



Queensland

# Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007

## Subordinate Legislation 2007 No. 282

made under the

*State Penalties Enforcement Act 1999*

*Transport Operations (Passenger Transport) Act 1994*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b> .....	4
1	Short title .....	4
2	Commencement .....	4
<b>Part 2</b>	<b>Amendment of Transport Operations (Passenger Transport) Regulation 2005</b>	
3	Regulation amended in pt 2 .....	4
4	Amendment of s 16 (Notifying disqualifying offences) .....	4
5	Amendment of s 92 (Security safeguards to be taken to protect against unauthorised use of image recording) .....	5
6	Insertion of new pt 6, div 5, sdiv 1, hdg .....	5
7	Amendment of s 94 (Definitions for div 5) .....	5
8	Insertion of new pt 6, div 5, sdiv 2, hdg .....	7
9	Insertion of new s 96AA and pt 6, div 5, sdivs 3–6 .....	7
	96AA Production of membership card to receive benefit ...	7
	Subdivision 3 Obligations on all persons	
	96AB Disclosure or use of taxi subsidy scheme information	7
	96AC Misusing, or tampering with, membership card or approved card reader .....	7

*Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007* No. 282, 2007

---

	Subdivision 4	Obligations on holder of taxi service licence or substitute taxi authority	
	96AD	Ensuring approved card reader is fitted . . . . .	8
	96AE	Ensuring approved card reader appears to be working when making taxi or substitute taxi available under lease or contract. . . . .	8
	Subdivision 5	Obligations on operator	
	96AF	Ensuring approved card reader appears to be working when taxi is made available to driver . . . . .	9
	96AG	Ensuring approved card reader interfaces with taximeter and is kept connected. . . . .	9
	96AH	Manual card reader to be carried in taxi. . . . .	10
	Subdivision 6	Obligations on taxi driver	
	96AI	Driver authorisation number to be entered. . . . .	10
	96AJ	How approved card reader must be used . . . . .	11
	96AK	When manual card reader must be used . . . . .	11
	96AL	When manual card reader must not be used . . . . .	12
	96AM	Driver to compare photograph and not to hire taxi to particular person . . . . .	12
	96AN	Driver of taxi must not refuse hiring by approved relevant person. . . . .	13
10		Amendment of s 120 (Accreditation evidence and accreditation certificates). . . . .	13
11		Amendment of pt 10, hdg (Review of, and appeals against, decisions not provided for under Act, ch 10) . . . . .	13
12		Amendment of s 135 (Disqualifying offences—Act, sch 3, def disqualifying offence, para (d)) . . . . .	13
13		Insertion of new pt 12, div 1, hdg . . . . .	13
14		Amendment of s 147 (Definitions for pt 12) . . . . .	14
15		Amendment of s 149 (Things done under repealed regulation) . . . . .	14
16		Amendment of s 154 (Section 62B guidelines) . . . . .	14
17		Amendment of s 158 (Application of Acts Interpretation Act 1954) . . . . .	15
18		Insertion of new pt 12, div 2. . . . .	15
	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 . . . . .	15
19		Amendment of sch 1 (Market entry restrictions) . . . . .	15

*Transport Operations (Passenger Transport) and No. 282, 2007*  
*Another Regulation Amendment Regulation (No. 1)*  
 2007

---

20	Amendment of sch 2 (Additional service contract areas or routes in Translink area) . . . . .	16
21	Amendment of sch 4 (Luxury motor vehicles) . . . . .	16
22	Amendment of sch 11 (Dictionary) . . . . .	16
<b>Part 3</b>	<b>Amendment of State Penalties Enforcement Regulation 2000</b>	
23	Regulation amended in pt 3 . . . . .	17
24	Amendment of sch 3 (Transport Legislation) . . . . .	17

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007*.

### **2 Commencement**

- (1) This regulation, other than section 24(2), commences on 23 November 2007.
- (2) Section 24(2) commences on 1 May 2008.

## **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 s 16 (Notifying disqualifying offences)**

Section 16(2), note—

*omit, insert—*

*‘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.’

