



Queensland

*Transport Operations (Passenger Transport) Act 1994*

# **Transport Operations (Passenger Transport) Regulation 2005**

**Reprinted as in force on 1 September 2008**

**Reprint No. 2E**

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**Also see endnotes for information about—**

- **when provisions commenced**
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Queensland

# Transport Operations (Passenger Transport) Regulation 2005

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	11
2	Definitions . . . . .	11
<b>Part 2</b>	<b>Operator accreditation</b>	
<b>Division 1</b>	<b>Preliminary</b>	
4	Purpose of pt 2 . . . . .	11
<b>Division 2</b>	<b>Provisions for applications and other matters</b>	
5	Application for grant or renewal of operator accreditation . . . . .	12
6	Deciding application . . . . .	12
7	Provisional operator accreditation—Act, s 18. . . . .	12
8	Refusal of operator accreditation—Act, s 17 . . . . .	13
9	Term of operator accreditation . . . . .	14
10	Renewal notices . . . . .	15
11	Amendment, suspension and cancellation of operator accreditation—Act, s 20 . . . . .	15
12	Immediate suspension of operator accreditation—Act, s 20 . . . . .	17
13	Further action after immediate suspension . . . . .	18
14	Return of evidence of operator accreditation if cancelled, suspended or amended . . . . .	18
15	Other amendments of operator accreditation. . . . .	19
<b>Division 3</b>	<b>Miscellaneous matters relevant to operator accreditation</b>	
16	Notifying disqualifying offences . . . . .	20
17	Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply. . . . .	20
18	Delegation of powers relating to operator accreditation . . . . .	21

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

<b>Part 3</b>	<b>Driver authorisation</b>	
<b>Division 1</b>	<b>Preliminary</b>	
19	Purpose of pt 3 . . . . .	22
<b>Division 2</b>	<b>Provisions for applications and other matters</b>	
20	Application for grant or renewal of driver authorisation . . . . .	22
21	Deciding application . . . . .	23
22	Provisional driver authorisation—Act, s 30 . . . . .	24
23	Conditions on driver authorisation—Act, s 32 . . . . .	24
24	Refusal of driver authorisation—Act, s 29 . . . . .	25
25	Term of driver authorisation . . . . .	26
26	Renewal notices . . . . .	26
27	Restricted driver authorisation—Act, s 29A . . . . .	27
28	Amendment, suspension and cancellation of driver authorisation—Act, s 32 . . . . .	28
29	Notice about amendment, suspension and cancellation of driver authorisation . . . . .	30
30	Immediate amendment and suspension of driver authorisation—Act, s 32 . . . . .	31
31	Notice about immediate amendment or suspension . . . . .	32
32	Further action after immediate amendment or suspension . . . . .	33
33	Category B driver disqualifying offences—exclusion action . . . . .	34
34	Category B driver disqualifying offences—exceptional case . . . . .	34
35	Return of document evidencing driver authorisation if amended . . . . .	35
36	Return of evidence of driver authorisation if cancelled or suspended . . . . .	35
37	Relationship between driver licence and driver authorisation . . . . .	36
38	Other amendments of driver authorisation . . . . .	37
39	Notifying operator of amendment, suspension or cancellation of driver authorisation . . . . .	37
<b>Division 3</b>	<b>Miscellaneous matters relevant to driver authorisation</b>	
40	Notifying or informing—Act, ss 31, 33, 34 or 35 . . . . .	38
41	Requirement to prove fitness . . . . .	38
42	Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply . . . . .	38
43	Delegation of powers relating to driver authorisation . . . . .	39
<b>Part 4</b>	<b>Market entry restrictions</b>	
44	Purpose of pt 4 . . . . .	40
45	Market entry restrictions—Act, s 36 . . . . .	40

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

<b>Part 5</b>	<b>Service contracts</b>	
46	Purpose of pt 5 . . . . .	41
47	Matters to be considered—Act, s 59(2)(e) . . . . .	41
48	Matters to be considered or not considered by arbitrator in deciding amount of compensation . . . . .	41
49	Matters to be considered—Act, s 62AAE(2)(d) . . . . .	44
50	Service contracts required for administration of taxi services—Act, s 66. . . . .	44
<b>Part 6</b>	<b>Taxi services provided under taxi service licence</b>	
<b>Division 1</b>	<b>Preliminary</b>	
52	Purpose of pt 6 . . . . .	44
52A	Application of pt 6. . . . .	45
53	Limitation on number of taxi service licences held by single operator and associates—Act, s 78 . . . . .	45
54	Transfer, lease or surrender of taxi service licences—Act, s 76 . . . . .	46
55	Amendment, suspension and cancellation of taxi service licences—Act, ss 75(1) and 79. . . . .	46
56	Notice about amendment, suspension and cancellation of taxi service licences . . . . .	47
57	Immediate suspension of taxi service licences—Act, s 79. . . . .	48
58	Further action after immediate suspension . . . . .	49
59	Return of taxi service licence if amended, suspended or cancelled . . . . .	49
60	Other amendments of taxi service licences . . . . .	50
60A	Taxi service areas for taxi industry security levy—Act, s 80A . . . . .	50
<b>Division 2</b>	<b>Operation of taxi services and taxis generally</b>	
61	Advertising taxi service . . . . .	51
62	Accepting hirings . . . . .	51
62A	Requirements about access to continuously operating booking service . . . . .	51
63	Fares and charges for taxis . . . . .	52
64	Requirements relating to taximeters. . . . .	53
65	Operation of taximeter by taxi driver. . . . .	53
66	Multiple hiring . . . . .	54
67	Maximum age limits for taxis . . . . .	55
68	Control of doors of taxi . . . . .	55
69	Air conditioning in taxis. . . . .	56
70	Vehicle not to look like taxi unless licensed . . . . .	56

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

<b>Division 3</b>	<b>Substitute taxis</b>	
71	Purpose of div 3 . . . . .	57
72	Definitions for div 3 . . . . .	57
73	Application for grant of substitute taxi authority . . . . .	57
74	Deciding application . . . . .	58
75	Circumstances when substitute taxi may be used . . . . .	58
76	Consequence of noncompliance with a condition . . . . .	59
77	Cancellation of substitute taxi authority . . . . .	59
78	Requirements for the use of a substitute taxi . . . . .	60
79	Records to be kept when vehicle used as a substitute taxi . . . . .	60
80	When vehicle not used as a substitute taxi . . . . .	61
<b>Division 4</b>	<b>Taxi security camera systems</b>	
81	Definitions for div 4 . . . . .	61
82	Obligation on holder of taxi service licence . . . . .	63
83	Obligation on operator of taxi service . . . . .	64
84	Obligation on driver of taxi . . . . .	64
85	Holder of licence may give chief executive notice that approved taxi security camera system not operational . . . . .	64
86	Chief executive may approve specifications for taxi security camera system . . . . .	66
87	Chief executive may approve taxi security camera system . . . . .	66
88	Taxi not to be fitted with taxi security camera system that has not been approved . . . . .	67
89	Approval of signs . . . . .	67
90	Person must not tamper with an approved taxi security camera system . . . . .	67
91	Use of image recordings from approved taxi security camera system . . . . .	68
92	Security safeguards to be taken to protect against unauthorised use of image recording . . . . .	69
93	Disposal of image recordings . . . . .	69
<b>Division 5</b>	<b>Taxi subsidy scheme</b>	
<b>Subdivision 1</b>	<b>Definitions</b>	
94	Definitions for div 5 . . . . .	70
<b>Subdivision 2</b>	<b>Membership of taxi subsidy scheme</b>	
95	Application for, and grant or refusal of, assistance under taxi subsidy scheme . . . . .	73
96	Chief executive may cancel assistance under taxi subsidy scheme . . . . .	73

