person a regulation notice about the decision.

Note—

Schedule 2 of the Act provides a refusal to grant or renew operator accreditation is a reviewable decision.

9 Term of operator accreditation

- (1) An operator accreditation is for a term, stated in the operator accreditation, of not longer than 5 years.
- (2) An operator accreditation may be renewed for successive terms of not longer than 5 years.

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(3) In this section—

operator accreditation includes provisional operator accreditation.

10 Renewal notices

(1) This section applies if the chief executive does not send, or an accredited operator does not receive, a renewal notice for the person's operator accreditation.

(2) The failure to send, or the non-receipt of the renewal notice, does not affect—

(a) the expiry of the operator accreditation; or

(b) the accredited operator's obligation to renew the operator accreditation before it expires.

(3) In this section—

operator accreditation includes provisional operator accreditation.

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

(1) The chief executive may amend, suspend or cancel a person's operator accreditation if—

(a) for an individual—the person is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation; or

(b) for a member of a partnership—the person or another member of the partnership is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation; or

(c) for a corporation—the person, or an executive officer of the person, is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation.

(2) Also, the chief executive may suspend or cancel a person's operator accreditation if the chief executive considers the

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person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services as mentioned in section 11 of the Act.

Note—

See example for section 8(2)(c).

- (3) Before taking the action mentioned in subsection (1) (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 operator accreditation—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the operator 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.
- (4) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
 - (a) if the proposed action was to amend the operator accreditation—
 - (i) amend the operator accreditation in the way stated in the regulation notice; or
 - (ii) amend the operator accreditation in another way having regard to the representations; or
 - (b) if the proposed action was to suspend the operator accreditation—

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- (i) suspend the operator accreditation for no longer than the period stated in the regulation notice; or
- (ii) amend the operator accreditation having regard to the representations; or
- (c) if the proposed action was to cancel the operator accreditation—
 - (i) cancel the operator accreditation; or
 - (ii) suspend the operator accreditation for a period; or
 - (iii) amend the operator accreditation having regard to the representations.

Note—

Schedule 2 of the Act provides an amendment, suspension or cancellation of operator accreditation is a reviewable decision.

- (5) In this section—

operator accreditation includes provisional operator accreditation.

12 Immediate suspension of operator accreditation—Act, s 20

- (1) The chief executive may immediately suspend a person's operator accreditation, by giving a regulation notice to the person, if—
 - (a) for an individual—the person is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
 - (b) for a partnership—the person or another member of the partnership is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
 - (c) for a corporation—the person, or an executive officer of the person, is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest.
- (2) The chief executive may, under subsection (1), immediately suspend the person's operator accreditation until—

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- (a) if the ground is that the person has been charged with a disqualifying offence, the earlier of the following—
 - (i) the charge is finally disposed of;
 - (ii) the person's operator accreditation expires without being renewed; or
- (b) in any other case, the earlier of the following—
 - (i) the chief executive gives the person a regulation notice under section 11(4);
 - (ii) the end of 56 days after the regulation notice under subsection (1) is given to the person.

Note—

Schedule 2 of the Act provides an amendment, suspension or cancellation of operator accreditation is a reviewable decision.

(3) This section applies despite section 11.

(4) In this section—

operator accreditation includes provisional operator accreditation.

13 Further action after immediate suspension

- (1) This section applies if—
 - (a) under section 12, the chief executive immediately suspends a person's operator accreditation; and
 - (b) the chief executive also proposes, under section 11, to amend, suspend or cancel the operator accreditation.
- (2) The regulation notice under section 12(1) must also state the information mentioned in section 11(3) in relation to the action the chief executive proposes to take.
- (3) Section 11(4) applies to the proposed action as if the regulation notice given under section 12(1) were a notice given under section 11(3).

14 Return of evidence of operator accreditation if cancelled, suspended or amended

- (1) This section applies if a person is given a regulation notice—
 - (a) cancelling the person’s operator accreditation; or
 - (b) suspending the person’s operator accreditation for longer than 1 week; or
 - (c) immediately suspending the person’s operator accreditation for any period; or
 - (d) amending the person’s operator accreditation under section 11.
- (2) As soon as practicable after the person is given the regulation notice (but within 14 days), the person must return the certificate evidencing the operator accreditation to the chief executive, unless the person has a reasonable excuse.
Maximum penalty—10 penalty units.
- (3) Even if the person does not return the document evidencing the operator accreditation, the action stated in the regulation notice has effect from the date stated in the notice.
- (4) In this section—
operator accreditation includes provisional operator accreditation.

15 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 for the amendment.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

Division 3 Miscellaneous matters relevant to operator accreditation

16 Notifying disqualifying offences

- (1) If, under section 19(1), 21(1) or 22(1) or (3) of the Act,² an applicant or person must notify or inform the chief executive or someone else about a disqualifying offence, the notice or information must—
 - (a) be given in writing; and
 - (b) include details of the charge and the day when the charge will be heard.
- (2) If, under section 19(2), 21(2) or 22(2) or (4) of the Act, an applicant or person must notify or inform the chief executive or someone else about the outcome of a disqualifying offence, the notice or information must be given in writing.

Note—

Disqualifying offence is defined in schedule 3 of the Act. In paragraph (d) of the definition, a regulation may prescribe an offence as a disqualifying offence. For this purpose, see sections 135 and 156.

17 Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply

Section 12³ of the Act does not apply to—

- (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

2 Section 19 (Applicant to notify charge for disqualifying offence etc.), 21 (Accredited operator to notify charge for disqualifying offence etc.) or 22 (Member of partnership must inform another partner of charge for disqualifying offence etc.) of the Act

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

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the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*;
or

- (ii) the service is not a service that is available to the general community.

Example of a service that is available to the general community—

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.

18 Delegation of powers relating to operator accreditation

- (1) Section 16(2)⁴ of the Act applies to any delegation of powers under sections 17 and 18⁵ of the Act to any of the following—
- (a) the Taxi Council of Queensland Inc.;
 - (b) the Queensland Bus Industry Council Inc.;
 - (c) the Limousine Association Queensland Inc.

Note—

Each entity mentioned in subsection (1) is an incorporated association and each has a number issued by the department responsible for the administration of fair trading. The number for each entity appears after its name in the following list—

- the Taxi Council of Queensland Inc. (29068)
- the Queensland Bus Industry Council Inc. (01410)
- the Limousine Association Queensland Inc. (01623).

- (2) It is a condition of each delegation mentioned in subsection (1) that a person who is, or has been, involved in the administration of the delegation must not make a record of, or directly or indirectly disclose, information about an applicant for the grant or renewal of operator accreditation.

⁴ Section 16 (Responsibility for system of operator accreditation) of the Act

⁵ Sections 17 (Granting, renewing or refusing operator accreditation) and 18 (Provisional operator accreditation) of the Act

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Example of information—

an applicant's criminal history or medical history

(3) Subsection (2) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.

(4) In this section—

operator accreditation includes provisional operator accreditation.

Part 3 Driver authorisation

Division 1 Preliminary

19 Purpose of pt 3

The purpose of this part is to provide for matters about driver authorisation for chapter 4⁶ of the Act.

Note—

Section 23 of the Act sets out the purpose of driver authorisation.

Division 2 Provisions for applications and other matters

20 Application for grant or renewal of driver authorisation

(1) A person who is an individual may apply to the chief executive for the grant or renewal of driver 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.

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- (2) The application must be in the approved form.
- (3) In this section—

driver authorisation does not include provisional driver authorisation or restricted driver authorisation.

21 Deciding application

After receiving the application for the grant or renewal of driver authorisation, the chief executive must consider it and decide—

- (a) if the applicant complies with the requirements under the Act about granting or renewing driver authorisation—to grant or renew driver authorisation; or
- (b) if paragraph (a) does not apply but, under section 22, the chief executive may grant the applicant provisional driver authorisation—to grant provisional driver authorisation; or
- (c) otherwise—to refuse, under section 24, to grant or renew driver authorisation.

22 Provisional driver authorisation—Act, s 30

- (1) The chief executive may grant driver authorisation to the person on a provisional basis (*provisional driver authorisation*) if the person meets some but not all the standards applying to driver authorisation.
- (2) A grant under subsection (1) may be subject to a condition about the person meeting all the standards applying to driver authorisation within a specified time.
- (3) If, before the end of the term stated in the provisional driver authorisation as its term, the chief executive is satisfied the applicant complies with the requirements under the Act about granting or renewing driver authorisation, the chief executive may grant driver authorisation to the person.
- (4) Despite subsection (1), the chief executive may grant provisional driver authorisation to a person without a formal

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application being made to ensure a public passenger service can continue to be provided in an emergency.

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

23 Conditions on driver authorisation—Act, s 32

- (1) If the chief executive decides to grant or renew driver authorisation, the chief executive may impose a condition on the authorisation that the chief executive considers necessary.
- (2) If the chief executive imposes a condition on a person's driver authorisation under subsection (1), the chief executive must give the person a regulation notice about the decision.

Note—

Schedule 2 of the Act provides a refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

- (3) Subsection (1) is in addition to, and does not limit, sections 22, 28 and 30⁷ under which the chief executive may impose a condition on a person's driver authorisation.
- (4) In this section—
driver authorisation includes provisional driver authorisation.

24 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—
- (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

⁷ Sections 22 (Provisional driver authorisation—Act, s 30), 28 (Amendment, suspension and cancellation of driver authorisation—Act, s 32) and 30 (Immediate amendment and suspension of driver authorisation—Act, s 32)

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- (c) the person has been convicted of a category C driver disqualifying offence; or
- (d) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or

Note—

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

- (e) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
 - (f) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history.
- (2) If, under this section, the chief executive refuses the application for the grant or renewal of driver authorisation in relation to a person (even if the chief executive grants the person provisional driver authorisation), the chief executive must give the person a regulation notice about the decision.

Note—

Schedule 2 of the Act provides a refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

- (3) In this section—
driver authorisation includes provisional driver authorisation.

25 Term of driver authorisation

- (1) A driver authorisation is for a term, stated in the authorisation, of not longer than 5 years.
- (2) However, driver authorisation may be renewed for successive terms of not longer than 5 years.
- (3) In this section—

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driver authorisation includes provisional driver authorisation but does not include restricted driver authorisation.

26 Renewal notices

- (1) This section applies if the chief executive does not send, or an authorised driver does not receive, a renewal notice for the person's driver authorisation.
- (2) The failure to send, or the non-receipt of, the renewal notice does not affect—
 - (a) the expiry of the driver authorisation; or
 - (b) the obligation of the authorised driver to renew the authorisation before it expires.
- (3) In this section—

driver authorisation includes provisional driver authorisation.

27 Restricted driver authorisation—Act, s 29A

- (1) A prescribed operator may, for 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 prescribed operator to provide the service.
- (2) A restricted driver authorisation may only be granted on the prescribed operator's initiative.
- (3) However, a prescribed operator must not grant a restricted driver authorisation to a person unless—
 - (a) the operator is satisfied the person complies with all standards 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 chief executive has not refused to grant or renew the person's driver authorisation and has not cancelled or suspended any driver authorisation held by the person;

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- (ii) the person has not been convicted of a driver disqualifying offence;⁸
- (iii) there is no charge for a driver disqualifying offence against the person that has not been finally disposed of.

Maximum penalty—20 penalty units.

- (4) A person's restricted driver authorisation—
- (a) is for the term stated in the authorisation of not longer than 1 year; and
 - (b) is not renewable; and

Note—

Even though a restricted driver authorisation is not renewable, a new restricted driver authorisation may be granted after the expiry of the restricted driver authorisation.