**5 Amendment of s 92 (Security safeguards to be taken to protect against unauthorised use of image recording)**

Section 92(2), definition *relevant person*, paragraphs (a), (b) and (c), at the end—

*insert—*

‘or’.

**6 Insertion of new pt 6, div 5, sdiv 1, hdg**

Before section 94—

*insert—*

**‘Subdivision 1 Definitions’.**

**7 Amendment of s 94 (Definitions for div 5)**

Section 94—

*insert—*

**‘*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.

***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;

*Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) No. 282, 2007*  
2007

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- (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
  - (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.

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

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

**8 Insertion of new pt 6, div 5, sdiv 2, hdg**

After section 94—

*insert—*

**‘Subdivision 2 Membership of taxi subsidy scheme’.**

**9 Insertion of new s 96AA and pt 6, div 5, sdivs 3–6**

Part 6, division 5, after section 96—

*insert—*

**‘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.

### **‘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.
- ‘(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.

#### **‘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
- (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.

**'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.'

**10 Amendment of s 120 (Accreditation evidence and accreditation certificates)**

Section 120(5), example, 'An example'—

*omit, insert—*

*'Example'.*

**11 Amendment of pt 10, hdg (Review of, and appeals against, decisions not provided for under Act, ch 10)**

Part 10, heading, 'ch'—

*omit, insert—*

**'chapter'.**

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

Section 135, heading, 'para (d)'—

*omit, insert—*

**'para (e)'.**

**13 Insertion of new pt 12, div 1, hdg**

Before section 147—

*insert—*

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

**14      Amendment of s 147 (Definitions for pt 12)**

(1) Section 147, heading, ‘pt 12’—

*omit, insert—*

**‘div 1’.**

(2) Section 147, ‘part’—

*omit, insert—*

**‘division’.**

(3) Section 147, definitions *appeal court* and *original decision*,  
‘section 29(1)’—

*omit, insert—*

**‘section 29’.**

**15      Amendment of s 149 (Things done under repealed  
regulation)**

Section 149(4), ‘part’—

*omit, insert—*

**‘division’.**

**16      Amendment of s 154 (Section 62B guidelines)**

Section 154(3), from ‘2 years’—

*omit, insert—*

**‘on 16 December 2008.’.**

**17 Amendment of s 158 (Application of Acts Interpretation Act 1954)**

Section 158, ‘part’—  
*omit, insert—*  
 ‘division’.

**18 Insertion of new pt 12, div 2**

After section 158—  
*insert—*

**‘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.’.

**19 Amendment of sch 1 (Market entry restrictions)**

Schedule 1, item 5, column 2—  
*insert—*

‘4 Routes between Townsville and Palm Island’.

**20 Amendment of sch 2 (Additional service contract areas or routes in Translink area)**

Schedule 2—

*insert—*

- ‘• Samford Valley–Ferny Grove service contract route 399<sup>1</sup>’.

**21 Amendment of sch 4 (Luxury motor vehicles)**

Schedule 4, column for make of vehicle, Group C—

*insert—*

- ‘• BMW 5 Series’.

**22 Amendment of sch 11 (Dictionary)**

(1) Schedule 11, definition *authorised purpose—*  
*omit.*

(2) Schedule 11—

*insert—*

*‘approved card reader* see section 94.

*authorised purpose—*

(a) for part 6, division 4, see section 81; or

(b) for part 6, division 5, see section 94.

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

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

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

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1 The area was declared under section 42 of the Act by public notice on 23 July 2007.



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

### **23            Regulation amended in pt 3**

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

### **24            Amendment of sch 3 (Transport Legislation)**

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

*insert—*

‘s 96AB .....	8
s 96AC .....	4
s 96AD(1) .....	4
s 96AD(2) .....	4
s 96AE(2).....	4
s 96AF(2).....	4
s 96AH.....	2
s 96AK(2) .....	4
s 96AL .....	4
s 96AM(1) .....	4’.

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

*insert—*

‘s 96AG(2).....	2
s 96AG(3) .....	2’.

ENDNOTES

- 1 Made by the Governor in Council on 22 November 2007.
- 2 Notified in the gazette on 23 November 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.