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

96AA	Production of membership card to receive benefit . . . . .	75
<b>Subdivision 3</b>	<b>Obligations on all persons</b>	
96AB	Disclosure or use of taxi subsidy scheme information . . . . .	75
96AC	Misusing, or tampering with, membership card or approved card reader . . . . .	75
<b>Subdivision 4</b>	<b>Obligations on holder of taxi service licence or substitute taxi authority</b>	
96AD	Ensuring approved card reader is fitted . . . . .	75
96AE	Ensuring approved card reader appears to be working when making taxi or substitute taxi available under lease or contract . .	76
<b>Subdivision 5</b>	<b>Obligations on operator</b>	
96AF	Ensuring approved card reader appears to be working when taxi is made available to driver . . . . .	76
96AG	Ensuring approved card reader interfaces with taximeter and is kept connected . . . . .	77
96AH	Manual card reader to be carried in taxi . . . . .	78
<b>Subdivision 6</b>	<b>Obligations on taxi driver</b>	
96AI	Driver authorisation number to be entered . . . . .	78
96AJ	How approved card reader must be used . . . . .	78
96AK	When manual card reader must be used . . . . .	79
96AL	When manual card reader must not be used . . . . .	80
96AM	Driver to compare photograph and not to hire taxi to particular person . . . . .	80
96AN	Driver of taxi must not refuse hiring by approved relevant person	80
<b>Part 6A</b>	<b>Taxi services provided other than under taxi service licence</b>	
96A	Services for which taxi service licence not required. . . . .	81
96B	Requirement to carry licence for NSW taxi . . . . .	81
96C	Cross-border taxi ranks . . . . .	81
<b>Part 7</b>	<b>Limousine services</b>	
<b>Division 1</b>	<b>Preliminary</b>	
97	Purpose of pt 7 . . . . .	82
<b>Division 2</b>	<b>Limousine service licences</b>	
98	Transfer, lease or surrender of limousine service licences—Act, s 89 . . . . .	82
99	Amendment, suspension and cancellation of limousine service licences—Act, ss 88(1) and 91 . . . . .	83
100	Notice about amendment, suspension and cancellation of limousine service licences . . . . .	84
101	Immediate suspension of limousine service licences—Act, s 91 .	85

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

102	Further action after immediate suspension . . . . .	86
103	Return of limousine service licence if amended, suspended or cancelled . . . . .	86
104	Other amendments of limousine service licences . . . . .	87
<b>Division 3</b>	<b>Operation of limousine services</b>	
105	Luxury motor vehicles—Act, sch 3, def luxury motor vehicle, paragraph (a) . . . . .	87
106	Advertising limousine service. . . . .	87
107	Issue of limousine service licences . . . . .	88
108	Limousine hiring . . . . .	88
<b>Division 4</b>	<b>Substitute limousines</b>	
109	Purpose of div 4 . . . . .	90
110	Definitions for div 4. . . . .	90
111	Application for grant of substitute limousine authority . . . . .	90
112	Deciding application . . . . .	91
113	Circumstances when substitute limousine may be used . . . . .	91
114	Consequence of noncompliance with a condition . . . . .	91
115	Cancellation of substitute limousine authority . . . . .	92
116	Requirements for the use of a substitute limousine . . . . .	92
117	Records to be kept when vehicle used as a substitute limousine	93
<b>Part 8</b>	<b>Obligations of operators</b>	
118	Equipment for vehicles . . . . .	94
119	Advertising on public passenger vehicles. . . . .	94
120	Accreditation evidence and accreditation certificates. . . . .	94
121	Presenting vehicles for inspection . . . . .	96
122	Providing safe vehicles . . . . .	96
123	Requirement for authority to enter . . . . .	97
124	Record to be kept of each use of vehicle to provide public passenger service . . . . .	97
125	Records prescribed operators must keep about drivers. . . . .	97
126	Prescribed operator must notify chief executive if restricted driver authorisation granted, amended or cancelled . . . . .	98
126A	Air conditioning in buses—obligations of operator . . . . .	98
<b>Part 9</b>	<b>Rights and obligations of passengers and drivers</b>	
127	Application of pt 9. . . . .	99
128	Smoking, and consumption of food or beverages, on public passenger vehicle . . . . .	100
129	Carrying animals . . . . .	100



*Transport Operations (Passenger Transport)  
Regulation 2005*

---

130	Identification of drivers . . . . .	100
131	Dress of drivers . . . . .	101
132	Help to passengers . . . . .	101
133	Drivers of motorcycles . . . . .	101
133A	Air conditioning in buses—obligations of driver . . . . .	101
<b>Part 10</b>	<b>Review of, and appeals against, decisions not provided for under Act, chapter 10</b>	
134	Review of decisions . . . . .	102
<b>Part 11</b>	<b>General</b>	
135	Disqualifying offences—Act, sch 3, def disqualifying offence, para (e) . . . . .	103
135A	Forward-control passenger vehicle—Act, sch 3, def forward-control passenger vehicle . . . . .	103
136	Services excluded from passenger services—Act, sch 3, def public passenger service . . . . .	103
137	Public passenger vehicles—Act, sch 3, def public passenger vehicle . . . . .	105
138	Transport arrangements for students . . . . .	105
139	Code of conduct for school students . . . . .	106
140	Local conveyance committees . . . . .	106
141	Soliciting or touting . . . . .	107
142	Records to be maintained . . . . .	107
143	Change of name and address . . . . .	107
144	Operation of Brisbane Airport Rail Link . . . . .	108
145	Fees and levy . . . . .	108
145A	Refund of fee for application for driver authorisation other than for a taxi or limousine . . . . .	109
145B	Refund of additional application fee . . . . .	110
146	Approval of forms . . . . .	110
<b>Part 12</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Transport Operations (Passenger Transport) Regulation 2005</b>	
147	Definitions for div 1 . . . . .	110
148	Reference in relevant notice to disqualifying offence is reference to driver disqualifying offence . . . . .	111
149	Things done under repealed regulation . . . . .	112
150	Circumstances, after commencement, in which repealed regulation applies to outstanding relevant application . . . . .	114

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

151	Circumstances where repealed regulation applies to application for review of original decision . . . . .	115
152	Approved taxi security camera systems in relevant areas . . . . .	115
153	Application of repealed s 33 . . . . .	116
154	Section 62B guidelines . . . . .	117
157	References to repealed regulation . . . . .	117
158	Application of Acts Interpretation Act 1954 . . . . .	117
<b>Division 2</b>	<b>Transitional provision for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007</b>	
158A	Operators of taxi services—obligations about approved card readers . . . . .	118
<b>Division 3</b>	<b>Transitional provision for Transport Operations (TransLink Transit Authority) Regulation 2008</b>	
158B	Existing contracts for commercial scheduled services . . . . .	118
<b>Part 13</b>	<b>Repeal</b>	
159	Repeal of Transport Operations (Passenger Transport) Regulation 1994 . . . . .	119
<b>Schedule 1</b>	<b>Market entry restrictions</b> . . . . .	120
<b>Schedule 2A</b>	<b>Taxi service areas for taxi industry security levy</b> . . . . .	123
<b>Schedule 3</b>	<b>Relevant taxi service areas for approved taxi security camera systems</b> . . . . .	124
<b>Schedule 4</b>	<b>Luxury motor vehicles</b> . . . . .	125
<b>Schedule 5</b>	<b>Equipment for vehicles</b> . . . . .	126
1	Off-road passenger vehicles operating tourist services . . . . .	126
2	Taxis . . . . .	126
<b>Schedule 6</b>	<b>Accreditation evidence</b> . . . . .	128
1	Buses, forward control vehicles or off-road tour vehicles . . . . .	128
2	Taxis and passenger cars other than NSW taxis providing cross-border taxi service and limousines . . . . .	128
2A	NSW taxis providing cross-border taxi service . . . . .	129
3	Limousines . . . . .	129
4	Motor cycles, motor tricycles and motor cycles with sidecars . . . . .	129
<b>Schedule 7</b>	<b>Review and appeals against decisions</b> . . . . .	130
<b>Schedule 8</b>	<b>Public passenger vehicles</b> . . . . .	131
<b>Schedule 9</b>	<b>Fees and levy</b> . . . . .	133
<b>Schedule 11</b>	<b>Dictionary</b> . . . . .	135

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

**Endnotes**

1	Index to endnotes . . . . .	141
2	Date to which amendments incorporated . . . . .	141
3	Key . . . . .	142
4	Table of reprints . . . . .	142
5	List of legislation . . . . .	143
6	List of annotations . . . . .	145



# **Transport Operations (Passenger Transport) Regulation 2005**

[as amended by all amendments that commenced on or before 1 September 2008]

## **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.

## **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 3<sup>1</sup> of the Act.

*Note—*

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

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<sup>1</sup> Chapter 3 (Operator accreditation) of the Act

## **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
  - (b) while—
    - (i) if the person is an individual—the criminal history of the person is being checked; or

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.
- (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

- (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.
- (3) In this section—  
***operator accreditation*** includes provisional operator accreditation.