- (c) is automatically cancelled when the person stops being employed by the prescribed operator or when the person stops operating a public passenger vehicle for the prescribed operator.

Note—

A restricted driver authorisation may be amended, suspended or cancelled by the chief executive. See sections 28 and 30.

- (5) A prescribed operator must give a person whose restricted driver authorisation is automatically cancelled under subsection (4)(c) a written notice advising the person of the cancellation within 3 days after the cancellation.

Maximum penalty—10 penalty units.

- (6) A prescribed operator may, by written notice, amend a restricted driver authorisation granted to a person by the prescribed operator—
- (a) for a formal or clerical reason, including, for example, a change of address; or
 - (b) in another way that does not adversely affect the person.

⁸ See the Act, schedule 3, definition *driver disqualifying offence*.

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- (7) As soon as practicable after a person is given a written notice under subsection (5) or (6) about an automatic cancellation or amendment, the person must return to the prescribed operator any document evidencing the restricted driver authorisation.
- (8) A restricted driver authorisation granted under subsection (1) must be in the approved form.

28 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 driver authorisation; or
 - (d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
 - (e) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history.
- (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 driver authorisation; or
 - (c) the chief executive considers it necessary in the public interest having regard to the purpose of driver

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- authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
- (d) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history.
- (3) Action under this section—
- (a) to amend a person's driver authorisation if section 34(1)⁹ applies must be as required by section 34; or
- (b) to otherwise amend, suspend or cancel driver authorisation must be as required by section 29.
- (4) In this section—

driver authorisation includes provisional driver authorisation and restricted driver authorisation.

Note—

Schedule 2 of the Act provides an amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

29 Notice about amendment, suspension and cancellation of driver authorisation

- (1) This section applies if the chief executive considers—
- (a) a ground exists under section 28(1) to amend a person's driver authorisation; or
- (b) a ground exists under section 28(2) to suspend or cancel a person's driver authorisation.
- (2) However, this section does not apply if section 33 or 34¹⁰ applies.
- (3) Before taking the action mentioned in subsection (1)(a) or (b) (the ***proposed action***), the chief executive must give the person a written notice—

⁹ Section 34 (Category B driver disqualifying offences—exceptional case)

¹⁰ Section 33 (Category B driver disqualifying offences—exclusion action) or 34 (Category B driver disqualifying offences—exceptional case)

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- (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 driver authorisation—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the driver 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 is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
- (a) if the proposed action was to amend the driver authorisation—
 - (i) amend the driver authorisation in the way stated in the regulation notice; or
 - (ii) amend the driver authorisation in another way, having regard to the representations; or
 - (b) if the proposed action was to suspend the driver authorisation—
 - (i) suspend the driver authorisation for no longer than the period stated in the regulation notice; or
 - (ii) amend the authorisation having regard to the representations; or
 - (c) if the proposed action was to cancel the driver authorisation—
 - (i) cancel the driver authorisation; or
 - (ii) suspend the driver authorisation for a period; or
 - (iii) amend the driver authorisation having regard to the representations.

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(5) In this section—

driver authorisation includes provisional driver authorisation and restricted driver authorisation.

30 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) the chief executive considers it necessary having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act.

(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
- (c) the person does not comply with a notice given to the person under section 41;¹¹ or
- (d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act.

(3) In this section—

¹¹ Section 41 (Requirement to prove fitness)

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driver authorisation includes provisional driver authorisation and restricted driver authorisation.

Note—

Schedule 2 of the Act provides an amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

31 Notice about immediate amendment or suspension

- (1) This section applies if the chief executive considers—
 - (a) a ground exists under section 30(1) to immediately amend a person's driver authorisation by imposing a condition on the authorisation; or
 - (b) a ground exists under section 30(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 29, the chief executive may, by giving a regulation notice 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 immediate 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 gives the person a regulation notice about the chief executive's decision under section 33(2) or 34(2);
 - (ii) the end of 56 days after the regulation notice mentioned in subsection (3) 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—

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- (i) the charge is finally disposed of;
- (ii) the person's driver authorisation expires without being renewed; or
- (c) in any other case, the earlier of the following—
 - (i) the chief executive gives the person a regulation notice under section 29(4);
 - (ii) the end of 56 days after the regulation notice mentioned in subsection (3) is given to the person.

32 Further action after immediate amendment or suspension

- (1) This section applies if—
 - (a) under section 31, the chief executive immediately amends or immediately suspends a person's driver authorisation; and
 - (b) the chief executive also proposes, under section 29, to amend, suspend or cancel the driver authorisation.
- (2) The regulation notice under section 31(3) must also state the information mentioned in section 29(3) in relation to the action the chief executive proposes to take.
- (3) Section 29(4) applies to the proposed action as if the regulation notice given under section 31(3) were a notice given under section 29(3).

33 Category B driver disqualifying offences—exclusion action

- (1) This section applies if the chief executive takes exclusion action under section 28B¹² of the Act in relation to a person who has been convicted of a category B driver disqualifying offence.
- (2) The chief executive must give the person a regulation notice about the decision to take the exclusion action.

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

34 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 an exceptional case exists; but
 - (b) decides it is necessary in the particular case to impose a condition on the person's driver authorisation.
- (2) The chief executive may, by giving a regulation notice to the person—
 - (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.

35 Return of document evidencing driver authorisation if amended

- (1) If a person's driver authorisation is amended and the chief executive, by notice to the person, requires the person to return the authorising document for amendment within a stated time (but within 14 days) and in a stated way, the person must comply with the notice, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (2) Even if the person does not return the authorising document for amendment, the amendment has effect from the date stated in the notice.
- (3) In this section—

authorising document means a document evidencing the driver authorisation.

by notice includes—

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- (a) a regulation notice under section 29(4) or 31(3); or
- (b) a written notice under section 38(2); or
- (c) a written notice for this section.

driver authorisation includes provisional driver authorisation and restricted driver authorisation.

36 Return of evidence of driver authorisation if cancelled or suspended

- (1) This section applies if a person is given a regulation notice—
 - (a) cancelling the person’s driver authorisation; or
 - (b) suspending the person’s driver authorisation for longer than 3 months; or
 - (c) immediately suspending the person’s driver authorisation for any period.
- (2) As soon as practicable after the person is given the regulation notice (but within 14 days), the person must return the authorising document to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) Even if the person does not return the authorising document, the action stated in the regulation notice has effect from the date stated in the notice.
- (4) In this section—

authorising document means a document evidencing the driver authorisation.

driver authorisation includes provisional driver authorisation and restricted driver authorisation.

37 Relationship between driver licence and driver authorisation

- (1) If the driver licence of a person who holds driver authorisation is suspended, the person’s driver authorisation is suspended during the suspension of the person’s driver licence.

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- (2) If the driver licence of a person who holds driver authorisation is cancelled, the person's driver authorisation is cancelled.
- (3) If, on cancellation of a person's driver licence, the 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.
- (4) In this section—
driver authorisation includes provisional driver authorisation and restricted driver authorisation.

38 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 for the amendment.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.
- (3) In this section—
driver authorisation includes provisional driver authorisation.

39 Notifying operator of amendment, suspension or cancellation of driver authorisation

- (1) This section applies if—
 - (a) a person with driver authorisation 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.

Division 3 Miscellaneous matters relevant to driver authorisation

40 Notifying or informing—Act, ss 31, 33, 34 or 35

If a person, under section 31, 33, 34 or 35¹³ of the Act, must notify or inform the chief executive or an accredited operator about a matter, the notice or information must be written.

41 Requirement to prove fitness

- (1) This section applies if—
- (a) a standard requires a person, who is applying for the grant or renewal of driver authorisation, to provide evidence of the person's medical fitness to operate a public passenger vehicle under the driver authorisation; or
- (b) the chief executive suspects a person who holds driver authorisation is no longer medically fit to operate a public passenger vehicle under the driver authorisation.
- (2) The chief executive may, by written notice, require the person to provide evidence of the person's medical fitness to operate a public passenger vehicle under the driver authorisation.
- (3) In this section—
- driver authorisation*** includes provisional driver authorisation and restricted driver authorisation.

13 Section 31 (Applicant to notify charge for driver disqualifying offence etc.), 33 (Authorised driver must notify charge for driver disqualifying offence etc.), 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

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

Section 24¹⁴ of the Act does not apply to—

- (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.

43 Delegation of powers relating to driver authorisation

- (1) Section 28(2)¹⁵ of the Act applies to any delegation of powers under sections 29 and 30¹⁶ of the Act to any of the following—
 - (a) the Taxi Council of Queensland Inc.;
 - (b) the Queensland Bus Industry Council Inc.;
 - (c) the Limousine Association Queensland Inc.;
 - (d) the Brisbane City Council.

Note—

See the note to section 18(1).

- (2) It is a condition of each delegation mentioned in subsection (1) that a person who is, or has been, involved in the administration of the delegation must not make a record of, or directly or indirectly disclose, information about an applicant for the grant or renewal of driver authorisation.

14 Section 24 (What is driver authorisation) 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

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Example of information—

an applicant's criminal history or medical history

(3) Subsection (2) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.

(4) In this section—

driver authorisation includes provisional driver authorisation.

Part 4 Market entry restrictions

44 Purpose of pt 4

The purpose of this part is to declare that public passenger services are, as mentioned in section 36¹⁷ of the Act, to be provided with market entry restrictions.

45 Market entry restrictions—Act, s 36

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.

Note—

Sections 42, 42A and 71¹⁸ of the Act apply to a public passenger service to which a regulation under section 36 of the Act applies. If a regulation has been made, the chief executive may, under each of those sections, make a declaration by public notice or gazette notice.

17 Section 36 (Market entry restrictions) of the Act

18 Sections 42 (Declaration that service contracts are required), 42A (Other declarations that service contracts are required) and 71 (Taxi service areas) of the Act

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- 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; and
- (b) for deciding compensation under 62AAH(3) of the Act—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; and
 - (c) for deciding compensation under section 161(2) of the Act—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; and
 - (d) the capitalisation of future maintainable profits or the discounting of future cash flows as the principal valuation methodology; and
 - (e) the definition *future cash flows* in subsection (4) when selecting the appropriate discount rate to apply to the future cash flows; and
 - (f) the definition *future maintainable profits* in subsection (4) when selecting the appropriate capitalisation rate to apply to the future maintainable profits; and
 - (g) relevant risk factors including the life of the contract; and
 - (h) the value of the services derived using implied revenue multiples or other customary industry benchmarks.
- (3) An arbitrator must not consider—
- (a) capital gains tax; and
 - (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) of the Act, additional costs incurred by the service contract holder in relation to the termination of the holder's service

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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; and
- (c) income and expenses from activities, including, for example, 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; and
- (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;
- (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.

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

The following matters are prescribed for section 62AAE(2)(d)²² 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.

50 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.

51 Additional service contract areas or routes in Translink area

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

²² Section 62AAE (Matters to be considered generally when considering offers for Translink service contracts) of the Act

Part 6 Tax services

Division 1 Preliminary

52 Purpose of pt 6

The purpose of this part is to provide for matters in relation to taxi service licences as required by, or otherwise for, chapter 7²³ of the Act.

Note—

Section 68 of the Act sets out the purpose of taxi service licences.

