



Queensland

Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2013

Subordinate Legislation 2013 No. 269

made under the

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

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Transport Operations (Passenger Transport) and Another Regulation Amendment
Regulation (No. 1) 2013

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2013*.

2 Commencement

The following provisions commence on 1 July 2014—

- section 5 to the extent it inserts section 63A
- section 6(3)
- section 20(2) to the extent it inserts definition *itemised receipt*
- section 22(2) to the extent it inserts entries for section 63A(2) and 64(3).

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

3 Regulation amended

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

4 Omission of s 61 (Advertising taxi service)

Section 61—

omit.

5 Insertion of new ss 63A and 63B

After section 63—

insert—

63A Requirements for itemised receipts

- (1) This section applies if the hirer of a taxi, other than an exempted taxi, for a journey requests a receipt for the fare for the hiring of the taxi for the journey.
- (2) The driver of the taxi must, before leaving the destination for the journey, give the hirer an itemised receipt for the fare.

Maximum penalty—20 penalty units.

63B Electronic payments

- (1) This section applies to a taxi other than an exempted taxi.
- (2) The driver of the taxi must not refuse a method of electronic payment as payment of the fare for the hiring of the taxi, unless—
 - (a) each electronic payment system used for the electronic payment of fares for the hiring of the taxi is either—
 - (i) malfunctioning in a way that would prevent the driver from accepting the method of electronic payment for the fare; or
 - (ii) incompatible with the method of electronic payment; and

Example for subparagraph (ii)—

A person offers a brand of credit card for the electronic payment of a fare for the hiring of a taxi, and each electronic payment system used for the electronic payment of fares for

the hiring of the taxi does not accept the brand.

- (b) another system facilitating the electronic payment of fares is not available to the driver.

Maximum penalty—20 penalty units.

- (3) In this section—

electronic payment means payment by electronic means.

electronic payment system means a system for the electronic payment of fares comprising—

- (a) an electronic device for use in a taxi; and
- (b) an electronic system facilitating the payment.

6 Amendment of s 64 (Requirements relating to taximeters)

- (1) Section 64(1)—

omit, insert—

- (1) The operator of a taxi service must ensure a taxi used to provide the service is fitted with a taximeter, unless the taxi is an exempted taxi.

Maximum penalty—40 penalty units.

- (2) Section 64(2), ‘to which a taximeter is fitted’—

omit, insert—

service, for which a taxi fitted with a taximeter is used,

- (3) Section 64—

insert—

- (3) The operator of a taxi service for which a taxi other than an exempted taxi is used must ensure that the taximeter fitted to the taxi is programmed in a way complying with the requirements for

programming taximeters approved by the chief executive by gazette notice.

Maximum penalty—40 penalty units.

(4) For subsection (3), the chief executive may approve requirements for programming taximeters that provide for any of the following—

(a) the automatic setting of tariffs for a particular day or time of the day;

Example of a particular day for paragraph (a)—
a public holiday

(b) the automatic recording of a fare and the amounts comprising the fare;

(c) the automatic displaying of a fare and the particular amounts comprising the fare;

(d) security controls for taximeters;

(e) the printing of itemised receipts;

(f) the automatic resetting of a taximeter in particular circumstances;

(g) the automation of any other matters for ensuring the maximum fares under section 74A(1) of the Act are not exceeded.

Examples of amounts comprising a fare for paragraphs (b) and (c)—

booking fee for the taxi service, total tollage

7 Amendment of s 67 (Maximum age limits for taxis)

(1) Section 67(1), ‘, other than an exempted taxi, must ensure the taxi’—

omit, insert—

service must ensure a taxi used to provide the service

(2) Section 67—

insert—

(3) However, subsection (1) does not apply to an exempted taxi.

8 Amendment of s 69 (Air conditioning in taxis)

Section 69(1), before ‘the taxi’—

insert—

a taxi service using

9 Amendment of s 70 (Vehicle not to look like taxi unless licensed)

Section 70(2), ‘the taxi’—

omit, insert—

a taxi service for which the vehicle was used as a taxi

10 Amendment of s 81 (Definitions for div 4)

(1) Section 81, definitions *fully operational*, *holder* and *taxi security camera system*—

omit.

(2) Section 81—

insert—

audio recording includes—

- (a) any electronically stored information from which an audible sound is capable of being generated; and
- (b) any reproduction of the audible sound.

fully operational, for an approved taxi security camera system, means—

- (a) 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; and
- (b) the view from a lens of the approved taxi security camera system is not obscured or obstructed in a way that would adversely affect the use of an image recording for an authorised purpose; and

Examples of how view may be obscured or obstructed for paragraph (b)—

- an object covering, or partially covering, a lens of an approved taxi security camera system
- a mark or scratch on a lens of an approved taxi security camera system

- (c) if applicable for the approved taxi security camera system—the reception of audible sound by the approved taxi security camera system is not altered or obstructed in a way that would adversely affect the use of an audio recording for an authorised purpose.