*Transport Operations (Passenger Transport)  
Regulation 2005*

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## 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 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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—
    - (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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—
  - (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;

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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)<sup>2</sup> of the Act, 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 (e) of the definition, a regulation may prescribe an offence as a disqualifying offence. For this purpose, see section 135.

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

Section 12<sup>3</sup> 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

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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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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)<sup>4</sup> of the Act applies to any delegation of powers under sections 17 and 18<sup>5</sup> 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.

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<sup>4</sup> Section 16 (Responsibility for system of operator accreditation) of the Act

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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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 4<sup>6</sup> 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.



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (2) The application must be—
- (a) made in the approved form; and
  - (b) accompanied by evidence that satisfies the chief executive that the person is—
    - (i) an Australian citizen; or
    - (ii) a permanent resident; or
    - (iii) a New Zealand citizen who is the holder of a special category visa as defined by the *Migration Act 1958* (Cwlth), section 32; or
    - (iv) entitled, under a visa granted under the *Migration Act 1958* (Cwlth), to work in Australia.

- (3) In this section—

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

***permanent resident*** means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

## 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**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 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (3) Subsection (1) is in addition to, and does not limit, sections 22, 28 and 30<sup>7</sup> 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
  - (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

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<sup>7</sup> 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)

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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—

*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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**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;
    - (ii) the person has not been convicted of a driver disqualifying offence;<sup>8</sup>
    - (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.

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<sup>8</sup> See the Act, schedule 3, definition *driver disqualifying offence*.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.
- (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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 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)<sup>9</sup> 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.

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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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 34<sup>10</sup> 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—
  - (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

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



*Transport Operations (Passenger Transport)  
Regulation 2005*

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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.

(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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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;<sup>11</sup> 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—
- 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.

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<sup>11</sup> Section 41 (Requirement to prove fitness)

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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—
    - (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—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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 28B<sup>12</sup> 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.

**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—

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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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—

- (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.
- (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**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 35<sup>13</sup> 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.

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

Section 24<sup>14</sup> of the Act does not apply to—

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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

14 Section 24 (What is driver authorisation) of the Act



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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)<sup>15</sup> of the Act applies to any delegation of powers under sections 29 and 30<sup>16</sup> 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.

*Example of information—*

an applicant's criminal history or medical history

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<sup>15</sup> Section 28 (Responsibility for system of driver authorisation) of the Act

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

- (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 36<sup>17</sup> 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 71<sup>18</sup> 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.

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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

## Part 5 Service contracts

### 46 Purpose of pt 5

The purpose of this part is to provide for matters in relation to service contracts as required by, or otherwise for, chapter 6<sup>19</sup> of the Act.

*Note—*

Section 37 of the Act sets out the purpose of service contracts.

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

The following matters are prescribed for section 59(2)(e)<sup>20</sup> of the Act—

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

### 48 Matters to be considered or not considered by arbitrator in deciding amount of compensation

- (1) This section prescribes, for sections 61(4), 62AAH(4) and 161(3)<sup>21</sup> of the Act, matters to be considered, or not considered, by an arbitrator in deciding an amount of compensation.
- (2) An arbitrator must consider—
  - (a) for deciding compensation under section 61(3) of the Act—the present value of the future maintainable profits

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19 Chapter 6 (Service contracts) of the Act

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

21 Sections 61 (Compensation), 62AAH (Compensation) and 161 (Compensation) of the Act

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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)<sup>22</sup> 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.

## **Part 6                      Taxi services provided under taxi service licence**

### **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 7<sup>23</sup> of the Act.

*Note—*

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

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

23 Chapter 7 (Taxi service licences) of the Act

*Transport Operations (Passenger Transport)  
Regulation 2005*

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## 52A Application of pt 6

This part applies only in relation to taxi services provided under a taxi service licence.

*Note—*

See part 6A for provisions about taxi services provided other than under a taxi service licence.

## 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;
- (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;

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.

- (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



*Transport Operations (Passenger Transport)  
Regulation 2005*

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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
  - (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.

**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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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.
- (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—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.

**60A Taxi service areas for taxi industry security levy—Act, s 80A**

Each taxi service area mentioned in schedule 2A is prescribed for section 80A of the Act.

## **Division 2                      Operation of taxi services and taxis generally**

### **61           Advertising taxi service**

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

Maximum penalty—20 penalty units.

### **62           Accepting hirings**

(1) The driver of a taxi available for hire must not refuse a hiring, including a hiring requested through a relevant administrator, for a destination that is within either of the following—

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

Maximum penalty—20 penalty units.

(2) In this section—

*relevant administrator*, for a taxi, means a person who administers taxi services provided by using the taxi.

*Note*—

See—

- (a) section 64 of the Act for when a person administers a taxi service; and
- (b) section 43 of the Act for the obligation to hold a service contract for providing a public passenger service (including a service for the administration of taxi services) in particular areas.

### **62A          Requirements about access to continuously operating booking service**

(1) This section applies if a condition of a taxi service licence requires the operator of a taxi service under the licence to have access to a continuously operating booking service.

(2) The operator must keep a booking receiver that is in working condition in the taxi to be used to provide the taxi service.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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Maximum penalty—20 penalty units.

- (3) The driver of a taxi must not use the taxi under the taxi service licence unless—
- (a) a booking receiver that is in working condition is in the taxi; and
  - (b) the booking receiver is connected to the relevant booking despatcher.

Maximum penalty—20 penalty units.

- (4) The driver of a taxi used to provide a taxi service under the taxi service licence must, immediately after the taxi service ends, reset the taximeter fitted to the taxi to remove the record of the fare amount for the taxi service.

*Note—*

See sections 64 and 65 for other requirements about taximeters.

Maximum penalty—20 penalty units.

- (5) In this section—

***booking despatcher*** means the part of a continuously operating booking service that is for despatching information about bookings.

***booking receiver*** means the part of a continuously operating booking service that is for receiving information about bookings.

## **63 Fares and charges for taxis**

- (1) The driver of a taxi to which the maximum fares under section 74A<sup>24</sup> of the Act apply must not charge more than the maximum fare.

Maximum penalty—40 penalty units.

- (2) The driver of a taxi to which the maximum fares do not apply, as mentioned in section 74A(2) of the Act, must not demand more than the agreed amount.

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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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Maximum penalty—20 penalty units.

- (3) In addition to the fare that a driver of a taxi may charge, the driver may charge a person who soils the taxi an additional amount (not more than 1 penalty unit) for cleaning the taxi.
- (4) If the driver of a taxi believes he or she will not be able to obtain the fare at the destination, before starting the hiring, the driver may require the hirer to pay the estimated fare or agreed amount for the hiring as a deposit.
- (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 74A 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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—
- (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



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.
- (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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—

- (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 66<sup>25</sup> 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.

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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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## **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—
  - (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.

## **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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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## **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

*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—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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***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—
  - (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



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.

***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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (a) a taxi fitted with an approved taxi security camera system is operated under a taxi service licence; 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, fully 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.
- (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.
- (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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
  - (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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(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.

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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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
- (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; or
- (b) the operator of the taxi service that uses the taxi to provide the service; or
- (c) the driver of the taxi; or
- (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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more than 35 days, after the day the image recording is downloaded.

Maximum penalty—80 penalty units.

## **Division 5            Taxi subsidy scheme**

### **Subdivision 1        Definitions**

#### **94        Definitions for div 5**

In this division—

***approved card reader*** means an electronic device, of a type approved by the chief executive, for use in a taxi to—

- (a) verify that a membership card is current; and
- (b) verify that the driver of a taxi holds driver authorisation; and
- (c) enable the automatic calculation of a benefit under the taxi subsidy scheme for a taxi journey; and
- (d) facilitate payments under the taxi subsidy scheme.