53 **Limitation on number of taxi service licences held by single operator and associates—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—

associate, of a person, means someone who is in 1 or more of the following relationships with the person—

- (a) a spousal relationship;
- (b) the relationship of ascendant or descendant, or the relationship of persons who have a parent or grandparent in common;
- (c) a partnership;
- (d) the relationship of employer and employee;

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- (e) a fiduciary relationship;
- (f) the relationship of persons, 1 of whom is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the other;
- (g) the relationship of corporation and director or executive officer of the corporation;
- (h) the relationship of corporation and a person who is in a position of control or has substantial influence over the corporation's conduct.

hold includes lease.

54 Transfer, lease or surrender of taxi service licences—Act, s 76

- (1) The holder of a taxi service licence for a taxi service for an area 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 taxi service licence to someone else must, before the transfer or lease takes effect, give the chief executive written notice about the proposed transfer or lease.

Maximum penalty—20 penalty units.

- (3) If a person has leased a taxi service licence to someone else, the person must give the chief executive written notice about the end of the lease before the lease ends.

Maximum penalty—20 penalty units.

- (4) The holder of a taxi service licence may surrender the licence by written notice given to the chief executive.
- (5) A surrender takes effect from the day the notice is received by the chief executive or a later day stated in the notice.

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

55 Amendment, suspension and cancellation of taxi service licences—Act, ss 75(1) and 79

- (1) The chief executive may amend the conditions of a taxi service licence if the chief executive considers the amendment will result in a higher quality of service or will better meet the needs of users.
- (2) The chief executive may suspend or cancel a person's taxi service licence if the chief executive considers—
- (a) the person has been 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.

Note—

Schedule 2 of the Act provides an amendment of the conditions of a taxi service licence, or a suspension or cancellation of a taxi service licence, is a reviewable decision.

- (3) In this section—
considers includes is satisfied.

56 Notice about amendment, suspension and cancellation of taxi service licences

- (1) This section applies if the chief executive considers a ground exists, under section 55, to amend the conditions of, or to suspend or cancel, a person's taxi service licence.
- (2) Before taking the action mentioned in subsection (1) (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

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- (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) if the proposed action is amendment of the conditions of the taxi service licence—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the taxi service 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 is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
- (a) if the proposed action was to amend the conditions of the taxi service licence—
 - (i) amend the licence in the way stated in the regulation notice; or
 - (ii) amend the licence in another way having regard to the representations; or
 - (b) if the proposed action was to suspend the taxi service licence—
 - (i) suspend the licence for no longer than the period stated in the regulation notice; or
 - (ii) amend the conditions of the licence having regard to the representations; or
 - (c) if the proposed action was to cancel the taxi service licence—
 - (i) cancel the licence; or
 - (ii) suspend the licence for a period; or
 - (iii) amend the conditions of the licence having regard to the representations.

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57 Immediate suspension of taxi service licences—Act, s 79

- (1) The chief executive may immediately suspend a person's taxi service licence, by giving a regulation notice to the person, if the chief executive considers it necessary in the public interest.

Example of public interest—

behaving in a way the chief executive considers is damaging to the reputation of public passenger transport

Note—

Schedule 2 of the Act provides a suspension of a taxi service licence is a reviewable decision and refers to section 79 of the Act. That section provides for an immediate suspension of a taxi service licence.

- (2) The chief executive may, under subsection (1), immediately suspend the person's taxi service licence until the earlier of the following—
- (a) the chief executive gives the person a regulation notice under section 56(3);
 - (b) the end of 56 days after the regulation notice mentioned in subsection (1) is given to the person.
- (3) This section applies despite section 56.

Note—

Schedule 2 of the Act provides a suspension of a taxi service licence is a reviewable decision and refers to section 79 of the Act. That section provides for an immediate suspension of a taxi service licence.

58 Further action after immediate suspension

- (1) This section applies if—
- (a) under section 57, the chief executive immediately suspends a person's taxi service licence; and
 - (b) the chief executive also proposes, under section 56, to amend the conditions of, or to suspend or cancel, the taxi service licence.
- (2) The regulation notice under section 57(1) must also state the information mentioned in section 56(2) in relation to the action the chief executive proposes to take.

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- (3) Section 56(3) applies to the proposed action as if the regulation notice given under section 57(1) were a notice given under section 56(2).

59 Return of taxi service licence if amended, suspended or cancelled

- (1) This section applies if a person is given a regulation notice—
- (a) amending the conditions of the person's taxi service licence under section 56; or
 - (b) suspending, including immediately suspending, the person's taxi service licence; or
 - (c) cancelling the person's taxi service licence.
- (2) As soon as practicable after the regulation notice is given to the person (but within 14 days), the person must return the taxi service licence to the chief executive, unless the person has a reasonable excuse.
- Maximum penalty—10 penalty units.
- (3) Even if the person does not return the taxi service licence, the action stated in the regulation notice has effect from the date stated in the notice.

60 Other amendments of taxi service licences

- (1) This section applies only if the chief executive proposes to amend a person's taxi 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.

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- (5) 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—20 penalty units.

64 Requirements relating to taximeters

- (1) The operator of a taxi must ensure the taxi is fitted with a taximeter 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 under section 74A(1) of the Act are not exceeded.

Maximum penalty—40 penalty units.

65 Operation of taximeter by taxi driver

- (1) This section applies to a taxi (fitted with a taximeter)—

- (a) to which the maximum fares under section 74A²⁵ of the Act apply; or
- (b) that is stated in a gazette notice under section 74A(2) of the Act, if 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 for paragraph (b)—

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.

- (2) The driver of the taxi must only activate the taximeter—

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

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- (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—20 penalty units.

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

Maximum penalty—20 penalty units.

- (4) The driver of the taxi must deactivate the taximeter before asking for, or receiving, payment or a voucher—
 - (a) for a hiring other than a hiring under section 66—on arrival at the destination for the hiring; or
 - (b) otherwise—on arrival at the last destination of the multiple hirings.

Maximum penalty—20 penalty units.

66 Multiple hiring

- (1) The driver of a taxi may carry out 2 or more individual hirings, at the same time, 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 in the same general direction; 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 starts; and
 - (e) the hirings are not provided to a timetable.

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

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

67 Maximum age limits for taxis

- (1) The operator of a taxi, other than an exempted taxi, must ensure the taxi is not more than the following maximum age limits—

- (a) for a wheelchair accessible vehicle—8 years from the date of manufacture;
- (b) otherwise—6 years from the date of manufacture.

Maximum penalty—20 penalty units.

- (2) Subsection (1) applies even if the taxi is a luxury motor vehicle.

68 Control of doors of taxi

The driver of a taxi must take control over opening and shutting the taxi's doors if—

- (a) a prospective hirer of a taxi, or the parent or guardian of a prospective hirer, asks the driver to take control over opening and shutting the taxi's doors; and
- (b) the design of the taxi allows the driver to control the opening and shutting of the taxi's doors by using a device.

Maximum penalty—10 penalty units.

Note—

Under schedule 5, section 2(1)(c) taxis must be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver. This section requires a driver, on a specific request, to override the ability of a passenger to open a door.

69 Air conditioning in taxis

- (1) If a taxi is fitted with an air conditioner, the operator of the taxi must ensure the air conditioner is fully operational and in good repair.

Maximum penalty—20 penalty units.

- (2) If a taxi is fitted with an air conditioner and the driver is asked by a hirer to turn the air conditioner on or off, the driver must comply with the request.

Maximum penalty—20 penalty units.

70 Vehicle not to look like taxi unless licensed

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

Maximum penalty—20 penalty units.

- (2) After a vehicle stops being a taxi, the operator of the taxi must ensure the vehicle no longer looks like a taxi, including by removing all of the following from the vehicle—

- (a) a hail light;
- (b) a taximeter;
- (c) printing or signage relevant to the vehicle as a taxi.

Maximum penalty—20 penalty units.

- (3) This section does not apply to a vehicle used as a substitute taxi under a substitute taxi authority.

Division 3 Substitute taxis

71 Purpose of div 3

The purpose of this division is to allow—

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- (a) a person who administers taxi services in a relevant area to arrange for the use of a vehicle, that is not a licensed taxi, in substitution of a licensed taxi; and
- (b) the holder of a taxi service licence for an area, other than a relevant area, to use a vehicle that is not a licensed taxi in substitution of a licensed taxi.

72 Definitions for div 3

In this division—

authorised provider means—

- (a) a person who administers taxi services in a relevant area; or
- (b) the holder of a taxi service licence for an area other than a relevant area.

licensed taxi means a vehicle stated in a taxi service licence.

relevant area means an area in which the administration of taxi services must be performed under a service contract as mentioned in section 66²⁶ of the Act.

substitute taxi means a vehicle used by an authorised provider under a substitute taxi authority.

substitute taxi authority see section 73.

73 Application for grant of substitute taxi authority

An authorised provider may apply to the chief executive for authority (a *substitute taxi authority*) to allow a vehicle, other than a licensed taxi, to be used to provide a taxi service.

74 Deciding application

- (1) The chief executive must consider an authorised provider's application for the grant of a substitute taxi authority and decide to—

²⁶ Section 66 (Regulation may declare that service contracts are required) of the Act

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- (a) grant a substitute taxi authority, with or without conditions; or
 - (b) refuse to grant a substitute taxi authority.
- (2) If the chief executive refuses to grant a substitute taxi authority or imposes a condition on the grant of the substitute taxi authority, the chief executive must give the authorised provider a regulation notice about the decision.
- (3) As part of considering the application for the grant of a substitute taxi authority, the chief executive may consider arrangements under which the authorised provider operates, including, for example, if the vehicles to be used as substitute taxis are to be owned, operated or managed by another person.

75 Circumstances when substitute taxi may be used

An authorised provider may only use a substitute taxi if a licensed taxi used to provide a taxi service can not be used because of—

- (a) a major mechanical failure; or
- (b) a major accident; or
- (c) another circumstance stated in the substitute taxi authority.

Example for paragraph (c)—

The substitute taxi authority may provide that a 4 wheel drive vehicle can be used when roads are impassable after heavy rain.

Maximum penalty—40 penalty units.

76 Consequence of noncompliance with a condition

An authorised provider must comply with each condition of a substitute taxi authority granted to the authorised provider, unless the authorised provider has a reasonable excuse.

Maximum penalty—40 penalty units.

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77 Cancellation of substitute taxi authority

- (1) The chief executive may cancel a substitute taxi authority if the chief executive considers the authorised provider contravened or is contravening a condition of the authority.
- (2) Before cancelling the substitute taxi authority, the chief executive must give the authorised provider a written notice—
 - (a) stating the chief executive is considering cancelling the substitute taxi authority; and
 - (b) stating the grounds for the cancellation; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) inviting the provider to show, within a stated time of at least 28 days, why the authority should not be cancelled.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied the authorised provider contravened or is contravening a condition of the substitute taxi authority, the chief executive may, by giving a regulation notice to the provider, cancel the authority.
- (4) As soon as practicable after the regulation notice is given to the authorised provider (but within 14 days), the provider must return the substitute taxi authority to the chief executive, unless the provider has a reasonable excuse.

Maximum penalty—10 penalty units.

- (5) Even if the authorised provider does not return the substitute taxi authority, the action stated in the regulation notice has effect from the date stated in the notice.

78 Requirements for the use of a substitute taxi

An authorised provider must not use, or allow the use of, a substitute taxi unless the vehicle—

- (a) is stated in the substitute taxi authority as a vehicle that may be used as a substitute taxi; and
- (b) complies with each condition of the taxi service licence under which the substitute taxi is to be operated; and

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Example of a condition for paragraph (b)—

a condition that the taxi be operated only in the taxi service area to which the taxi service licence applies

- (c) displays the letters ‘ST’ on the rear and side panels of the vehicle; and
- (d) if the vehicle being used as a substitute taxi is a metered taxi—displays a substitute taxi licence plate issued by the chief executive.