Example of how reception may be altered or obstructed for paragraph (c)—

- an object covering, or partially covering, a microphone of an approved taxi security camera system

properly fitted, for an approved taxi security camera system, means fitted and aligned in accordance with the specifications approved under section 86 for the approved taxi security camera system.

security recording means audio recording or image recording.

taxi security camera system means—

- (a) a system designed to record only images of persons in or about a taxi; or
 - (b) a system designed to record both—
 - (i) images of persons in or about a taxi; and
 - (ii) audible sounds in or about a taxi.
- (3) Section 81, definition *authorised purpose*, ‘an image’—
omit, insert—
a security

11 Omission of s 82 (Obligation on holder of taxi service licence)

Section 82—
omit.

12 Replacement of s 83 (Obligation on operator of taxi service)

Section 83—
omit, insert—

83 Obligation on operator of taxi service

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

Maximum penalty—40 penalty units.

- (2) 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—
 - (i) properly fitted; and
 - (ii) 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.

13 Amendment of s 85 (Holder of licence may give chief executive notice that approved taxi security camera system not operational)

- (1) Section 85, heading—

omit, insert—

85 Notice that approved taxi security camera system not properly fitted or fully operational

- (2) Section 85(1)(b)—

omit, insert—

- (b) 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, properly fitted or fully operational during a period because it is undergoing maintenance or repair; and

- (3) Section 85(2)—

omit, insert—

- (2) The operator of the taxi service does not commit an offence against section 83(2) for making the taxi available to a driver of the taxi during the notice period—
 - (a) if the notice states that the approved taxi security camera system is not, or will not be, properly fitted during the period—without a

properly fitted approved taxi security camera system; or

- (b) if the notice states that the approved taxi security camera system is not, or will not be, fully operational during the period—without a fully operational approved taxi security camera system.

- (4) Section 85(3), ‘The’—

omit, insert—

Also, if the notice states that the approved taxi security camera system is not, or will not be, fully operational during the notice period, the

- (5) Section 85(4), definition *notice period*, paragraphs (a)(ii) and (b), before ‘operational’—

insert—

properly fitted or fully

14 Amendment of s 87 (Chief executive may approve taxi security camera system)

- (1) Section 87(3)(e), ‘the disclosure or use of image’—

omit, insert—

the downloading, disclosure or other use of security

- (2) Section 87(5)(b), from ‘the holder’ to ‘82(1),’—

omit, insert—

the operator of a taxi service mentioned in section 83(1) does not commit an offence against that subsection

15 Amendment of s 91 (Use of image recordings from approved taxi security camera system)

- (1) Section 91, heading, ‘image’—
omit, insert—
security
- (2) Section 91(1)(a) and (2), ‘an image’—
omit, insert—
a security
- (3) Section 91(1)(b), ‘otherwise disclose or use an image’—
omit, insert—
download or otherwise disclose or use a security
- (4) Section 91(2)(a), ‘the image recording is taken’—
omit, insert—
the security recording is made
- (5) Section 91(2)(b), (d), (e) and (f) and (3), ‘the image’—
omit, insert—
the security

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

- (1) Section 92, heading, ‘image’—
omit, insert—
security
- (2) Section 92(1), ‘an image’—
omit, insert—
a security

- (3) Section 92(1)(b), ‘disclosure or use’—

omit, insert—

downloading, disclosure or other use

- (4) Section 92(2), definition *relevant person*—

omit, insert—

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

- (a) the operator of the taxi service that uses the taxi to provide the service; or
- (b) the driver of the taxi; or
- (c) a person who downloads, discloses or otherwise uses the security recording for an authorised purpose.

17 Amendment of s 93 (Disposal of image recordings)

- (1) Section 93, heading, ‘image’—

omit, insert—

security

- (2) Section 93(1), ‘an image’—

omit, insert—

or supervises the downloading of a security

- (3) Section 93(2), from ‘destroy the image’ to ‘downloaded.’—

omit, insert—

destroy the security recording not less than 60 days, but not more than 90 days, after the day the security recording is downloaded.

18 Omission of s 106 (Advertising limousine service)

Section 106—

omit.

19 Insertion of new s 141A

After section 141—

insert—

141A Offering provision of public passenger service

A person must not offer the provision of a public passenger service for which operator accreditation is required under the Act unless—

- (a) the person who is to provide the service is accredited to operate the service under the Act; and
- (b) the vehicle to be used to provide the service is a vehicle required or permitted under the Act to be used to provide the service.

Example for paragraph (b)—

Under the Act, only particular vehicles may be used to provide a taxi service—see section 70 of the Act.

Maximum penalty—20 penalty units.

20 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definition *holder*—

omit.

- (2) Schedule 11—

insert—

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

22 Amendment of sch 3 (Transport legislation)

- (1) Schedule 3, entry for *Transport Operations (Passenger Transport) Regulation 2005*, column 1 and 2 entries for sections 61, 82(1), 82(2), 83 and 106—

omit.

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

insert—

s 63A(2)	2
s 63B(2)	2
s 64(3)	4
s 83(1)	4
s 83(2)	4
s 141A	2

ENDNOTES

- 1 Made by the Governor in Council on 5 December 2013.
- 2 Notified on the Queensland legislation website on 6 December 2013.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel