



Queensland

# Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009

## Subordinate Legislation 2009 No. 231

made under the

*Transport Operations (Passenger Transport) Act 1994*

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**1 Short title**

This regulation may be cited as the *Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009*.

**2 Regulation amended**

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

**3 Amendment of s 20 (Application for grant or renewal of driver authorisation)**

(1) Section 20(2) and (3)—

*renumber* as section 20(3) and (4).

(2) Section 20—

*insert*—

‘(2) However, a person is not eligible to apply for driver authorisation for a relevant vehicle that is a taxi unless the person is at least 20 years.’

(3) Section 20(3), as renumbered, ‘The application’—

*omit, insert*—

‘An application for the grant or renewal of driver authorisation’.

**4 Insertion of new ss 20A–20C**

After section 20—

*insert*—

**‘20A Requirements for operating relevant vehicles that are motorbikes**

‘(1) An applicant for driver authorisation for the operation of a relevant vehicle that is a motorbike must hold a prescribed licence of the appropriate class.

‘(2) The applicant must also, subject to subsection (3)—

(a) have held continuously for at least 5 years—

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- (i) an open or provisional licence for a motorbike; or
    - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
    - (iii) a foreign driver licence for a motorbike; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or
  - (b) have passed a competence test, approved by the chief executive, for the operation of a motorbike with a pillion passenger and have held continuously for at least 3 years—
    - (i) an open or provisional licence for a motorbike; or
    - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
    - (iii) a foreign driver licence for a motorbike; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii).
- ‘(3) Also, for at least 2 years of the continuous 5 or 3 year period mentioned in subsection (2), the applicant must have held continuously—
- (a) an open or provisional licence for a motorbike; or
  - (b) a corresponding licence to an open or provisional licence for a motorbike; or
  - (c) a series of any of the licences mentioned in paragraph (a) or (b).

*Editor’s note—*

See also the passenger transport standard, section 6(4).

## **‘20B Requirements for operating relevant vehicles other than motorbikes**

- ‘(1) An applicant for driver authorisation for the operation of a relevant vehicle, other than a motorbike, must hold a prescribed licence of the appropriate class.
- ‘(2) The applicant must also, subject to subsection (3)—

- 
- (a) have held continuously for at least 3 years—
    - (i) an open or provisional licence for a car, truck or bus; or
    - (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or
    - (iii) a foreign driver licence for a car, truck or bus; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or
  - (b) if the application is for driver authorisation for a relevant vehicle other than a taxi, have passed a competence test, approved by the chief executive, for the operation of the type of vehicle the person intends to drive under the driver authorisation.
- ‘(3) Also, for at least 2 years of the continuous 3 year period mentioned in subsection (2)(a) or for at least 2 years for an application under subsection (2)(b), the applicant must have held continuously—
- (a) an open or provisional licence for a car, truck or bus; or
  - (b) a corresponding licence to an open or provisional licence for a car, truck or bus; or
  - (c) a series of any of the licences mentioned in paragraph (a) or (b).
- ‘(4) However, subsection (3) does not apply if the driver authorisation applied for is for a general route service, school service, taxi service, limousine service, community transport service or courtesy transport service.
- ‘(5) This section does not apply to a person seeking a restricted driver authorisation.

*Editor's note—*

See also the passenger transport standard, section 7(5).

## **‘20C Additional requirements to drive a taxi**

- ‘(1) An applicant for driver authorisation for the operation of a relevant vehicle that is a taxi must—

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- (a) have held an Australian open, provisional or probationary licence of the appropriate class for at least 1 year during the 3 year period immediately before the application; and
  - (b) be able to speak and understand English; and
  - (c) have a knowledge of common destinations and major connecting roads within the taxi service area where the applicant intends to drive the taxi; and
  - (d) have—
    - (i) attained competencies, specified by the chief executive, for the safe operation of taxis and customer service; or
    - (ii) successfully finished a training course for taxi drivers that the chief executive considers is at least equivalent to the competencies.
- ‘(2) Subsection (1)(a) does not apply if the chief executive is satisfied that—
- (a) the applicant has held a licence (*equivalent licence*) that is at least equivalent to an Australian open, provisional or probationary licence of the appropriate class for at least 1 year during the 3 year period immediately before the application; and
  - (b) under the equivalent licence, the applicant has gained significant practical driving experience in a driving environment similar to that found in major urban centres in Australia.
- ‘(3) An applicant for renewal of driver authorisation for a relevant vehicle that is a taxi must, if required by the chief executive, have successfully finished a training course for taxi drivers specified by the chief executive.
- ‘(4) This section is in addition to, and does not limit, section 20B.

*Editor's note—*

See also the passenger transport standard, section 9(2).’.

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**5 Amendment of s 22 (Provisional driver authorisation—Act, s 30)**

- (1) Section 22(1), from ‘the standards’—  
*omit, insert—*  
‘of either or both of the following—  
(a) the requirements under section 20A, 20B or 20C;  
(b) the standards applying to driver authorisation.’.
- (2) Section 22(2), after ‘all’—  
*insert—*  
‘the requirements under section 20A, 20B or 20C and all’.

**6 Amendment of s 24 (Refusal of driver authorisation—Act, s 29)**

- Section 24(1)(a), after ‘with’—  
*insert—*  
‘section 20A, 20B or 20C or’.