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

***authorised purpose***, in relation to taxi subsidy scheme information, means any of the following purposes—

- (a) for, or in connection with, the prosecution of, or the issue of an infringement notice for, an offence committed in or about the taxi to which the taxi subsidy scheme information relates;
- (b) a purpose relating to a police officer's performance of duties as a police officer, other than a purpose mentioned in paragraph (a);
- (c) the administration of the taxi subsidy scheme, including—
  - (i) planning for the scheme; and



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (ii) the performance of a service, for the administration of the scheme, under a contract with the State; and
- (iii) payments to taxi operators and drivers under the scheme;
- (d) the carrying out of work by a manufacturer or supplier of an approved card reader, or equipment used in connection with an approved card reader, to maintain, or address a failure in, the equipment;
- (e) the disclosure or use of taxi subsidy scheme information as required or authorised under an Act.

***manual card reader*** means a device capable of taking an imprint from a membership card.

***membership card*** means an electronic card that—

- (a) is or has been issued by the chief executive in relation to an approved relevant person's membership of the taxi subsidy scheme, for use with an approved card reader or a manual card reader; and
- (b) includes a photograph of the approved relevant person.

***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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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
  - (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.

***taxi subsidy scheme information*** means—

- (a) information, whether or not in electronic form, on a membership card; or

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (b) information generated or transmitted under the taxi subsidy scheme by an approved card reader; or
- (c) a record, or other information, derived from information generated or transmitted under the taxi subsidy scheme by an approved card reader.

## **Subdivision 2      Membership of taxi subsidy scheme**

### **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)<sup>26</sup> of the Act in relation to a taxi subsidy scheme.

### **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—

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<sup>26</sup> Section 149 (Offences of dishonesty) of the Act

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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) 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.

### **96AA Production of membership card to receive benefit**

An approved relevant person can not receive a benefit under the taxi subsidy scheme for a taxi journey by the person unless the person produces his or her membership card to the driver of the taxi for the journey that is to be subsidised.

## **Subdivision 3 Obligations on all persons**

### **96AB Disclosure or use of taxi subsidy scheme information**

A person must not disclose or use taxi subsidy scheme information other than for an authorised purpose.

Maximum penalty—80 penalty units.

### **96AC Misusing, or tampering with, membership card or approved card reader**

A person must not misuse, or tamper with, a membership card or approved card reader.

Maximum penalty—40 penalty units.

## **Subdivision 4 Obligations on holder of taxi service licence or substitute taxi authority**

### **96AD Ensuring approved card reader is fitted**

- (1) The holder of a taxi service licence must ensure a taxi operated under the licence is fitted with an approved card reader if the taxi is not an exempted taxi.

Maximum penalty—40 penalty units.

- (2) The holder of a substitute taxi authority must ensure a substitute taxi used under the authority is fitted with an approved card reader.

Maximum penalty—40 penalty units.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**96AE Ensuring approved card reader appears to be working when making taxi or substitute taxi available under lease or contract**

- (1) This section applies if—
  - (a) the holder of—
    - (i) a taxi service licence for a taxi leases the licence; or
    - (ii) a substitute taxi authority for a taxi enters into a contract or other arrangement in relation to the substitute taxi authority; and
  - (b) the holder makes the taxi or substitute taxi available to another person under the lease, contract or arrangement; and
  - (c) the taxi or substitute taxi is fitted with an approved card reader; and
  - (d) for the taxi—the taxi is not an exempted taxi.
- (2) The holder must ensure the approved card reader appears to be working when the holder makes the taxi or substitute taxi available to the other person.

Maximum penalty—40 penalty units.

## **Subdivision 5 Obligations on operator**

**96AF Ensuring approved card reader appears to be working when taxi is made available to driver**

- (1) This section applies if—
  - (a) the operator of a taxi service makes available to a driver a taxi used to provide the service; and
  - (b) the taxi is fitted with an approved card reader; and
  - (c) the taxi is not an exempted taxi.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (2) The operator must ensure the approved card reader appears to be working when the operator makes the taxi available to the driver.

Maximum penalty—40 penalty units.

**96AG Ensuring approved card reader interfaces with taximeter and is kept connected**

- (1) This section applies if—
- (a) a taxi used to provide a taxi service is fitted with an approved card reader; and
  - (b) the taxi is fitted with a taximeter; and
  - (c) the taxi is not an exempted taxi.

*Editor's note—*

This section does not apply to the operator of a taxi service until 1 May 2008—see section 158A.

- (2) The operator of the service must ensure the approved card reader interfaces with the taximeter to enable the automatic calculation of the benefit under the taxi subsidy scheme for a journey.

Maximum penalty—20 penalty units.

- (3) The operator of the service must ensure a connection for the electronic transmission of information is kept between the taximeter and the approved card reader while the taxi is in use.

Maximum penalty—20 penalty units.

- (4) The operator of the service does not commit an offence against subsection (2) or (3) if—

- (a) a defect in, or damage to, the approved card reader or the taximeter prevents compliance with the subsection; and
- (b) arrangements have been made to repair the approved card reader.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**96AH Manual card reader to be carried in taxi**

The operator of a taxi service must ensure that, while a taxi used to provide the service is available for hire, a manual card reader is carried in the taxi.

Maximum penalty—20 penalty units.

**Subdivision 6 Obligations on taxi driver****96AI Driver authorisation number to be entered**

- (1) This section applies if—
  - (a) a taxi is fitted with an approved card reader; and
  - (b) the taxi is not an exempted taxi.
- (2) The driver of the taxi must—
  - (a) enter his or her driver authorisation number into the approved card reader at the start of each shift to validate the currency of his or her driver authorisation; and
  - (b) sight the response from the approved card reader.

Maximum penalty—40 penalty units.

- (3) The driver does not commit an offence against subsection (2) if—
  - (a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and
  - (b) arrangements have been made to repair the approved card reader.

**96AJ How approved card reader must be used**

- (1) This section applies if—
  - (a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a taxi service, for the journey that is to be subsidised; and
  - (b) the taxi is fitted with an approved card reader; and



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (c) the taxi is not an exempted taxi.
- (2) The driver must—
  - (a) insert the membership card into the approved card reader—
    - (i) to validate the currency of the approved relevant person's membership of the taxi subsidy scheme; and
    - (ii) to facilitate the payment, under the scheme, in relation to the fare for the journey; and
  - (b) sight the response for paragraph (a)(i) from the approved card reader.

Maximum penalty—40 penalty units.

- (3) The driver does not commit an offence against subsection (2) if—
  - (a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and
  - (b) arrangements have been made to repair the approved card reader.

**96AK When manual card reader must be used**

- (1) This section applies if—
  - (a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a taxi service, for the journey that is to be subsidised; and
  - (b) the taxi is not an exempted taxi; and
  - (c) the taxi is fitted with an approved card reader; and
  - (d) the approved card reader is not working properly or at all; and
  - (e) a manual card reader is carried in the taxi.
- (2) The driver of the taxi must use the manual card reader to take an imprint of the membership card.

Maximum penalty—40 penalty units.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**96AL When manual card reader must not be used**

The driver of a taxi must not use a manual card reader unless—

- (a) the taxi is an exempted taxi; or
- (b) the approved card reader is not working properly or at all.

Maximum penalty—40 penalty units.

**96AM Driver to compare photograph and not to hire taxi to particular person**

- (1) If, for a journey, a hirer of a taxi produces a membership card to the driver of the taxi, the driver must make a visual comparison between the person and the photograph on the membership card.

Maximum penalty—40 penalty units.

- (2) The driver of a taxi must not hire the taxi to a person for a journey if the driver reasonably believes that—
  - (a) the person is not an approved relevant person; and
  - (b) the person intends to obtain a benefit under the taxi subsidy scheme in relation to the fare for the journey.

Maximum penalty—40 penalty units.

**96AN Driver of taxi must not refuse hiring by approved relevant person**

The driver of a taxi available for hire must not refuse a hiring by an approved relevant person, unless the driver has a reasonable excuse.

Maximum penalty—40 penalty units.

## **Part 6A                      Taxi services provided other than under taxi service licence**

### **96A      Services for which taxi service licence not required**

- (1) A cross-border taxi service is a taxi service to which section 70 of the Act does not apply.
- (2) Subsection (1) does not prevent an operator of a cross-border taxi service from applying for, and obtaining, a taxi service licence.

### **96B      Requirement to carry licence for NSW taxi**

- (1) The operator of a cross-border taxi service must ensure the licence for the NSW taxi used to provide the service is kept inside the taxi and is readily available to the driver of the taxi.

Maximum penalty—40 penalty units.

- (2) A person driving a NSW taxi to provide a cross-border taxi service must, if asked by an authorised person, make the licence for the taxi available for inspection by the authorised person.