Maximum penalty—40 penalty units.

79 Records to be kept when vehicle used as a substitute taxi

- (1) An authorised provider must keep a written record of the following information when a substitute taxi is used instead of a licensed taxi—

- (a) the registration number of the substitute taxi;
- (b) the registration number and any fleet number of the licensed taxi;
- (c) the date and time of the use of the substitute taxi;
- (d) the reason why the licensed taxi could not be used;
- (e) the location of the licensed taxi during the use of the substitute taxi.

Maximum penalty—20 penalty units.

- (2) The authorised provider must keep, or arrange for the keeping of, the following information in the substitute taxi when the authorised provider uses the substitute taxi instead of a licensed taxi—

- (a) a copy of the information mentioned in subsection (1);
- (b) a copy of the taxi service licence, and any conditions imposed on the taxi service licence, for the licensed taxi;
- (c) if the authorised provider is not the holder of the taxi service licence—the written permission of the authorised provider for the use of the substitute taxi.

Maximum penalty—40 penalty units.

80 When vehicle not used as a substitute taxi

- (1) If a substitute taxi is not being used as a substitute taxi, the authorised provider must—
- (a) at the request of the chief executive, make the substitute taxi available for inspection by the chief executive; and
 - (b) unless the substitute taxi is being used other than for providing a taxi service, keep the substitute taxi at a place that is not a public place; and
 - (c) not stand the substitute taxi in a place or in a way that would reasonably imply that the substitute taxi is available for hire as a taxi.

Maximum penalty—40 penalty units.

- (2) If an authorised provider of a substitute taxi uses the vehicle to provide a public passenger service other than as a substitute taxi, the authorised provider must keep a written record of the particulars mentioned in section 124(b), (c), (d) and (e) in relation to the vehicle while it is used to provide the public passenger service other than as a substitute taxi.

Maximum penalty—20 penalty units.

Division 4 Taxi security camera systems

81 Definitions for div 4

In this division—

approved taxi security camera system means a taxi security camera system that, under section 87, is approved by the chief executive, or taken to be approved.

approved taxi security camera system sign means a sign approved under section 89.

authorised purpose, for an image recording made by an approved taxi security camera system fitted in a taxi, means—

- (a) the examination of a complaint relating to the taxi, or an event that happened in or about the taxi, carried out by—

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- (i) the operator of the taxi service that uses the taxi or, if the operator is a corporation, an executive officer of the corporation; or
- (ii) an employee of the operator, acting under the direct and immediate supervision of the operator or the executive officer; or

Examples for paragraph (a) of matters that may be the subject of a complaint—

- fare evasion
 - lost property
 - disorderly conduct
 - offensive behaviour
 - theft of property
 - physical assaults not causing injury
- (b) for, or in connection with, the prosecution of, or the issue of an infringement notice for, an offence committed in or about the taxi; or
 - (c) another purpose relating to a police officer's performance of duties as a police officer; or
 - (d) another purpose relating to the performance by a public service officer employed in the department of duties, as an officer of the department, relating to the administration of taxi security camera systems fitted in taxis; or
 - (e) the carrying out of work by a manufacturer or supplier of the approved taxi security camera system to maintain, or address a failure in, the approved taxi security camera system.

fully operational, for an approved taxi security camera system, means the visual indicator on the approved taxi security camera system, designed to show whether the approved taxi security camera system is operational, indicates the approved taxi security camera system is operational.

holder, of a taxi service licence, includes the authorised provider of a substitute taxi.

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image recording includes—

- (a) any electronically stored information from which a recorded image is capable of being generated; and
- (b) any print-out or other reproduction of the recorded image.

relevant place, for an approved taxi security camera system sign in or on a taxi, means—

- (a) each door of the taxi, in a place approved by the chief executive; and
- (b) another conspicuous place inside the taxi that allows passengers of the taxi to readily see the sign.

relevant taxi service area means a taxi service area mentioned in schedule 3.

taxi includes a substitute taxi being used as a substitute taxi.

taxi security camera system means a system designed to record images of persons in or about a taxi.

82 Obligation on holder of taxi service licence

- (1) The holder of a taxi service licence for a relevant taxi service area must ensure the taxi operated under the licence is fitted with an approved taxi security camera system.

Maximum penalty—40 penalty units.

- (2) The holder of a taxi service licence for a taxi fitted with an approved taxi security camera system must ensure that, at the time the holder makes the taxi available to the operator of the taxi service that uses the taxi—
 - (a) the approved taxi security camera system is fully operational; and
 - (b) an approved taxi security camera system sign is displayed at each relevant place in or on the taxi.

Maximum penalty—40 penalty units.

83 Obligation on operator of taxi service

The operator of a taxi service must ensure that, if a taxi used to provide the service is fitted with an approved taxi security camera system, at the time the operator makes the taxi available to a driver of the taxi—

- (a) the approved taxi security camera system is fully operational; and
- (b) an approved taxi security camera system sign is displayed at each relevant place in or on the taxi.

Maximum penalty—40 penalty units.

84 Obligation on driver of taxi

The driver of a taxi fitted with an approved taxi security camera system must not drive the taxi while the taxi is available for hire unless—

- (a) the approved taxi security camera system is fully operational; and
- (b) an approved taxi security camera system sign is displayed at each relevant place in or on the taxi.

Maximum penalty—40 penalty units.

85 Holder of licence may give chief executive notice that approved taxi security camera system not operational

(1) This section applies if—

- (a) a taxi fitted with an approved taxi security camera system is operated under a taxi service licence for a taxi service area that is not a relevant taxi service area; and
- (b) the holder of the taxi service licence for, or the operator of the taxi service that uses, the taxi gives the chief executive written notice that the approved taxi security camera system is not, or will not be, operational during a period because it is undergoing maintenance or repair; and
- (c) a copy of the notice given to the chief executive is kept in the taxi during the notice period.

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- (2) Neither the holder of the licence nor the operator of the taxi service commits an offence against section 82(2) or 83 for making the taxi available to another person without a fully operational approved taxi security camera system during the notice period.
- (3) The driver of the taxi does not commit an offence against section 84 by driving the taxi without a fully operational approved taxi security camera system during the notice period.
- (4) In this section—
gives includes send by mail, facsimile or email.
notice period means the period—
 - (a) starting on the later of the following days—
 - (i) the day the notice is given to the chief executive;
 - (ii) the day stated in the notice as the first day the approved taxi security camera system will not be operational; and
 - (b) ending on the day stated in the notice as the last day the approved taxi security camera system will not be operational, but not more than 4 days after the day the period starts.

86 Chief executive may approve specifications for taxi security camera system

The chief executive may, by gazette notice, approve specifications for a taxi security camera system.

87 Chief executive may approve taxi security camera system

- (1) The chief executive may, by gazette notice—
 - (a) approve a taxi security camera system that complies with specifications approved under section 86 for use in taxis; or
 - (b) revoke an approval for a taxi security camera system.

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- (2) An approval under subsection (1)(a) may be subject to conditions.
- (3) Without limiting subsection (2), a condition may relate to the following matters—
 - (a) the technical and functional specifications of the taxi security camera system;
 - (b) the requirements for support services to be provided by the manufacturer or supplier of the taxi security camera system;
 - (c) the maintenance of the taxi security camera system;
 - (d) security controls for the taxi security camera system;
 - (e) the disclosure or use of image recordings from the taxi security camera system.
- (4) The chief executive may, under subsection (1)(b), revoke an approval only if the chief executive reasonably believes—
 - (a) the taxi security camera system no longer complies with specifications approved under section 86; or
 - (b) the taxi security camera system no longer complies with the approval; or
 - (c) the manufacturer or supplier of the taxi security camera system has breached a condition of the approval.
- (5) If the chief executive revokes an approval for a taxi security camera system—
 - (a) the taxi security camera system is taken to be approved for the relevant period; and
 - (b) the holder of a taxi service licence for a relevant taxi service area does not commit an offence against section 82(1), for operating a taxi fitted with that taxi security camera system, during the relevant period.
- (6) In this section—

relevant period means the period—

 - (a) starting on the day the approval is revoked; and

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- (b) ending on the day that is 6 months after the day the approval is revoked.

88 Taxi not to be fitted with taxi security camera system that has not been approved

A person must not fit, or cause to be fitted, a taxi security camera system in a taxi unless it is an approved taxi security camera system.

Maximum penalty—40 penalty units.

89 Approval of signs

- (1) The chief executive may approve a sign for display in or on a taxi fitted with an approved taxi security camera system that states a security camera is fitted and operating in the taxi.
- (2) An approval under subsection (1) must be published in the gazette.

90 Person must not tamper with an approved taxi security camera system

- (1) A person must not, without lawful authority or excuse, tamper with an approved taxi security camera system fitted in a taxi.

Maximum penalty—40 penalty units.

- (2) In this section—

tamper includes attempt to tamper.

91 Use of image recordings from approved taxi security camera system

- (1) A person must not—

(a) sell an image recording made by an approved taxi security camera system fitted in a taxi; or

(b) otherwise disclose or use an image recording made by an approved taxi security system fitted in a taxi other than for an authorised purpose.

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Maximum penalty—80 penalty units.

- (2) A person who downloads an image recording under subsection (1) must keep a record of the following—
- (a) the VIN of the taxi from which the image recording is taken;
 - (b) the date, time and location at which the image recording is downloaded;
 - (c) the person's name;
 - (d) the reason for downloading the image recording;
 - (e) the name and contact details of—
 - (i) the person asking for the image recording to be downloaded; and
 - (ii) the person, if any, to whom the image recording is to be given;
 - (f) the date, time and filename of the image recording.

Maximum penalty—80 penalty units.

- (3) A person who makes a record under subsection (2) must give a copy of the record to the chief executive within 1 working day after downloading the image recording.

Maximum penalty—80 penalty units.

- (4) In this section—

give includes send by mail, facsimile or email.

VIN has the meaning given by the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

92 Security safeguards to be taken to protect against unauthorised use of image recording

- (1) A relevant person must take all security safeguards, that are reasonable in the circumstances for the person to take, to ensure that an image recording made by an approved taxi security camera system fitted in a taxi is protected against—
- (a) misplacement; or

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(b) disclosure or use other than for an authorised purpose.

Maximum penalty—80 penalty units.

(2) In this section—

relevant person, for an image recording made by an approved taxi security camera system fitted in a taxi, means—

- (a) the holder of the taxi service licence for the taxi;
- (b) the operator of the taxi service that uses the taxi to provide the service;
- (c) the driver of the taxi;
- (d) a person who uses the image recording for an authorised purpose.

93 Disposal of image recordings

(1) This section applies if the operator of a taxi service or, if the operator is a corporation, an executive officer of the corporation, downloads an image recording from an approved taxi security camera system fitted in a taxi used to provide the service.

(2) The operator or executive officer must delete or otherwise destroy the image recording not less than 30 days, but not more than 35 days, after the day the image recording is downloaded.

Maximum penalty—80 penalty units.

Division 5 Taxi subsidy scheme

94 Definitions for div 5

In this division—

approved relevant person means a person whose application under section 95 has been approved.