**7 Amendment of s 27 (Restricted driver authorisation—Act, s 29A)**

- (1) After section 27(1)—  
*insert—*  
‘(1AA) A prescribed operator must not grant a restricted driver authorisation if the applicant is not eligible to be granted the restricted driver authorisation.’.
- (2) Section 27(3)(a), after ‘all’—  
*insert—*  
‘the requirements under section 20A or 20B and all’.

**8 Insertion of new s 27A**

- After section 27—

*insert—*

**‘27A Eligibility for restricted driver authorisation**

‘A person is not eligible to be granted a restricted driver authorisation by an operator unless the person—

- (a) holds a prescribed licence of the appropriate class; and
- (b) has held continuously for at least 3 years—
  - (i) an open or provisional licence for a car, truck or bus; or
  - (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or
  - (iii) a series of any of the licences mentioned in subparagraph (i) or (ii).

*Editor’s note—*

See also the passenger transport standard, section 8A(2).’.

**9 Amendment of s 28 (Amendment, suspension and cancellation of driver authorisation—Act, s 32)**

Section 28(2)—

*insert—*

- ‘(e) in relation to the person’s application for the driver authorisation, the person produced a document, or gave other information, to the chief executive that is false or misleading in a material particular; or
- (f) the driver authorisation was issued in error.’.

**10 Amendment of s 48 (Matters to be considered or not considered by arbitrator in deciding amount of compensation)**

- (1) Section 48(1), ‘sections 61(4), 62AAH(4) and 161(3)’—

*omit, insert—*

‘sections 61(4) and 62AAH(4)’.

- (2) Section 48(2)(c)—



*omit.*

- (3) Section 48(2)(d) to (h)—  
*renumber* as section 48(2)(c) to (g).
- (4) Section 48(3)(b), from ‘new operator’—  
*omit, insert*—  
‘new operator; and’.

**11 Amendment of s 105A (Special purpose limousines—Act, sch 3, def *special purpose limousine*)**

Section 105A(1)(a), after ‘passenger car’—  
*insert*—  
‘or forward-control passenger vehicle’.

**12 Amendment of s 133 (Drivers of motorcycles)**

- (1) Section 133, heading, ‘motorcycles’—  
*omit, insert*—  
‘**motorbikes**’.
- (2) Section 133, ‘motorcycle’—  
*omit, insert*—  
‘motorbike’.

**13 Insertion of new pt 12, div 6**

After section 158F—  
*insert*—

**‘Division 6 Transitional provisions for  
Transport Operations (Passenger  
Transport) Amendment Regulation  
(No. 2) 2009**

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**‘158G Undecided applications for driver authorisation—taxis**

- ‘(1) This section applies if—
  - (a) an application was made before the commencement of this section for driver authorisation for a relevant vehicle that is a taxi; and
  - (b) the application has not been decided.
- ‘(2) The application must be decided as if the *Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009* had not been made.

**‘158H Application of ss 20A–20C and 27A to particular applications made on or after commencement of this section**

- ‘(1) Section 20A and not the passenger transport standard, section 6 applies in relation to an application for driver authorisation for the operation of a relevant vehicle that is a motorbike made on or after the commencement of this section.
- ‘(2) Section 20B and not the passenger transport standard, section 7 applies in relation to an application for driver authorisation for the operation of a relevant vehicle, other than a motorbike, made on or after the commencement of this section.
- ‘(3) Section 20C and not the passenger transport standard, section 9 applies in relation to an application for, or for renewal of, driver authorisation for the operation of a relevant vehicle that is a taxi, made on or after the commencement of this section.
- ‘(4) Section 27A and not the passenger transport standard, section 8A applies in relation to an application for restricted driver authorisation made on or after the commencement of this section.’.

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

Schedule 11—

*insert—*

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**'car'** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**corresponding licence** to—

- (a) an open licence, for a requirement relating to restricted driver authorisation—means a document corresponding to the open licence that is issued under a law of another State or a foreign country that provides for the same matter as the provision under which the open licence is issued; or
- (b) an open licence, other than for a requirement relating to restricted driver authorisation—means a document corresponding to the open licence that is issued under a law of another State that provides for the same matter as the provision under which the open licence is issued; or
- (c) a provisional licence, for a requirement relating to restricted driver authorisation—means a document corresponding to the provisional licence that is issued under a law of another State or a foreign country that provides for the same matter as the provision under which the provisional licence is issued; or
- (d) a provisional licence, other than for a requirement relating to restricted driver authorisation—means a document corresponding to the provisional licence that is issued under a law of another State that provides for the same matter as the provision under which the provisional licence is issued.

**foreign driver licence** means a licence to drive a motor vehicle corresponding to an open or provisional licence and issued under the law of another country that provides for the same matter as the provision under which the open or provisional licence is issued.

**motorbike** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**open licence** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**passenger transport standard** means the *Transport Operations (Passenger Transport) Standard 2000*.

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***prescribed licence*** means—

- (a) an open licence, or a corresponding licence to an open licence; or
- (b) a restricted licence.

***probationary licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***provisional licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***relevant vehicle*** means a vehicle providing a public passenger service for which driver authorisation is required.

***restricted licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***truck*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.’.

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#### ENDNOTES

- 1 Made by the Governor in Council on 22 October 2009.
- 2 Notified in the gazette on 23 October 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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