Maximum penalty—40 penalty units.

- (3) In this section—

*licence*, for a NSW taxi, means—

- (a) the licence under the *Passenger Transport Act 1990* (NSW), part 4, division 4 relating to the taxi; or
- (b) a copy of the licence mentioned in paragraph (a).

### **96C      Cross-border taxi ranks**

- (1) The chief executive may erect or place a sign at a taxi rank in the Queensland–NSW border area identifying the taxi rank as a taxi rank where a NSW taxi can ply or stand for hire by a person intending to make a journey to New South Wales.

- (2) In this section—

***Queensland–NSW border area*** means the part of Queensland bound by the following—

- (a) Currumbin Creek;
- (b) Tomewin Mountain Road;
- (c) the border between Queensland and New South Wales;
- (d) the Queensland shoreline.

## **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 8<sup>27</sup> 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

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<sup>27</sup> Chapter 8 (Limousine service licences) of the Act

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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, 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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.

**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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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
  - (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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*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—
  - (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.



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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
  - (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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### 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
  - (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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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—
    - (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 than 3 days), before the limousine operator made the application.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**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 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**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
  - (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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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.

- (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)<sup>28</sup> 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.

## **Part 8                      Obligations of operators**

### **118      Equipment for vehicles**

An operator of a public passenger vehicle mentioned in schedule 5 must ensure the vehicle complies with the schedule.

Maximum penalty—20 penalty units.

### **119      Advertising on public passenger vehicles**

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

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

Maximum penalty—20 penalty units.

### **120      Accreditation evidence and accreditation certificates**

- (1) An operator of a public passenger service for which operator accreditation is required must display or keep, in the way set out in schedule 6, evidence of the operator's accreditation number on or in each vehicle used to provide the service, including, for example, a vehicle borrowed, leased or hired



*Transport Operations (Passenger Transport)  
Regulation 2005*

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from someone else, unless the operator has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person driving a vehicle in which evidence of an operator's accreditation number is kept under subsection (1) must, if asked by an authorised person, make the evidence available for inspection by the authorised person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) An operator of a public passenger service for which operator accreditation is required must remove, from a vehicle being used to provide the service, any accreditation evidence displayed on the vehicle and any accreditation certificate kept in the vehicle if—
- (a) the operator's accreditation is cancelled; or
  - (b) the operator's accreditation expires and the vehicle is no longer to be used to provide a public passenger service for which operator accreditation is required; or
  - (c) the vehicle is to be sold or otherwise disposed of.

Maximum penalty—20 penalty units.

- (4) Unless the person has a reasonable excuse, a person must not operate a public passenger vehicle displaying accreditation evidence, or in which an accreditation certificate is kept, if the person—
- (a) does not hold operator accreditation; or
  - (b) holds provisional operator accreditation only and the accreditation evidence, or accreditation certificate, relates to operator accreditation other than provisional operator accreditation.

Maximum penalty—20 penalty units.

- (5) For subsections (1) and (4), 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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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.

*Example for paragraph (b)—*

a replacement bus is used because of a vehicle breakdown

- (6) In this section—

***accreditation certificate*** means a certificate evidencing an operator's operator accreditation.

***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 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;
- (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—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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),<sup>29</sup> 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 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.

**126A Air conditioning in buses—obligations of operator**

- (1) If the operator of a bus fitted with an air conditioner uses the bus to provide a general route service or school service, the operator must—

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<sup>29</sup> Section 27 (Restricted driver authorisation—Act, s 29A)

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (a) ensure the air conditioner is fully operational and in good repair; and
- (b) if the maximum daily air temperature forecast by the Bureau of Meteorology for the area where the general route service or school service operates is at least 28°C—instruct the driver to turn the air conditioner on.

Maximum penalty—20 penalty units.

- (2) The operator does not commit an offence against subsection (1)(a) in relation to the use of a bus fitted with an air conditioner that is not fully operational because it requires maintenance or repair if, after first becoming aware that the air conditioner is not fully operational—
  - (a) the operator has taken reasonable steps to have the air conditioner maintained or repaired as quickly as possible; and
  - (b) the operator has a written record of—
    - (i) the date the air conditioner stopped being fully operational or in good repair; and
    - (ii) the steps taken to have the air conditioner maintained or repaired as quickly as possible; and
  - (c) the operator displays a sign in a conspicuous position near the entry to the bus that informs the passengers that the air conditioner is not fully operational because it requires maintenance or repair.

## **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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**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.

**133A Air conditioning in buses—obligations of driver**

- (1) This section applies in relation to the use of a bus to provide a general route service or school service if the bus is fitted with an air conditioner.
- (2) However, this section applies only while the bus is being used to provide a general route service or school service.
- (3) If the driver of the bus is instructed by the operator of the bus to turn the air conditioner on, the driver must comply with the request unless the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

*Example of a reasonable excuse—*

the air conditioner requires maintenance or repair

## **Part 10**                      **Review of, and appeals against, decisions not provided for under Act, chapter 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 2<sup>30</sup>—
- (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.
- (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.

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<sup>30</sup> *Transport Planning and Coordination Act 1994*, part 5 (Review of and appeals against decisions), division 2 (Review of original decisions)



*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (5) The *Transport Planning and Coordination Act 1994*, part 5, division 3<sup>31</sup>—
- (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 (e)**

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.

### 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—

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<sup>31</sup> *Transport Planning and Coordination Act 1994*, part 5 (Review of and appeals against decisions), division 3 (Appeals against reviewed decisions)

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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 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.<sup>32</sup>

**138 Transport arrangements for students**

- (1) If a student's parent has been convicted of an offence against section 149(3)<sup>33</sup> of the Act, in relation to transport arrangements made under section 144<sup>34</sup> of the Act, the chief executive may exclude the student 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 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

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<sup>32</sup> 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).

<sup>33</sup> Section 149 (Offences of dishonesty) of the Act

<sup>34</sup> Section 144 (Transport arrangements for students) of the Act

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (d) inviting the parent 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 student's parent 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, exclude the student 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 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
  - (b) assisting the holders of school service contracts in the development of timetabling and route design; and

*Transport Operations (Passenger Transport)  
Regulation 2005*

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(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 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),<sup>35</sup> 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.

### **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.

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35 Section 66 (Multiple hiring)

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (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 QR Limited ACN 124 649 967 are prescribed under section 111(2)(d)<sup>36</sup> 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 QR Network Pty Ltd ACN 132 181 116.

#### **145 Fees and levy**

- (1) The fees or levy payable under the Act are stated in schedule 9.
- (2) However, if the chief executive grants provisional operator accreditation to an applicant for operator accreditation, the fee payable by the applicant under schedule 9, item 5(a) must be adjusted in proportion to the number of months for which the provisional operator accreditation is granted.
- (3) For adjusting the fee for subsection (2), the fee payable under schedule 9, item 5(a) is taken to be for 1 year.
- (4) Also, if the term for which operator accreditation is renewed is not 1 year or a number of whole years, the fee for renewal of the operator accreditation must be adjusted in proportion to the number of months in the term.

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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (5) 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; or
  - (c) if the fee is an additional application fee for driver authorisation or operator accreditation—when the application is made.
- (6) The chief executive may—
- (a) waive the payment of a fee for a person; or
  - (b) refund the whole, or a part, of a fee paid by a person.
- (7) 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 (5)(b)—suspended from the date the payment was due under the arrangement until a valid payment is made.
- (8) 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.
- (9) In this section—
- cheque* includes a method of payment other than by cash.
- dishonoured* includes not honoured on presentation.

**145A Refund of fee for application for driver authorisation other than for a taxi or limousine**

- (1) This section applies if—

*Transport Operations (Passenger Transport)  
Regulation 2005*

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- (a) an application is made for driver authorisation other than for a taxi or limousine; and
  - (b) the chief executive does not ask the commissioner of the police service for a written report about the applicant's criminal history.
- (2) The fee paid under schedule 9, item 9 for the application must be refunded to the applicant.

**145B Refund of additional application fee**

- (1) This section applies if the number of persons in relation to whom an additional application fee has been paid under schedule 9, item 10 (the *proposed number*) is more than the number of persons about whom the chief executive asks the commissioner of the police service for a written report about the person's criminal history (the *actual number*).
- (2) The difference between the proposed number and the actual number multiplied by the amount of the fee payable under schedule 9, item 10(a) must be refunded to the applicant.