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relevant person means a person who—

- (a) has a physical disability making the person dependant on a wheelchair for mobility outside the person's residence; or
- (b) has a physical disability or other medical condition that restricts the person from walking, unassisted and without a rest, 50m or less and—
 - (i) makes the person permanently dependant on a walking aid; or
 - (ii) prevents the person from ascending or descending 3 steps without assistance; or
 - (iii) has resulted in a history of frequent falls; or
 - (iv) is a condition that is an advanced cardiovascular, respiratory or neurological disorder; or
 - (v) causes severe pain limiting ambulation, verifiable by appropriate clinical investigations; or
- (c) has a physical disability or other medical condition requiring—
 - (i) the person to ordinarily carry treatment equipment which, when carried, restricts the person from walking, unassisted and without rest, 50m or less; or
 - (ii) someone else to ordinarily carry or administer treatment equipment for the person; or
- (d) has a severe emotional or behavioural disorder with a level of disorganisation resulting in the need to be always accompanied by another person for travel on public transport; or
- (e) has a total loss of vision or severe permanent visual impairment; or
- (f) has severe and uncontrollable epilepsy; or
- (g) has an intellectual disability causing behavioural problems—
 - (i) resulting in socially unacceptable behaviour; and

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- (ii) requiring the constant assistance of someone else for travel on public transport; or
- (h) has a clinical condition resulting in a disability mentioned in paragraphs (a) to (g) of a temporary nature, and is undergoing medical, surgical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

taxi subsidy scheme means a scheme, administered by the chief executive, under which the State pays part of taxi fares for approved relevant persons by providing a benefit to each approved relevant person in relation to the cost of taxi travel, without providing amounts of money to the person.

95 Application for, and grant or refusal of, assistance under taxi subsidy scheme

- (1) A person may apply to the chief executive for membership of the taxi subsidy scheme as a relevant person.
- (2) The application must be in the approved form.
- (3) The chief executive must consider the application and decide—
 - (a) to approve the application; or
 - (b) under subsection (4), to refuse to approve the application.
- (4) The chief executive may, by giving a regulation notice to a person, refuse to approve the application if—
 - (a) the chief executive is not satisfied the person is a relevant person; or
 - (b) the person has been convicted of an offence against section 149(3)²⁷ of the Act in relation to a taxi subsidy scheme.

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96 Chief executive may cancel assistance under taxi subsidy scheme

- (1) The chief executive may cancel a person's approval as an approved relevant person if—
 - (a) the chief executive is no longer satisfied the person is a relevant person; or
 - (b) the person has been convicted of an offence against section 149(3)²⁸ of the Act in relation to a taxi subsidy scheme.
- (2) Before cancelling the approval, the chief executive must give the approved relevant person a written notice—
 - (a) stating the chief executive is considering cancelling the approval; and
 - (b) stating the grounds for the cancellation; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) inviting the person to show, within a stated time of at least 28 days, why the cancellation should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is not satisfied the person is a relevant person as mentioned in subsection (1)(a), or is satisfied the person has been convicted as mentioned in subsection (1)(b), the chief executive may, by giving a regulation notice to the person, cancel the approval.
- (4) Unless the person has a reasonable excuse, as soon as practicable after the regulation notice is given to the approved relevant person (but within 14 days), the person must return to the chief executive—
 - (a) the person's membership card evidencing the person's membership of the taxi subsidy scheme; and
 - (b) any unused taxi vouchers given under the taxi subsidy scheme.

Maximum penalty—10 penalty units.

- (5) Even if the person does not return the membership card or any unused taxi vouchers given under the taxi subsidy scheme, the action stated in the regulation notice has effect from the date stated in the notice.

Part 7 Limousine services

Division 1 Preliminary

97 Purpose of pt 7

The purpose of this part is to provide for matters in relation to limousine service licences as required by, or otherwise for, chapter 8²⁹ of the Act.

Note—

Section 81 of the Act sets out the purpose of limousine service licences.

Division 2 Limousine service licences

98 Transfer, lease or surrender of limousine service licences—Act, s 89

- (1) The holder of a limousine service licence for a limousine service for an area 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 limousine service licence to someone else must, before the transfer or lease takes effect,

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give the chief executive written notice about the proposed transfer or lease.

Maximum penalty—20 penalty units.

- (3) If a person has leased a limousine service licence to someone else, the person must give the chief executive written notice about the end of the lease before the lease ends.

Maximum penalty—20 penalty units.

- (4) The holder of a limousine service licence may surrender the licence by written notice given to the chief executive.
- (5) A surrender takes effect from the day the notice is received by the chief executive or a later day stated in the notice.
- (6) In this section—
end of the lease includes expiry of the lease.

99 Amendment, suspension and cancellation of limousine service licences—Act, ss 88(1) and 91

- (1) The chief executive may amend the conditions of a limousine service licence if satisfied the amendment will result in a higher quality of service or will better meet the needs of users.
- (2) The chief executive may suspend or cancel a person's limousine service licence if satisfied—
- (a) the person has been 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.

Note—

Schedule 2 of the Act provides an amendment of a limousine service licence, or suspension or cancellation of a limousine service licence, is a reviewable decision.

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100 Notice about amendment, suspension and cancellation of limousine service licences

- (1) This section applies if the chief executive considers a ground exists under section 99 to amend the conditions of, or to suspend or cancel, a person's limousine service licence.
- (2) Before taking the action mentioned in subsection (1) (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 conditions of the limousine service licence—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the limousine service 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 is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
 - (a) if the proposed action was to amend the conditions of the limousine service licence—
 - (i) amend the licence in the way stated in the regulation notice; or
 - (ii) amend the licence in another way, having regard to the representations; or
 - (b) if the proposed action was to suspend the limousine service licence—
 - (i) suspend the licence for no longer than the period stated in the regulation notice; or

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- (ii) amend the conditions of the licence having regard to the representations; or
- (c) if the proposed action was to cancel the limousine service licence—
 - (i) cancel the licence; or
 - (ii) suspend the licence for a period; or
 - (iii) amend the conditions of the licence having regard to the representations.

101 Immediate suspension of limousine service licences—Act, s 91

- (1) The chief executive may immediately suspend a person's limousine service licence, by giving a regulation notice to the person, if the chief executive considers it necessary in the public interest.

Example of public interest—

behaving in a way the chief executive considers is damaging to the reputation of public passenger transport

- (2) The chief executive may, under subsection (1), immediately suspend the person's limousine service licence until the earlier of the following—
- (a) the chief executive gives the person a regulation notice under section 100(3);
 - (b) the end of 56 days after the regulation notice under subsection (1) is given to the person.
- (3) This section applies despite section 100.

Note—

Schedule 2 of the Act provides a suspension of a limousine service licence is a reviewable decision and refers to section 91 of the Act. That section provides for an immediate suspension of a limousine service licence.

102 Further action after immediate suspension

- (1) This section applies if—

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- (a) under section 101, the chief executive immediately suspends a person's limousine service licence; and
 - (b) the chief executive also proposes, under section 100, to amend the conditions of, or to suspend or cancel, the limousine service licence.
- (2) The regulation notice under section 101(1) must also state the information mentioned in section 100(2) in relation to the action the chief executive proposes to take.
- (3) Section 100(3) applies to the proposed action as if the regulation notice given under section 101(1) were a notice given under section 100(2).

103 Return of limousine service licence if amended, suspended or cancelled

- (1) This section applies if a person is given a regulation notice—
- (a) amending the conditions of the person's limousine service licence under section 99; or
 - (b) suspending, including immediately suspending, the person's limousine service licence; or
 - (c) cancelling the person's limousine service licence.
- (2) As soon as practicable after the regulation notice is given to the person (but within 14 days), the person must return the limousine service licence to the chief executive, unless the person has a reasonable excuse.
- Maximum penalty—10 penalty units.
- (3) Even if the person does not return the limousine service licence, the action stated in the regulation notice has effect from the date stated in the notice.

104 Other amendments of limousine service licences

- (1) This section applies only if the chief executive proposes to amend a person's limousine service licence—
- (a) for a formal or clerical reason; or

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- (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 3 Operation of limousine services

105 Luxury motor vehicles—Act, sch 3, def *luxury motor vehicle*, paragraph (a)

A luxury motor vehicle is —

- (a) a motor vehicle mentioned in schedule 4 that is not more than the vehicle's maximum age limit specified in the schedule (a *schedule 4 vehicle*); or
- (b) a motor vehicle that is at least 40 years old, registered and safe.

106 Advertising limousine service

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

Maximum penalty—20 penalty units.

107 Issue of limousine service licences

- (1) The chief executive must decide the price for the issue of a limousine service licence for a limousine service area.
- (2) The price must be reasonable in the circumstances taking into account—
 - (a) if there has been 1 or more sales or transfers of limousine service licences within the limousine service area during the period of 6 months before the issue of the licence—the price of the sales or transfers in the 6 month period; or

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- (b) otherwise—the most recent sale or transfer of a limousine service licence within the limousine service area before that 6 month period.

108 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 limousine standing area or limousine rank.

Maximum penalty—30 penalty units.

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

- (a) an earlier booking was made for the vehicle and the amount to 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—20 penalty units.

- (3) The driver of a limousine 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 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—20 penalty units.

- (4) If an approved notice is not displayed at a limousine rank, the driver of a limousine at the rank must—

- (a) carry a copy of the approved notice in relation to the limousine rank; and
- (b) show the copy of the approved notice to a prospective hirer on request; and
- (c) ensure that—

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- (i) a prospective hirer is informed that set fares apply;
or
- (ii) a sign stating that set fares apply is placed in a position in the limousine where it is likely to be seen by a prospective hirer.

Maximum penalty—20 penalty units.

- (5) The driver of a limousine at a limousine rank—
 - (a) must make the vehicle available for immediate hire; and
 - (b) must not refuse a hiring to a destination or area displayed on the approved notice.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

- (7) If the driver of a limousine believes the driver will not be able to obtain the fare at the destination, before starting the hiring, the driver may require the hirer to pay the agreed amount or set fare for the hiring as a deposit.

- (8) In this section—

limousine rank means a place approved by the chief executive as a place where limousines may stand for hire to set destinations or areas for set fares.

limousine standing area means a place approved by the chief executive as a place where limousines may stand while waiting to attend for a booking made earlier.

Division 4 Substitute limousines

109 Purpose of div 4

The purpose of this division is to allow the holder of a limousine service licence to use a vehicle that is not a licensed limousine in substitution of a licensed limousine.

110 Definitions for div 4

In this division—

licensed limousine means a vehicle stated in a limousine service licence.

limousine operator means either of the following—

- (a) the person who is the holder of a limousine service licence;
- (b) the lessor of a limousine service licence.

substitute limousine means a vehicle used by the holder of a limousine service licence in substitution of a licensed limousine.

substitute limousine authority see section 111(1).

111 Application for grant of substitute limousine authority

- (1) A limousine operator may apply to the chief executive for authority (a *substitute limousine authority*) to allow a vehicle, other than a licensed limousine, to be used by the limousine operator to provide a limousine service.
- (2) If circumstances happened outside of the department's normal business hours and the limousine operator used a substitute limousine, the application may be made in relation to a period, as stated in the application (but not more 3 days), before the limousine operator made the application.

112 Deciding application

- (1) The chief executive must consider a limousine operator's application for the grant of a substitute limousine authority and decide to—
 - (a) grant a substitute limousine authority, with or without conditions; or
 - (b) refuse to grant a substitute limousine authority.
- (2) If the chief executive refuses to grant a substitute limousine authority or imposes a condition on the grant of the substitute

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limousine authority, the chief executive must give the limousine operator a regulation notice about the decision.

- (3) If the application included a period as stated in section 111(2), the substitute limousine authority may be given in relation to a period that was not more than 3 days before the day the application was given to the chief executive.

