



Queensland

Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation (No. 2) 2007

Subordinate Legislation 2007 No. 200

made under the

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

Transport Planning and Coordination Act 1994

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Other Legislation Amendment Regulation (No. 2) 2007*

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation (No. 2) 2007*.

2 Commencement

Parts 2 and 3 commence on 17 August 2007.

Part 2 Amendment of Transport Operations (Passenger Transport) Regulation 2005

3 Regulation amended in pt 2

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

4 Amendment of pt 6, hdg (Taxi services)

Part 6, heading, after ‘services’—

insert—

‘provided under taxi service licence’.

5 Insertion of new s 52A

After section 52—

insert—

‘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.’.

6 Insertion of new s 60A

Part 6, division 1—

insert—

‘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.’.

7 Insertion of new pt 6A

After section 96—

insert—

‘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.’.

8 Amendment of s 120 (Accreditation evidence)

(1) Section 120, heading, after ‘evidence’—

insert—

‘and accreditation certificates’.

(2) Section 120(1) from ‘display’ to ‘on each vehicle’—

omit, insert—

‘display or keep, in the way set out in schedule 6, evidence of the operator’s accreditation number on or in each vehicle’.

(3) Section 120(2) to (5)—

renumber as section 120(3) to (6).

- (4) Section 120—
insert—
- ‘(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.’.
- (5) Section 120(3) as renumbered, from ‘must’ to ‘the service’—
omit, insert—
‘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’.
- (6) Section 120(4) as renumbered, after ‘displaying accreditation evidence’—
insert—
‘, or in which an accreditation certificate is kept,’.
- (7) Section 120(4)(b) as renumbered, after ‘evidence’—
insert—
‘, or accreditation certificate,’.
- (8) Section 120(5) as renumbered, ‘subsections (1) and (3)’—
omit, insert—
‘subsections (1) and (4)’.
- (9) Section 120(5) as renumbered, example, ‘*subsection (4)(b)*’—
omit, insert—
‘*paragraph (b)*’.
- (10) Section 120(6) as renumbered—
insert—
‘**accreditation certificate** means a certificate evidencing an operator’s operator accreditation.’.

9 Amendment of s 138 (Transport arrangements for pupils)

- (1) Section 138, heading, ‘pupils’—
omit, insert—
‘**students**’.
- (2) Section 138(1) and (3), ‘child’s parent or guardian’—
omit, insert—
‘student’s parent’.
- (3) Section 138(1) and (4), ‘the child’—
omit, insert—
‘the student’.
- (4) Section 138(2) and (4), ‘or guardian’—
omit.
- (5) Section 138(2)(d), ‘the person’—
omit, insert—
‘the parent’.

10 Amendment of s 140 (Local conveyance committees)

- (1) Section 140(1)(a), ‘and guardians’—
omit.
- (2) Section 140(4), definition *local conveyance committee*, ‘and guardians’—
omit.

11 Insertion of new sch 2A

- After schedule 2—
insert—

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

section 60A

Brisbane
Cairns
Gold Coast
Sunshine Coast
Townsville’.

12 Amendment of sch 6 (Accreditation evidence)

- (1) Schedule 6, section 2, heading, after ‘other than’—
insert—

‘NSW taxis providing cross-border taxi service and’.

- (2) Schedule 6, section 2, after ‘car, other than’—
insert—

‘a vehicle that is a NSW taxi being used to provide a cross-border taxi service or’.

- (3) Schedule 6—
insert—

‘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.’.

- (4) Schedule 6, section 3—
omit, insert—

‘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.’.

13 Amendment of sch 8 (Public passenger vehicles)

(1) Schedule 8, entry for Taxi service, after ‘service’—
insert—

‘other than a cross-border taxi service’.

(2) Schedule 8, after entry for Taxi service—
insert—

‘Cross-border taxi service NSW taxi’.

14 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

‘***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.

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

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.'

Part 3 **Amendment of State Penalties Enforcement Regulation 2000**

15 Regulation amended in pt 3

This part amends the *State Penalties Enforcement Regulation 2000*.

16 Amendment of sch 3 (Transport legislation)

Schedule 3, entry for *Transport Operations (Passenger Transport) Regulation 2005—*

insert—

's 96B(1)	4
s 96B(2)	4
s 120(4)	2'.

Part 4

Other amendments

17 Regulations amended in schedule

The schedule amends the regulations it mentions.

Schedule Other amendments

section 17

Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005

1 Section 10(1), examples—

omit, insert—

‘Examples of how document or card may be displayed—

- displaying the document on premises or in a vehicle being used by the person
- wearing the card on the person’s clothing’.

2 Section 58(2), examples—

omit, insert—

‘Examples of appropriate matters—

- what is inappropriate behaviour or misconduct by a driver trainer or rider trainer towards a learner
- the non-disclosure or inappropriate use by a driver trainer or rider trainer of a learner’s personal particulars’.

3 Section 106(2), examples—

omit, insert—

‘Examples of special circumstances applying to a person—

- 1 The person has a disability and use of the roads in a way that adequately allows for the disability would involve some inconsistency with the requirements of this regulation or the Queensland Road Rules.
- 2 The person has a particular task to perform and performance of the task effectively would involve some inconsistency with the requirements of this regulation or the Queensland Road Rules.’.

Schedule (continued)

**Transport Operations (Road Use
Management—Vehicle Registration) Regulation 1999**

1 Section 11(1)(j)—

omit, insert—

‘(j) if applicable, a gas certificate for each gas system in the vehicle.’.

2 Section 18(1), ‘executive, must’—

omit, insert—

‘executive must’.

3 Section 39(2)(d)—

omit, insert—

‘(d) a gas certificate for each gas system in the vehicle;’.

4 Part 7A, division 1, heading, ‘pt’—

omit, insert—

‘part’.

5 Schedule 4—

insert—

‘gas certificate, for a gas system in a vehicle, means—

- (a) for a new vehicle—the certificate or plate for the system required under the *Petroleum and Gas (Production and Safety) Regulation 2004*, part 3 before the vehicle may be offered for sale; or

Editor’s note—

See the *Petroleum and Gas (Production and Safety) Regulation 2004*, sections 98 and 105C.

Schedule (continued)

- (b) for a used vehicle—the certificate for the system required under the *Petroleum and Gas (Production and Safety) Regulation 2004*, part 3 to be given, upon a sale or transfer of the vehicle, to the person to whom the vehicle is sold or transferred.

Editor's note—

See the *Petroleum and Gas (Production and Safety) Regulation 2004*, sections 99 and 105D.

gas system see the *Petroleum and Gas (Production and Safety) Act 2004*, schedule 2'.

6 **Schedule 4, definition *special purpose vehicle (type t)*, examples—**

omit, insert—

'Examples of special purpose vehicle (type t)—

boring plant, fire engine, mobile crane and truck mounted concrete pump'.

7 **Schedule 4, definition *vehicle related information provider*, 'section 67'—**

omit, insert—

'section 68A(1)'.

Transport Planning and Coordination Regulation 2005

1 **Schedule 1, section 6(1), '60km/hr'—**

omit, insert—

'60km/h'.

Schedule (continued)

- 2** **Schedule 1, section 11(1)(b), ‘15km/hr’—**
omit, insert—
‘15km/h’.
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ENDNOTES

- 1 Made by the Governor in Council on 16 August 2007.
- 2 Notified in the gazette on 17 August 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.