**146 Approval of forms**

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

**Part 12 Transitional provisions**

**Division 1 Transitional provisions for  
Transport Operations (Passenger  
Transport) Regulation 2005**

**147 Definitions for div 1**

In this division—



*Transport Operations (Passenger Transport)  
Regulation 2005*

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

***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.

***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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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 division.

**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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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

*Transport Operations (Passenger Transport)  
Regulation 2005*

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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 on 16 December 2008.

**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 division 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.

**Division 2**                    **Transitional provision for Transport  
Operations (Passenger Transport)  
and Another Regulation  
Amendment Regulation (No. 1) 2007**

**158A**   **Operators of taxi services—obligations about approved  
card readers**

Section 96AG does not apply to an operator of a taxi service until 1 May 2008.

**Division 3**                    **Transitional provision for Transport  
Operations (TransLink Transit  
Authority) Regulation 2008**

**158B**   **Existing contracts for commercial scheduled services**

- (1) This section applies if—
  - (a) immediately before 1 July 2008 a service contract was in force for a public passenger service; and
  - (b) the public passenger service was a commercial scheduled service as defined under this regulation as in force before 1 July 2008.
- (2) On and from 1 July 2008, the service contract is taken to be a service contract for a general route service.
- (3) The chief executive may, by notice to the holder of the service contract, amend or renew the contract in a way that reflects the change under subsection (2).
- (4) If the service contract is renewed, the chief executive may issue the renewed service contract on terms that reflect the change.



## **Part 13**

## **Repeal**

### **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

<b>Column 1</b>	<b>Column 2</b>
<b>Public passenger service</b>	<b>Area or route</b>
1    General route 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"> <li>• Barcaldine</li> <li>• Bedourie</li> <li>• Birdsville</li> <li>• Blackall</li> <li>• Boulia</li> </ul>

## Schedule 1 (continued)

**Column 1****Public passenger service****Column 2****Area or route**

- 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)

<b>Column 1</b>	<b>Column 2</b>
<b>Public passenger service</b>	<b>Area or route</b>
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
	4 Routes between Townsville and Palm Island

**Schedule 2A      Taxi service areas for taxi  
industry security levy**

section 60A

Brisbane

Cairns

Gold Coast

Sunshine Coast

Townsville

### **Schedule 3      Relevant taxi service areas for approved taxi security camera systems**

section 81, definition *relevant taxi service area*

Bribie Island  
Brisbane  
Bundaberg  
Cairns  
Gladstone  
Gold Coast  
Gympie  
Hervey Bay  
Innisfail  
Ipswich  
Mackay  
Maryborough  
Mount Isa  
Redcliffe  
Rockhampton  
Sunshine Coast  
Toowoomba  
Townsville  
Warwick  
Yeppoon

## Schedule 4      **Luxury motor vehicles**

section 105

<b>Make of vehicle</b>	<b>Maximum age limit for luxury motor vehicles</b>
<b>Group A</b>	
<ul style="list-style-type: none"> <li>• Bentley</li> <li>• Daimler DS420</li> <li>• Rolls Royce</li> </ul>	unlimited
<b>Group B</b>	
<ul style="list-style-type: none"> <li>• Audi A8</li> <li>• BMW 7 Series</li> <li>• Cadillac</li> <li>• Daimler other than a Daimler DS420</li> <li>• Jaguar</li> <li>• Lincoln</li> <li>• Mercedes Benz S or E class</li> <li>• Toyota Lexus LS 400</li> </ul>	15 years from the date of manufacture
<b>Group C</b>	
<ul style="list-style-type: none"> <li>• BMW 5 Series</li> <li>• Chrysler 300C</li> <li>• Ford Fairlane/LTD</li> <li>• Holden Statesman/Caprice</li> <li>• Volvo 960</li> </ul>	6 years from the date of manufacture
<b>Group D</b>	
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 NSW taxis providing cross-border taxi service and limousines**

For a vehicle that is a taxi or passenger car, other than a vehicle that is a NSW taxi being used to provide a cross-border taxi service or 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)

**2A NSW taxis providing cross-border taxi service**

For a vehicle that is a NSW taxi being used to provide a cross-border taxi service, a copy of the certificate evidencing the operator's operator accreditation must be kept in the vehicle while the vehicle is being used to provide the cross-border taxi service.

**3 Limousines**

For a vehicle for which a limousine service licence is in force, a copy of the certificate evidencing the operator's operator accreditation must be kept in the vehicle while the vehicle is being used to provide the limousine service.

**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)

<b>Section</b>	<b>Description of decision</b>	<b>Court</b>
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

<b>Column 1</b>	<b>Column 2</b>
<b>Service category</b>	<b>Vehicle type</b>
general route service or school 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 general route service or school 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 other than a cross-border 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)

<b>Column 1</b>	<b>Column 2</b>
<b>Service category</b>	<b>Vehicle type</b>
cross-border taxi service	NSW taxi
tourist service	off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and sidecar, motor tricycle or forward-control passenger vehicle
	passenger car or forward-control passenger vehicle for which a taxi service licence or limousine service licence is in force
limousine service	luxury motor vehicle
accommodation transfer service	forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus
	passenger car for which a taxi service licence or limousine service licence is in force
tourist transfer service	forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus
	passenger car for which a taxi service licence or limousine service licence is in force
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 and levy

section 145

		\$
1	Service contract, or renewal of a service contract, for each year the contract is in force—	
	(a) if, under the contract, the holder of the contract is remunerated from revenue generated by passenger fares—	
	(i) 1 to 10 vehicles . . . . .	134.05
	(ii) 11 to 20 vehicles . . . . .	335.25
	(iii) 21 to 50 vehicles . . . . .	670.50
	(iv) more than 50 vehicles . . . . .	1 341.05
	(b) for the administration of taxi services—	
	(i) 1 to 50 vehicles . . . . .	134.05
	(ii) 51 to 100 vehicles . . . . .	335.25
	(iii) 101 to 200 vehicles . . . . .	670.50
	(iv) more than 200 vehicles . . . . .	1 341.05
2	Taxi service licence, or renewal of a taxi service licence, for an exempted taxi, for each year of the licence. . . . .	67.05
3	Taxi service licence, or renewal of a taxi service licence, other than for an exempted taxi, for each year of the licence	134.05
4	Limousine service licence, or renewal of a limousine service licence, for each year of the licence . . . . .	134.05
5	Application for operator accreditation to provide a service mentioned in item 6—the total of the following—	
	(a) an amount equal to the fee payable under whichever of item 6(a), (b), (c), (d), (e), (f) or (g) mentions the service;	
	(b) the additional application fee payable under item 10.	
6	Renewal of operator accreditation after the first year's accreditation to provide the following, for each year of accreditation—	
	(a) 1 or more general route services or school services . .	133.70
	(b) a community transport service. . . . .	133.70

*Transport Operations (Passenger Transport)  
Regulation 2005*

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Schedule 9 (continued)

	\$
(c) a courtesy transport service . . . . .	133.70
(d) a limousine service . . . . .	133.70
(e) a taxi service under which only an exempted taxi may be used to provide the service . . . . .	67.30
(f) a taxi service, other than a taxi service mentioned in paragraph (e) . . . . .	133.70
(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 . . . . .	267.90
(ii) accreditation under which more than 10 vehicles may be used to provide the service . . . . .	1 341.05
7 Application for driver authorisation for a taxi or limousine—the total of the following—	
(a) the fee payable under this paragraph . . . . .	56.30
(b) the additional application fee payable under item 10.	
8 Renewal of driver authorisation, for a taxi or limousine, after the first year's authorisation, for each year of authorisation . . . . .	56.30
9 Application for driver authorisation other than for a taxi or limousine . . . . .	32.05
10 Additional application fee for item 5(b) or 7(b) if the individual, partner or executive officer mentioned in paragraph (a), (b) or (c) is a person about whom the chief executive proposes to ask the commissioner of the police service for a written report about the person's criminal history for the application—	
(a) if the applicant is an individual and paragraph (b) does not apply . . . . .	32.05
(b) if the applicant is a partner, for each partner of the partnership when the application is made . . . . .	32.05
(c) if the applicant is a corporation, for each executive officer of the corporation when the application is made . . . . .	32.05
11 Annual taxi industry security levy . . . . .	314.40



## Schedule 11 Dictionary

### section 2

***accommodation transfer service*** means a public passenger service—

- (a) that—
  - (i) is provided for travellers arriving in or departing from an area; and
  - (ii) operates between an airport, ferry terminal, intercity bus terminal or railway terminal and an accommodation house in the area; and
- (b) that requires journeys on the service to be pre-booked and travel documentation for them to be issued before the travellers arrive in the area.