113 Circumstances when substitute limousine may be used

A limousine operator may only use a substitute limousine if a licensed limousine used by the limousine operator to provide a limousine service can not be used because of—

- (a) a major mechanical failure; or
- (b) a major accident.

Maximum penalty—40 penalty units.

114 Consequence of noncompliance with a condition

A limousine operator must comply with each condition of a substitute limousine authority granted to the limousine operator, unless the limousine operator has a reasonable excuse.

Maximum penalty—40 penalty units.

115 Cancellation of substitute limousine authority

- (1) The chief executive may cancel a substitute limousine authority if satisfied the limousine operator contravened or is contravening a condition of the authority.
- (2) Before cancelling the substitute limousine authority, the chief executive must give the limousine operator a written notice—
 - (a) stating the chief executive is considering cancelling the substitute limousine authority; and
 - (b) stating the grounds for the cancellation; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and

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- (d) inviting the limousine operator to show, within a stated time of at least 28 days, why the authority should not be cancelled.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied the limousine operator contravened or is contravening a condition of the substitute limousine authority, the chief executive may, by giving a regulation notice to the operator, cancel the authority.
- (4) As soon as practicable after the regulation notice is given to the limousine operator (but within 14 days), the operator must return the substitute limousine authority to the chief executive, unless the operator has a reasonable excuse.
Maximum penalty—10 penalty units.
- (5) Even if the limousine operator does not return the substitute limousine authority, the action stated in the regulation notice has effect from the date stated in the notice.

116 Requirements for the use of a substitute limousine

- (1) A limousine operator must not use, or allow the use of, a substitute limousine unless the vehicle—
 - (a) is stated in the substitute limousine authority as a vehicle that may be used as a substitute limousine or circumstances mentioned in section 113 happen outside of the department's normal business hours and the limousine operator uses the vehicle only until it is normal business hours; and
 - (b) complies with each condition of the limousine service licence under which the substitute limousine is to be operated; and
Example of a condition for paragraph (b)—
 - a condition that the limousine be operated only in the limousine service area to which the limousine service licence applies
 - (c) is a luxury motor vehicle.

Maximum penalty—40 penalty units.

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- (2) However a limousine operator, when using a substitute limousine, is exempt from complying with a condition of a limousine service licence under section 87(2)(d)(ii)³⁰ of the Act requiring the limousine operator to display a registration plate on the vehicle distinguishing it as a limousine.

117 Records to be kept when vehicle used as a substitute limousine

- (1) A limousine operator must keep a written record of the following information when the limousine operator uses a substitute limousine instead of a licensed limousine—
- (a) the registration number of the substitute limousine;
 - (b) the registration number of the licensed limousine;
 - (c) the date and time of the use of the substitute limousine;
 - (d) the reason why the licensed limousine could not be used;
 - (e) the location of the licensed limousine during the period the substitute limousine is used.

Maximum penalty—20 penalty units.

- (2) A limousine operator must keep, or arrange for the keeping of, the following information in a substitute limousine when the limousine operator uses the substitute limousine instead of a licensed limousine—
- (a) a copy of the information mentioned in subsection (1);
 - (b) a copy of the limousine service licence, and any conditions imposed on the limousine service licence, for the licensed limousine.

Maximum penalty—40 penalty units.

30 Section 87 (Conditions of limousine service licences) of the Act

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(c) the vehicle is to be sold or otherwise disposed of.

Maximum penalty—20 penalty units.

(3) Unless the person has a reasonable excuse, a person must not operate a public passenger vehicle displaying accreditation evidence if the person—

(a) does not hold operator accreditation; or

(b) holds provisional operator accreditation only and the accreditation evidence relates to operator accreditation other than provisional operator accreditation.

Maximum penalty—20 penalty units.

(4) For subsections (1) and (3), it is a reasonable excuse for an accredited person if—

(a) the vehicle operated by the accredited person is leased from, or usually operated by, another person who holds operator accreditation; and

(b) the accredited person operates the vehicle because of an exceptional circumstance; and

(c) the accredited person does not operate the vehicle for a period of more than 5 days, whether or not consecutively, within in any period of 3 months.

An example for subsection (4)(b)—

a replacement bus is used because of a vehicle break-down

(5) In this section—

accreditation evidence means—

(a) an operator's accreditation number; or

(b) a vehicle identification sign displaying the words 'accredited operator' issued by the department.

accredited person means a person who holds operator accreditation, including provisional operator accreditation.

121 Presenting vehicles for inspection

(1) The chief executive may, by written notice, require the operator of a public passenger vehicle to take the vehicle to a

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specified place and at a specified time, for inspection and testing.

- (2) The operator must comply with the requirement.

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

122 Providing safe vehicles

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

Maximum penalty—20 penalty units.

123 Requirement for authority to enter

An 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, controls 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, administered or owned by Aborigines or Torres Strait Islanders.

Maximum penalty—20 penalty units.

124 Record to be kept of each use of vehicle to provide public passenger service

An operator of a public passenger service for which operator accreditation is required must keep a written record stating 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;

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- (c) the date and time of the use of the vehicle;
- (d) the name of each driver who used the vehicle;
- (e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.

Maximum penalty—20 penalty units.

125 Records prescribed operators must keep about drivers

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

- (a) the name of the person granted restricted driver authorisation;
- (b) the date of the grant of the restricted driver authorisation;
- (c) the date of expiry of the restricted driver authorisation;
- (d) any amendment of the restricted driver authorisation and date of the amendment;
- (e) any automatic cancellation of the restricted driver authorisation under section 27(4)(c),³¹ reasons for the automatic cancellation and details about a notice given under section 27(5);
- (f) the number of the driver licence held by the person that, under the *Transport Operations (Passenger Transport) Standard 2000*, the person must hold and the State or foreign country where that driver licence was issued.

Maximum penalty—20 penalty units.

126 Prescribed operator must notify chief executive if restricted driver authorisation granted, amended or cancelled

- (1) A prescribed operator must, within 3 working days after granting, amending or cancelling a restricted driver

31 Section 27 (Restricted driver authorisation—Act, s 29A)

authorisation, give the chief executive notice about the grant, amendment or cancellation.

Maximum penalty—10 penalty units.

- (2) The notice must be in the approved form.

Part 9 Rights and obligations of passengers and drivers

127 Application of pt 9

This part does not apply to a public passenger vehicle that is rolling stock under the *Transport Infrastructure Act 1994*.

128 Smoking, and consumption of food or beverages, on public passenger vehicle

- (1) A person must not smoke in a public passenger vehicle.
Maximum penalty—20 penalty units.
- (2) A person must not consume food or beverages in a public passenger vehicle without the permission of the operator or driver of the vehicle.

Maximum penalty—20 penalty units.

129 Carrying animals

- (1) A person must not take an animal, that is not an assistance animal, on a public passenger vehicle without the permission of the operator or driver of the vehicle.
Maximum penalty—20 penalty units.
- (2) The driver of a public passenger vehicle must allow a person who has a disability to take an assistance animal on the vehicle.

Maximum penalty—20 penalty units.

(3) In this section—

assistance animal means an animal that—

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

130 Identification of drivers

(1) A person must not drive a public passenger vehicle for which driver authorisation is required, unless the person carries the document evidencing the person's driver authorisation.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

131 Dress of drivers

The driver of a public passenger vehicle must, while driving the vehicle, be neatly dressed.

Maximum penalty—10 penalty units.

132 Help to passengers

If a passenger of, or intending passenger for, a public passenger vehicle asks for help to board or leave the vehicle, or asks for help with luggage, the driver of the vehicle must give the help to the extent that it is reasonable for the driver to do so.

Maximum penalty—10 penalty units.

133 Drivers of motorcycles

The driver of a motorcycle, motor tricycle or motorcycle with a sidecar, used to provide a public passenger service, must not allow a person to ride as a passenger unless the driver is

satisfied that the safety of the driver, the passenger and other passengers is not unreasonably put at risk by allowing the person to ride as a passenger.

Maximum penalty—20 penalty units.

Part 10 Review of, and appeals against, decisions not provided for under Act, ch 10

134 Review of decisions

- (1) A person whose interests are affected by a decision (the *original decision*) stated in schedule 7 may ask the chief executive to review the decision.

Note—

Schedule 2 of the Act provides that particular decisions are reviewable decisions. The decisions mentioned in schedule 2 of the Act do not include the decisions stated in schedule 7. Also, if the Act provides for an appeal in relation to a suspension, that reference includes an immediate suspension.

- (2) The person is entitled to receive a statement of reasons for the original decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2³²—
- (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the original decision may be stayed by the person by applying to the court stated in schedule 7.

³² *Transport Planning and Coordination Act 1994*, part 5 (Review of and appeals against decisions), division 2 (Review of original decisions)

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- (4) Also, after the chief executive confirms or amends the original decision or substitutes another decision, the person may appeal against the confirmed, amended or substituted decision (the *reviewed decision*) to the court stated in schedule 7.
- (5) The *Transport Planning and Coordination Act 1994*, part 5, division 3³³—
- (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the reviewed decision may be stayed by the person by applying to the court stated in schedule 7.

Part 11 General

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

An offence against this regulation, or the repealed *Transport Operations (Passenger Transport) Regulation 1994*, for which the maximum penalty is or was at least 20 penalty units is a disqualifying offence.

135A **Forward-control passenger vehicle—Act, sch 3, def forward-control passenger vehicle**

A forward-control passenger vehicle includes a Chrysler Voyager, Honda Odyssey, Kia Carnival, Mazda MPV, Mitsubishi Nimbus, Mitsubishi Starwagon and Toyota Tarago.

³³ *Transport Planning and Coordination Act 1994*, part 5 (Review of and appeals against decisions), division 3 (Appeals against reviewed decisions)

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

- (1) The following services involving the carriage of persons are excluded from the Act—
- (a) a service provided by the Australian Defence Force, the Queensland Ambulance Service, the Queensland Fire and Rescue Service or the Queensland Police Service;
 - (b) a service provided with a human or animal powered vehicle;
 - (c) a service provided for amusement other than on a road;
 - (d) a car pooling arrangement;
 - (e) a service provided as part of a funeral;
 - (f) a service provided as part of a street parade authorised under a law.
- (2) A vehicle breakdown service, including a towing service, to the extent it provides the driver or passengers of a broken down vehicle with transport, is also a service excluded from the Act.

Example of a towing service—

A service that tows a vehicle, or transports a vehicle on a truck or trailer, from the place where the vehicle broke down.

Examples of a broken down vehicle—

- an inoperable vehicle
- a vehicle damaged to the extent that it can not be driven or driven safely
- a vehicle that the driver stops driving as a precaution against mechanical failure or greater mechanical failure

- (3) However, subsection (2) applies only if—
- (a) the broken down vehicle is not at the vehicle's base of operations; and
 - (b) either—
 - (i) there is no reasonable alternative transport; or
 - (ii) the driver of the vehicle providing the transport believes the health or safety of the driver of the

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broken down vehicle, or any of its passengers, is placed in unreasonable danger because of the breakdown.

- (4) In this section—

Queensland Ambulance Service see the *Ambulance Service Act 1991*.

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

- (1) A vehicle of a type mentioned in schedule 8, 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 8, 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 limousine service.³⁴

138 Transport arrangements for pupils

- (1) If a child's parent or guardian has been convicted of an offence against section 149(3)³⁵ of the Act, in relation to transport arrangements made under section 144³⁶ of the Act, the chief executive may exclude the child from free travel under the arrangements.
- (2) Before taking the action mentioned in subsection (1) (the *proposed action*), the chief executive must give the parent or guardian a written notice—
 - (a) stating the proposed action; and
 - (b) stating the grounds for the proposed action; and

³⁴ The conditions of limousine service licences require a luxury motor vehicle to be used for a limousine service. See the Act, section 87(2)(b).