***approved card reader*** see section 94.

***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***—

- (a) for part 6, division 4, see section 81; or
- (b) for part 6, division 5, see section 94.

***believes*** means reasonably believes.

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

***considers*** means reasonably considers.

Schedule 11 (continued)

***cross-border taxi rank*** means a taxi rank identified, by a sign erected or placed under section 96C, as a taxi rank where a NSW taxi can ply or stand for hire by a person intending to make a journey to New South Wales.

***cross-border taxi service*** means a taxi service that is provided—

- (a) by using a NSW taxi; and
- (b) for only 1 or more of the following journeys—
  - (i) a journey that starts in New South Wales and ends in Queensland;
  - (ii) a journey that starts at a cross-border taxi rank and ends in New South Wales and is not pre-booked;
  - (iii) a single passenger journey that starts and ends in New South Wales.

*Example of a single passenger journey—*

A passenger is picked up in Tweed Heads and is taken to Coolangatta. The taxi waits for the passenger at Coolangatta and then takes the passenger to Kirra and waits again before returning the passenger to Tweed Heads.

***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;
- (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.

### Schedule 11 (continued)

**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.

**long distance scheduled passenger service** means a road-based general route service in which passengers are carried on an established route—

- (a) for an average distance of at least 40km; or
- (b) between non-adjointing service contract areas or routes.

**manual card reader**, for part 6, division 5, see section 94.

**membership card**, for part 6, division 5, see section 94.

**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.

***NSW taxi*** means a motor vehicle licensed as a taxi-cab under the *Passenger Transport Act 1990* (NSW), part 4, division 4.

***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.

***parent***, of a student, means—

- (a) if the student is a child—a person who is the student's parent as defined under the *Education (General Provisions) Act 2006*, section 10; or
- (b) if the student is an adult—a person who was the student's parent as defined under the *Education (General Provisions) Act 2006*, section 10, immediately before the student stopped being a child.

***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).

### Schedule 11 (continued)

**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 notice<sup>37</sup> for the decision.

**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 2006*, schedule 4; 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—

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<sup>37</sup> *Information notice* is defined in the Act.

Schedule 11 (continued)

- (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.

***taxi subsidy scheme information*** see section 94.

***tourist service*** means a pre-booked public passenger service operated in accordance with a publicly available itinerary to—

- (a) for all services—a common scenic or tourist attraction; or
- (b) if the service is not wholly within a service contract area or route—a major sporting or cultural event.

***tourist transfer service*** means a public passenger service—

- (a) that operates between—
  - (i) an accommodation house; and
  - (ii) a tourist attraction or tourist service; and
- (b) for which journeys are pre-booked before the time of travel.

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	141
3	Key . . . . .	142
4	Table of reprints . . . . .	142
5	List of legislation . . . . .	143
6	List of annotations . . . . .	145

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 September 2008. 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.

*Transport Operations (Passenger Transport)  
Regulation 2005*

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### 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 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
1D	2006 SL No. 90	1 July 2006	
1E	2006 SL No. 173	7 July 2006	
1F	2006 SL No. 246	30 October 2006	
1G	2006 SL No. 289	1 December 2006	
1H	2007 SL No. 67	27 April 2007	
1I	2007 SL No. 83	1 July 2007	
2	2007 SL No. 200	17 August 2007	
2A	2007 SL No. 282	23 November 2007	
2B	2007 SL No. 307	4 February 2008	
2C	2008 SL No. 133	30 May 2008	



*Transport Operations (Passenger Transport)  
Regulation 2005*

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Reprint No.	Amendments included	Effective	Notes
2D	2008 SL No. 131 2008 SL No. 186 2008 SL No. 210	1 July 2008	
2E	2008 SL No. 282	1 September 2008	

## 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)

Notes—(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

### **Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2006 SL No. 90 ss 1, 2(1), pt 11**

notfd gaz 19 May 2006 pp 252–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2(1))

### **Transport Legislation and Another Regulation Amendment Regulation (No. 2) 2006 SL No. 173 pts 1, 6**

notfd gaz 7 July 2006 pp 1167–9

commenced on date of notification

### **Education (General Provisions) Regulation 2006 SL No. 246 ss 1, 2(3), 90(1) sch 1**

notfd gaz 6 October 2006 pp 577–80

ss 1–2 commenced on date of notification

remaining provisions commenced 30 October 2006 (see s 2(3))

### **Transport and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 289 s 1, pt 2**

notfd gaz 1 December 2006 pp 1587–90

commenced on date of notification

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**Transport Operations (Passenger Transport) and Other Legislation Amendment  
Regulation (No. 1) 2007 SL No. 67 pts 1, 3**

notfd gaz 27 April 2007 pp 1887–90  
commenced on date of notification

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 83 pts 1, 10**

notfd gaz 18 May 2007 pp 345–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2007 (see s 2)

**Transport Operations (Passenger Transport) and Other Legislation Amendment  
Regulation (No. 2) 2007 SL No. 200 pts 1–2**

notfd gaz 17 August 2007 pp 2023–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 17 August 2007 (see s 2)

**Transport Operations (Passenger Transport) and Another Regulation Amendment  
Regulation (No. 1) 2007 SL No. 282 ss 1–2(1), pt 2**

notfd gaz 23 November 2007 pp 1682–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 23 November 2007 (see s 2(1))

**Transport Operations Legislation Amendment Regulation (No. 1) 2007 SL No. 307  
pts 1, 3**

notfd gaz 7 December 2007 pp 1978–82  
ss 1–2 commenced on date of notification  
remaining provisions commenced 4 February 2008 (see s 2)

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 pts 1,  
10**

notfd gaz 23 May 2008 pp 543–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Transport Operations (Passenger Transport) and Another Regulation Amendment  
Regulation (No. 1) 2008 SL No. 133 pts 1–2**

notfd gaz 23 May 2008 pp 543–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 30 May 2008 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2008  
SL No. 186**

notfd gaz 27 June 2008 pp 1268–78  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Transport Operations (TransLink Transit Authority) Regulation 2008 SL No. 210 pts  
1, 4**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

s 16 commenced 1 July 2008 immediately after the commencement of the Transport  
Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 (see s 2(1))

remaining provisions commenced 1 July 2008 (see s 2(2))

**Transport and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 282 pts  
1, 7**

notfd gaz 29 August 2008 pp 2831–5

ss 1–2 commenced on date of notification

s 17(2) commences 1 March 2009 (see s 2(2))

remaining provisions commenced 1 September 2008 (see s 2(1))

## 6 List of annotations

### Notes

s 3 om 2008 SL No. 210 s 9

### Notifying disqualifying offences

s 16 amd 2007 SL No. 282 s 4

### Application for grant or renewal of driver authorisation

s 20 amd 2008 SL No. 186 s 4

### Matters to be considered or not considered by arbitrator in deciding amount of compensation

s 48 amd 2008 SL No. 210 s 10

### Additional service contract areas or routes in Translink area

s 51 om 2008 SL No. 210 s 11

### PART 6—TAXI SERVICES PROVIDED UNDER TAXI SERVICE LICENCE

pt hdg amd 2007 SL No. 200 s 4

### Application of pt 6

s 52A ins 2007 SL No. 200 s 5

### Taxi service areas for taxi industry security levy—Act, s 80A

s 60A ins 2007 SL No. 200 s 6

### Accepting hirings

prov hdg sub 2008 SL No. 133 s 4(1)

s 62 amd 2008 SL No. 133 s 4(2)–(3)