³⁵ Section 149 (Offences of dishonesty) of the Act

³⁶ Section 144 (Transport arrangements for pupils) of the Act

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- (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) Subsection (4) applies if, after considering all written representations made within the stated time, the chief executive is satisfied that the child's parent or guardian has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements made under section 144 of the Act.
- (4) The chief executive may, by giving a regulation notice to the parent or guardian, exclude the child from free travel under the arrangements.

139 Code of conduct for school students

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

140 Local conveyance committees

- (1) The chief executive may refuse to award a school service contract unless—
- (a) parents and guardians of eligible school students who will use the service to be provided under the contract have established a local conveyance committee; and
 - (b) the chief executive is satisfied the committee is operating in accordance with local conveyance committee guidelines approved by the chief executive.
- (2) In awarding a school service contract, the chief executive must ensure the views of any relevant local conveyance committee are taken into account.
- (3) A local conveyance committee has an ongoing role in—
- (a) monitoring the performance of the holders of school service contracts; and

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- (b) assisting the holders of school service contracts in the development of timetabling and route design; and
 - (c) assisting school principals and the holders of school service contracts in maintaining discipline of school students.
- (4) In this section—

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

school service contract means a service contract to provide school services.

141 Soliciting or touting

- (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—20 penalty units.
- (2) For subsection (1), attempting to arrange a multiple hiring for a taxi at a taxi rank, under section 66(1),³⁷ is not soliciting or touting for passengers or a hiring.

142 Records to be maintained

If the Act 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.

37 Section 66 (Multiple hiring)

143 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—10 penalty units.

144 Operation of Brisbane Airport Rail Link

- (1) Employees of Queensland Rail are prescribed under section 111(2)(d)³⁸ 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—

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

145 Fees and related expenses

- (1) The fees specified in schedule 9 are payable for the issue or renewal of each authority mentioned in the schedule for each year for which the authority is in force.
- (2) The fee for an authority may be paid—
 - (a) in a lump sum before the authority is 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—

³⁸ Section 111 (Appointment of authorised persons etc.) of the Act

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- (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) If a person's cheque for payment of a fee for an authority is dishonoured, the authority is—
- (a) for an application for an authority—void from the day the authority 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 State for the expense; and
 - (b) the amount of the expense may be recovered as a debt payable by the person to the State.
- (6) In this section—
- cheque* includes a method of payment other than by cash.
- dishonoured* includes not honoured on presentation.

146 Approval of forms

The chief executive may approve forms for use under this regulation.

Part 12 Transitional provisions

147 Definitions for pt 12

In this part—

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appeal court see the *Transport Planning and Coordination Act 1994*, section 29(1).

commencement means commencement of this section.

decision notice see the *Transport Planning and Coordination Act 1994*, section 34(3).

original decision see the *Transport Planning and Coordination Act 1994*, section 29(1).

relevant applicant, in relation to a relevant application, means the person in relation to whom the relevant application is made.

relevant application means an application under the repealed regulation that was received by the chief executive before the commencement.

repealed regulation means the *Transport Operations (Passenger Transport) Regulation 1994*.

reviewed decision see the *Transport Planning and Coordination Act 1994*, section 34(3).

section 62B guidelines means guidelines made under section 62B of the repealed regulation and as in force immediately before the commencement.

148 Reference in relevant notice to disqualifying offence is reference to driver disqualifying offence

- (1) This section applies to a notice (a ***relevant 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 19 November 2004; and

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- (b) the facts and circumstances forming the basis for the grounds for the relevant notice involved an offence that was described in the relevant notice as a disqualifying offence.
- (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.

149 Things done under repealed regulation

- (1) This section applies if—
- (a) a provision of the repealed regulation expressly or impliedly authorised or required the doing of a thing; and
- (b) the thing was done or, as a result of doing the thing, a document existed and was in force immediately before the repeal of the provision; and
- (c) the thing may be done or the document may be made or issued under this regulation.

Examples of things authorised or required under the repealed regulation—

- a grant or renewal of operator accreditation or driver authorisation
- a grant of a provisional operator accreditation or restricted driver authorisation
- a refusal of operator accreditation or driver authorisation
- an amendment, suspension (including immediate suspension) or cancellation of operator accreditation or driver authorisation

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- fixing of a day, by the chief executive by gazette notice, as a day on and from which the administration of taxi services in a taxi service area must be performed under a service contract
 - an amendment of a taxi service licence or limousine service licence
 - a notice of a transfer or lease of a taxi service licence or limousine service licence
 - a suspension or cancellation of a taxi service licence or limousine service licence
 - an exemption from the requirement to be fitted with a taximeter
 - a notice under part 8A of the repealed regulation
- (2) The thing that was done and had effect, including a document, immediately before the repeal continues to have effect as if the thing had been done under this regulation.
- (3) Without limiting subsection (2), if the thing was—
- (a) subject to an imposed condition immediately before the commencement, the thing continues to be subject to the condition; and

Example for paragraph (a)—

If the chief executive had imposed a condition on a person's driver authorisation, under section 6(2) of the repealed regulation, the imposed condition continues to be imposed on the driver authorisation as continued under subsection (2).

- (b) subject to a time limit or a period of time, the thing continues to have effect for the period of time remaining at the commencement.

Example for paragraph (b)—

If the chief executive had renewed a person's driver authorisation for 3 years, under section 7(1) of the repealed regulation, and only 1 year had run at the commencement so 2 years were remaining, the renewed driver authorisation has a term remaining of 2 years under subsection (2).

- (4) This section is subject to a contrary intention stated in another provision of this part.

150 Circumstances, after commencement, in which repealed regulation applies to outstanding relevant application

- (1) This section applies to a relevant application and the relevant applicant if a decision under the repealed regulation about the relevant application had not been made before the commencement.
- (2) The repealed regulation applies to the relevant application and the relevant applicant for the purpose of making a decision about the relevant application.
- (3) For subsection (2) if, the chief executive had delegated his or her power under the repealed regulation to decide an application that is a relevant application and the delegation was in force immediately before the commencement, the delegation continues to have effect in relation to making a decision about the relevant application.
- (4) If the decision, by application of the repealed regulation, involves granting the relevant application, the relevant applicant is to be issued with the operator accreditation, driver authorisation, taxi service licence, limousine service licence or other appropriate form of approval under this regulation.
- (5) If the decision, by application of the repealed regulation, involves refusing the relevant application, the relevant applicant is to be given the decision, a statement of reasons for the decision and an information notice.
- (6) On the issuing of operator accreditation, driver authorisation, a taxi service licence, limousine service licence or other appropriate form of approval as mentioned in subsection (4), or an information notice as mentioned in subsection (5), this regulation, and not the repealed regulation, applies.
- (7) Despite subsection (6), if an information notice is given to the relevant applicant under subsection (5) or before the commencement—
 - (a) the relevant applicant may apply for a review of the decision; and
 - (b) the repealed regulation applies to the application for review, the review and any appeal relating to the decision on review.

151 Circumstances where repealed regulation applies to application for review of original decision

- (1) This section applies if, before the commencement, a person had applied under the *Transport Planning and Coordination Act 1994*, section 29 for a review of an original decision under the repealed regulation.
- (2) If the person had not been given a decision notice, the repealed regulation applies to the application for review, the review and any appeal relating to the reviewed decision.
- (3) If the person had been given a decision notice, the repealed regulation applies to the reviewed decision for the purposes of any appeal relating to the reviewed decision.
- (4) If an appeal court had started to hear an appeal against a reviewed decision, the appeal court must continue to hear the appeal and apply the repealed regulation to the appeal.

152 Approved taxi security camera systems in relevant areas

- (1) This section applies if, immediately before the commencement, the holder of a taxi service licence for a taxi service area that is, on the commencement, a relevant taxi service area had a taxi that had not been fitted with a taxi security camera system provided by the department that, on the commencement, is an approved taxi security camera system.
- (2) After the commencement, the chief executive may, by written notice given to the holder, require the holder to take the taxi to a place stated in the notice, on a day stated in the notice, to be fitted with an approved taxi security camera system.
- (3) The day stated in the notice must not be less than 14 days after the day the notice is given to the holder.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

- (5) None of the following persons commits an offence against part 6, division 4 for making the taxi available to another person, or driving the taxi, without an approved taxi security

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camera system being fitted and fully operational during the relevant period for the taxi—

- (a) the holder of the taxi service licence for the taxi;
 - (b) the operator of the taxi service that uses the taxi to provide the service;
 - (c) the driver of the taxi.
- (6) In this section—

approved taxi security camera system see section 81.

fully operational see section 81.

relevant period, for a taxi, means the period—

- (a) starting on the commencement; and
- (b) ending on the day stated in a notice given under this section as the day on which the holder of the taxi service licence for the taxi must take the taxi to a stated place to be fitted with an approved taxi security camera system.

relevant taxi service area see section 81.

taxi security camera system see section 81.

153 Application of repealed s 33

- (1) If a person applied under section 33 of the repealed regulation before the commencement and the application had not been finally dealt with before the commencement, the application is to be dealt with under repealed section 33 as if it had not been repealed.
- (2) A person to whom section 33 of the repealed regulation applied immediately before the commencement is taken to be an approved relevant person for the purposes of part 6, division 5.
- (3) If—
 - (a) immediately before the commencement, the chief executive began an action in relation to the person that may result in section 33 of the repealed regulation not applying to the person or the exclusion of the person from the taxi subsidy scheme; and

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- (b) the action begun by the chief executive was not completed at the commencement; and
- (c) the chief executive wishes to continue the action after the commencement;

the chief executive must continue the action under section 96 having regard to the actions previously taken and the requirements of section 96.

154 Section 62B guidelines

- (1) The section 62B guidelines continue to be guidelines for the purposes of this regulation.
- (2) The chief executive may amend or repeal the section 62B guidelines in the same way that guidelines could be amended or repealed under section 62B of the repealed regulation.
- (3) The section 62B guidelines and this section expire 1 year after the commencement.

157 References to repealed regulation

It is declared that in a document, a reference to the repealed regulation may, if the context permits, be taken to include a reference to this regulation.

158 Application of Acts Interpretation Act 1954

This part does not limit the operation of the *Acts Interpretation Act 1954*, section 20, except to the extent that an intention contrary to that section is expressed.

Part 13

Repeal and other amendments

159 Repeal of Transport Operations (Passenger Transport) Regulation 1994

The Transport Operations (Passenger Transport) Regulation 1994 No. 379 is repealed.