### Requirements about access to continuously operating booking service

s 62A ins 2008 SL No. 133 s 5

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

s 85 amd 2007 SL No. 67 s 5

*Transport Operations (Passenger Transport)  
Regulation 2005*

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

s 92            amd 2007 SL No. 282 s 5

**Division 5—Taxi subsidy scheme**

**Subdivision 1—Definitions**

sdiv hdg    ins 2007 SL No. 282 s 6

**Definitions for div 5**

s 94            def “**approved card reader**” ins 2007 SL No. 282 s 7  
                   def “**authorised purpose**” ins 2007 SL No. 282 s 7  
                   def “**manual card reader**” ins 2007 SL No. 282 s 7  
                   def “**membership card**” ins 2007 SL No. 282 s 7  
                   def “**taxi subsidy scheme information**” ins 2007 SL No. 282 s 7

**Subdivision 2—Membership of taxi subsidy scheme**

sdiv hdg    ins 2007 SL No. 282 s 8

**Production of membership card to receive benefit**

s 96AA       ins 2007 SL No. 282 s 9

**Subdivision 3—Obligations on all persons**

sdiv 3 (ss 96AB–96AC) ins 2007 SL No. 282 s 9

**Subdivision 4—Obligations on holder of taxi service licence or substitute taxi authority**

sdiv 4 (ss 96AD–96AE) ins 2007 SL No. 282 s 9

**Subdivision 5—Obligations on operator**

sdiv 5 (ss 96AF–96AH) ins 2007 SL No. 282 s 9

**Subdivision 6—Obligations on taxi driver**

sdiv 6 (ss 96AI–96AN) ins 2007 SL No. 282 s 9

**PART 6A—TAXI SERVICES PROVIDED OTHER THAN UNDER TAXI SERVICE LICENCE**

pt 6A (ss 96A–96C) ins 2007 SL No. 200 s 7

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

s 105 prov hdg amd 2006 Act No. 21 s 150(1) sch 1

**Application for grant of substitute limousine authority**

s 111            amd 2006 SL No. 289 s 4

**Accreditation evidence and accreditation certificates**

prov hdg    amd 2007 SL No. 200 s 8(1)

s 120            amd 2007 SL No. 200 s 8(2)–(10); 2007 SL No. 282 s 10

**Air conditioning in buses—obligations of operator**

s 126A       ins 2007 SL No. 67 s 6

                  amd 2008 SL No. 210 s 12

**Air conditioning in buses—obligations of driver**

s 133A       ins 2007 SL No. 67 s 7

                  amd 2008 SL No. 210 s 12

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**PART 10—REVIEW OF, AND APPEALS AGAINST, DECISIONS NOT PROVIDED FOR UNDER ACT, CHAPTER 10**

**pt hdg** amd 2007 SL No. 282 s 11

**Disqualifying offences—Act, sch 3, def “disqualifying offence”, para (e)**  
s 135 **prov hdg** amd 2007 SL No. 282 s 12

**Forward-control passenger vehicle—Act, sch 3, def “forward-control passenger vehicle”**  
s 135A ins 2006 Act No. 21 s 150(1) sch 1

**Transport arrangements for students**

**prov hdg** amd 2007 SL No. 200 s 9(1)

s 138 amd 2007 SL No. 200 s 9(2)–(5)

**Local conveyance committees**

s 140 amd 2007 SL No. 200 s 10

**Operation of Brisbane Airport Rail Link**

s 144 amd 2008 SL No. 282 s 17

**Fees and levy**

**prov hdg** sub 2008 SL No. 131 s 20

s 145 amd 2007 SL No. 307 s 8; 2008 SL No. 131 s 20

**Refund of fee for application for driver authorisation other than for a taxi or limousine**

s 145A ins 2007 SL No. 307 s 9

**Refund of additional application fee**

s 145B ins 2007 SL No. 307 s 9

**PART 12—TRANSITIONAL PROVISIONS**

**Division 1—Transitional provisions for Transport Operations (Passenger Transport) Regulation 2005**

**div hdg** ins 2007 SL No. 282 s 13

**Definitions for div 1**

**prov hdg** amd 2007 SL No. 282 s 14(1)

s 147 amd 2007 SL No. 282 s 14(2)

def “**appeal court**” amd 2007 SL No. 282 s 14(3)

def “**original decision**” amd 2007 SL No. 282 s 14(3)

**Things done under repealed regulation**

s 149 amd 2007 SL No. 282 s 15

**Section 62B guidelines**

s 154 amd 2006 SL No. 289 s 5; 2007 SL No. 282 s 16  
exp 16 December 2008 (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 Act No. 21 s 150(1) sch 1

*Transport Operations (Passenger Transport)  
Regulation 2005*

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**Application of Acts Interpretation Act 1954**

**s 158** amd 2007 SL No. 282 s 17

**Division 2—Transitional provision for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007**

**div 2 (s 158A)** ins 2007 SL No. 282 s 18

**Division 3—Transitional provision for Transport Operations (TransLink Transit Authority) Regulation 2008**

**div 3 (s 158B)** ins 2008 SL No. 210 s 13

**PART 13—REPEAL**

**pt hdg** amd 2006 SL No. 289 s 6

**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 1—MARKET ENTRY RESTRICTIONS**

amd 2007 SL No. 282 s 19; 2008 SL No. 210 s 14

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

amd 2006 SL No. 74 s 3; 2007 SL No. 282 s 20  
om 2008 SL No. 210 s 15

**SCHEDULE 2A—TAXI SERVICE AREAS FOR TAXI INDUSTRY SECURITY LEVY**

ins 2007 SL No. 200 s 11

**SCHEDULE 3—RELEVANT TAXI SERVICE AREAS FOR APPROVED TAXI SECURITY CAMERA SYSTEMS**

amd 2007 SL No. 67 s 8

**SCHEDULE 4—LUXURY MOTOR VEHICLES**

amd 2006 SL No. 173 s 14; 2007 SL No. 282 s 21

**SCHEDULE 6—ACCREDITATION EVIDENCE****Taxis and passenger cars other than NSW taxis providing cross-border taxi service and limousines**

**prov hdg** amd 2007 SL No. 200 s 12(1)

**s 2** amd 2007 SL No. 200 s 12(2)

**NSW taxis providing cross-border taxi service**

**s 2A** ins 2007 SL No. 200 s 12(3)

**Limousines**

**s 3** sub 2007 SL No. 200 s 12(4)

**SCHEDULE 8—PUBLIC PASSENGER VEHICLES**

amd 2007 SL No. 200 s 13; 2008 SL No. 210 s 12

*Transport Operations (Passenger Transport)  
Regulation 2005*

---

**SCHEDULE 9—FEES AND LEVY**

sub 2006 SL No. 90 s 24; 2007 SL No. 83 s 20; 2007 SL No. 307 s 10; 2008  
SL No. 131 s 21  
amd 2008 SL No. 210 s 16

**SCHEDULE 10—CONSEQUENTIAL AMENDMENTS**

om R1 (see RA s 40)

**SCHEDULE 11—DICTIONARY**

def “**accommodation transfer service**” ins 2008 SL No. 210 s 17(2)  
def “**approved card reader**” ins 2007 SL No. 282 s 22(2)  
def “**authorised purpose**” sub 2007 SL No. 282 s 22  
def “**commercial scheduled service**” om 2008 SL No. 210 s 17(1)  
def “**cross-border taxi rank**” ins 2007 SL No. 200 s 14  
def “**cross-border taxi service**” ins 2007 SL No. 200 s 14  
def “**forward-control passenger vehicle**” om 2006 Act No. 21 s 150(1) sch 1  
def “**long distance scheduled passenger service**” ins 2008 SL No. 210 s  
17(2)  
def “**manual card reader**” ins 2007 SL No. 282 s 22(2)  
def “**membership card**” ins 2007 SL No. 282 s 22(2)  
def “**motor vehicle**” om 2006 Act No. 21 s 150(1) sch 1  
def “**NSW taxi**” ins 2007 SL No. 200 s 14  
def “**off-road passenger vehicle**” om 2006 Act No. 21 s 150(1) sch 1  
def “**parent**” ins 2007 SL No. 200 s 14  
def “**passenger car**” om 2006 Act No. 21 s 150(1) sch 1  
def “**passenger vehicle**” om 2006 Act No. 21 s 150(1) sch 1  
def “**school students**” amd 2006 SL No. 246 s 90(1) sch 1  
def “**taxi subsidy scheme information**” ins 2007 SL No. 282 s 22(2)  
def “**tourist service**” ins 2008 SL No. 210 s 17(2)  
def “**tourist transfer service**” ins 2008 SL No. 210 s 17(2)