Schedule 1 Market entry restrictions

section 45

Column 1	Column 2
Public passenger service	Area or route
1 Commercial scheduled services	1 Cities and towns having a population more than 7500 2 Routes for distances not more than 40km between cities or towns each having a population more than 7500 3 Routes for distances not more than 40km 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 7500 4 Airlie Beach, Cannonvale, Proserpine, Shute Harbour, Shute Haven 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 or a route to the extent that it includes an excluded route, serving any of the following places— <ul style="list-style-type: none"> • Barcaldine • Bedourie • Birdsville • Blackall • Boulia

Schedule 1 (continued)

Column 1	Column 2
Public passenger service	Area or route
	<ul style="list-style-type: none">• 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)

Column 1	Column 2
Public passenger service	Area or route
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

Schedule 2 Additional service contract areas or routes in Translink area

section 51

- Gold Coast–Coomera service contract area³⁹
- Ormeau–Beenleigh service contract route 567⁴⁰
- Sunshine Coast service contract area no. 2⁴¹

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

40 The area was declared under section 42 of the Act by public notice on 12 December 2005.

41 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 Relevant taxi service areas for
approved taxi security
camera systems**

section 81, definition *relevant taxi service area*

Brisbane

Bundaberg

Cairns

Gold Coast

Hervey Bay

Ipswich

Mackay

Redcliffe

Rockhampton

Sunshine Coast

Toowoomba

Townsville

Schedule 4 **Luxury motor vehicles**

section 105

Make of vehicle	Maximum age limit for luxury motor vehicles
Group A	
<ul style="list-style-type: none"> • Bentley • Daimler DS240 • Rolls Royce 	unlimited
Group B	
<ul style="list-style-type: none"> • Audi A8 • BMW 7 Series • Cadillac • Daimler • Jaguar • Lincoln • Mercedes Benz S or E class • Toyota Lexus LS 400 	15 years from the date of manufacture
Group C	
<ul style="list-style-type: none"> • Ford Fairlane/LTD • Holden Statesman/Caprice • Volvo 960 	6 years from the date of manufacture
Group D	
A stretched version of any of the sedan versions of the makes of vehicles in this schedule	6 years more than would otherwise apply

Schedule 5 Equipment for vehicles

section 118

1 Off-road passenger vehicles operating tourist services

- (1) Off-road passenger vehicles operating tourist services must be fitted with—
 - (a) a fire extinguisher that complies with the Australian Standards for fire extinguishers; 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—
 - (a) winch;
 - (b) first aid kit;
 - (c) 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; and
 - (b) if luggage is carried in the passenger compartment—be constructed, or have equipment fitted, to secure the luggage; and
 - (c) be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver.
- (2) Taxis must be fitted with the following—
 - (a) a green distress light;

Schedule 5 (continued)

- (b) a hail light;
- (c) a child restraint anchorage bolt.
- (3) However, subsection (2) does not apply to—
 - (a) an exempted taxi; or
 - (b) a luxury motor vehicle that is a taxi.

Schedule 6 Accreditation evidence

section 120

1 Buses, forward control vehicles or off-road tour vehicles

For a vehicle that is a bus, forward control vehicle or off-road tour vehicle, the operator's accreditation number must be displayed on the vehicle so that the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) securely fixed to the bottom left side of the rear of the vehicle, using, for example, paint, preprinted magnetic strips or adhesive lettering; and
- (c) in block letters and figures that are at least 50mm high; and
- (d) clearly legible from a distance of 4.5m away from the vehicle.

2 Taxis and passenger cars other than limousines

For a vehicle that is a taxi or passenger car, other than a vehicle for which a limousine service licence is in force, the operator's accreditation number must be displayed on the vehicle so that it is clearly visible from outside the vehicle and the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) securely fixed to the bottom left side of the rear of the vehicle or the bottom left side of the vehicle's rear window, using, for example, paint, preprinted magnetic strips or adhesive lettering; and
- (c) in block letters and figures that are at least 30mm high; and
- (d) clearly legible from a distance of 5m away from the vehicle.

Schedule 6 (continued)

3 Limousines

For a vehicle for which a limousine service licence is in force, the operator's accreditation number is displayed on the vehicle by the operator—

- (a) displaying a registration plate on the vehicle distinguishing it as a limousine; and
- (b) carrying in the vehicle, while the vehicle is being used to provide the limousine service, a copy of the certificate evidencing the operator's operator accreditation.

4 Motor cycles, motor tricycles and motor cycles with sidecars

For a vehicle that is a motor cycle, motor tricycle or motor cycle with a sidecar, the operator's accreditation number must be displayed on the vehicle so that it is clearly visible and the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) on a card, measuring 110mm by 70mm, in a waterproof case that is securely fixed to the vehicle; and
- (c) in block letters and figures that are at least 20mm high; and
- (d) clearly legible from a distance of 4.5m away from the vehicle.

Schedule 7 Review and appeals against decisions

section 134(1)

Section	Description of decision	Court
34(2)	Imposition of condition when granting driver authorisation or amendment of driver authorisation to include a condition	Magistrates
74(1)	Grant of substitute taxi authority with conditions or refusal to grant substitute taxi authority	Magistrates
77(1)	Cancellation of substitute taxi authority	Magistrates
87(1)(a)	Refusal to approve a taxi security camera system	Magistrates
87(1)(b)	Revocation of approval of taxi security camera system	Magistrates
95(4)	Refusal of application for membership of a taxi subsidy scheme	Magistrates
96	Cancellation of approval under a taxi subsidy scheme	Magistrates
112	Refusal to grant substitute limousine authority	Magistrates
115(1)	Cancellation of substitute limousine authority	Magistrates
138	Exclusion from free travel	Magistrates

Schedule 8 Public passenger vehicles

section 137

Column 1	Column 2
Service category	Vehicle type
Scheduled passenger 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> <p>passenger car while it is being used to provide a scheduled passenger service under—</p> <p>(a) a service contract; or</p> <p>(b) an arrangement under section 144 of the Act</p>
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	<p>forward-control passenger vehicle, passenger car, off-road passenger vehicle or schedule 4 vehicle</p> <p>light bus having up to 12 seating positions, including the driver's position</p>

Schedule 8 (continued)

Column 1	Column 2
Service category	Vehicle type
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

Schedule 9 Fees

section 145

	\$
1 Service contract—	
(a) under which the holder is remunerated from revenue generated by passengers' fares—	
(i) 1 to 10 vehicles	120.85
(ii) 11 to 20 vehicles	302.15
(iii) 21 to 50 vehicles	604.25
(iv) more than 50 vehicles	1 208.55
(b) for the administration of taxi services—	
(i) 1 to 50 vehicles	120.85
(ii) 51 to 100 vehicles	302.15
(iii) 101 to 200 vehicles	604.25
(iv) more than 200 vehicles	1 208.55
2 Taxi service licence for an exempted taxi	60.45
3 Taxi service licence other than for an exempted taxi.	120.85
4 Limousine service licence	120.85
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	120.50
(b) a community transport service.	120.50
(c) a courtesy transport service	120.50
(d) a limousine service	120.50
(e) a taxi service under which only an exempted taxi may be used to provide the service	60.70
(f) a taxi service, other than a taxi service mentioned in paragraph (e)	120.50
(g) a service for which no fee is provided under paragraphs (a) to (f), for each service—	
(i) accreditation under which 1 to 10 vehicles may be used to provide the service.	241.45

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Schedule 9 (continued)

		\$
	(ii) accreditation under which more than 10 vehicles may be used to provide the service.....	1 208.55
6	Driver authorisation—	
	(a) taxi.....	50.80
	(b) limousine.....	50.80

Schedule 11 Dictionary

section 2

approved form means a form approved under section 146.

approved relevant person, for part 6, division 5, see section 94.

approved taxi security camera system, for part 6, division 4, see section 81.

approved taxi security camera system sign, for part 6, division 4, see section 81.

authorised provider see section 72.

authorised purpose, for part 6, division 4, see section 81.

believes means reasonably believes.

code of conduct means a code of conduct approved by the chief executive under section 139.

commercial scheduled service, for schedule 1, means a public passenger service (other than a community transport service, a courtesy transport service, a school service or 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.

considers means reasonably considers.

eligible school students means students whose travel to and from school or another educational establishment is the subject of an arrangement under section 144 of the Act.

excluded route means any of the following routes—

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

Schedule 11 (continued)

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

exempted taxi means a taxi that is not required to be fitted with a taximeter.

fully operational, for part 6, division 4, see section 81.

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

holder, for part 6, division 4, see section 81.

image recording, for part 6, division 4, see section 81.

licensed limousine, for part 7, division 4, see section 110.

licensed taxi, for part 6, division 3, see section 72.

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

limousine operator, for part 7, division 4, see section 110.

motor cycle means a 2 wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/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 50ml; or
- (b) a maximum speed of more than 50km/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 1t; and
- (b) either—

Schedule 11 (continued)

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

other public passenger service means a road based public passenger service other than any 1 of 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.

provisional driver authorisation see section 22(1).

provisional operator accreditation see section 7(1).

registration number see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, schedule 4.

regulation notice means a written notice about a decision under this regulation that includes—

- (a) the decision and a statement of reasons for the decision; and
- (b) an information notice⁴² for the decision.

⁴² Information notice is defined in the Act.

Schedule 11 (continued)

relevant area, for part 6, division 3, see section 72.

relevant person, for part 6, division 5, see section 94.

relevant place, for part 6, division 4, see section 81.

relevant taxi service area, for part 6, division 4, see section 81.

satisfied means reasonably satisfied.

schedule 4 vehicle see section 105(a).

school students 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*.

substitute limousine, for part 7, division 4, see section 110.

substitute limousine authority, for part 7, division 4, see section 111(1).

substitute taxi see section 72.

substitute taxi authority, for part 6, division 3, see section 72.

taxi, for part 6, division 4, see section 81.

taximeter means an instrument that is designed—

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

taxi security camera system, for part 6, division 4, see section 81.

taxi subsidy scheme, for part 6, division 5, see section 94.

Endnotes

1 Index to endnotes

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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 June 2006. Future amendments of the Transport Operations (Passenger Transport) Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	16 December 2005	
1A	2006 SL No. 74	28 April 2006	
1B	2006 Act No. 21	17 May 2006	
1C	—	17 June 2006	prov exp 16 June 2006

5 List of legislation

Transport Operations (Passenger Transport) Regulation 2005 SL No. 329

made by the Governor in Council on 15 December 2005

notfd gaz 16 December 2005 pp 1490–6

commenced on date of notification

exp 1 September 2016 (see SIA s 54)

Note— (1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared

amending legislation—

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2006 SL No. 74

notfd gaz 28 April 2006 pp 1625–6

commenced on date of notification

Maritime and Other Legislation Amendment Act 2006 No. 21 ss 1, 150(1) sch 1

date of assent 17 May 2006

commenced on date of assent

6 List of annotations

Luxury motor vehicles—Act, sch 3, def “luxury motor vehicle”, paragraph (a)
s 105 prov hdg amd 2006 No. 21 s 150(1) sch 1

Forward-control passenger vehicle—Act, sch 3, def “forward-control passenger vehicle”

s 135A ins 2006 No. 21 s 150(1) sch 1

Section 62B guidelines

s 154 exp 16 December 2006 (see s 154(3))

References to school children in a code of conduct

s 155 exp 16 June 2006 (see s 155(4))

Disqualifying offences under the repealed regulation

s 156 om 2006 No. 21 s 150(1) sch 1

References to repealed regulation amended in sch 10

s 160 om R1 (see RA s 40)

**PART 14—AMENDMENT OF STATE PENALTIES ENFORCEMENT
REGULATION 2000**

pt 14 (ss 161–162) om R1 (see RA ss 7(1)(k) and 40)

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

amd 2006 SL No. 74 s 3

SCHEDULE 11—DICTIONARY

def “**forward-control passenger vehicle**” om 2006 No. 21 s 150(1) sch 1

def “**motor vehicle**” om 2006 No. 21 s 150(1) sch 1

def “**off-road passenger vehicle**” om 2006 No. 21 s 150(1) sch 1

def “**passenger car**” om 2006 No. 21 s 150(1) sch 1

def “**passenger vehicle**” om 2006 No. 21 s 150(1) sch 1