



Queensland

Transport Operations (Passenger Transport) and Other Legislation Amendment and Repeal Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 218

made under the

State Penalties Enforcement Act 1999

Transport Infrastructure Act 1994

Transport Operations (Passenger Transport) Act 1994

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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 and Repeal Regulation (No. 1) 2014*.

2 Commencement

- (1) This regulation, other than part 3, division 3, commences on 29 September 2014.
- (2) Part 3, division 3 commences on 1 December 2014.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

3 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

4 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

- (1) Schedule 1, entry for the *Transport Infrastructure Act 1994*, entries for sections 346H, 346J(2), 346K(6) and 346L(4)—
omit.
- (2) Schedule 1, entry for the *Transport Infrastructure Act 1994*, authorised person for service of infringement notices entry, paragraph (d)—
omit.

- (3) Schedule 1, entry for the *Transport Infrastructure Act 1994*, authorised person for service of infringement notices entry, paragraph (e)—
renumber as paragraph (d).
- (4) Schedule 1, entry for the *Transport Infrastructure (Busway) Regulation 2002*—
omit.
- (5) Schedule 1, entry for the *Transport Operations (Passenger Transport) Act 1994*, entry for s 143ADB(3), ‘s 143ADB(3)’—
omit, insert—
 s 143ADB(4)
- (6) Schedule 1, entry for the *Transport Operations (Passenger Transport) Act 1994*, entry for s 143AF—
omit.
- (7) Schedule 1, entry for the *Transport Operations (Passenger Transport) Regulation 2005*—
insert—

| | |
|---------------------|---|
| s 96AJ(2) | 4 |
| s 133D(1) | 2 |
| s 133D(2) | 2 |
| s 133D(4) | 2 |
| s 133D(5) | 2 |
| s 133E(2) | 2 |
| s 133F | 2 |
| s 133H(1) | 2 |
| s 133I | 1 |
| s 133J | 2 |
| s 133K(2) | 2 |
| s 133L(1) | 1 |
| s 133M(1) | 1 |

| | |
|-----------------|---|
| s 133O | 2 |
| s 133P(1) | 4 |

Part 3 **Amendment of Transport Operations (Passenger Transport) Regulation 2005**

Division 1 **Preliminary**

5 **Regulation amended**

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

Division 2 **Amendments commencing 29 September 2014**

6 **Insertion of new s 46A**

After section 46—

insert—

46A Classes of persons—Act, s 51(3)

- (1) The following classes of persons are prescribed for the Act, section 51(3)—
 - (a) infants;
 - (b) children;
 - (c) school students;
 - (d) a person who accompanies the holder of a companion card to provide care and support to the companion card holder.

(2) In this section—

companion card means a companion card issued by a State in accordance with the National Companion Card Scheme.

7 Amendment of s 96AJ (How approved card reader must be used)

Section 96AJ(2)(a), ‘insert the membership card into’—

omit, insert—

use the membership card with

8 Replacement of s 129 (Carrying animals)

Section 129—

omit, insert—

129 Carrying animals on public passenger vehicles

(1) A person must not take an animal on a public passenger vehicle unless—

(a) the person has control of the animal; and

(b) either—

(i) the person has the permission of the operator or driver of the vehicle; or

(ii) the animal is an assistance animal.

Maximum penalty—20 penalty units.

(2) The driver of a public passenger vehicle must allow a person to take an assistance animal on the vehicle if the person has control of the animal.

Maximum penalty—20 penalty units

9 Insertion of new pts 9A to 9C

After section 133B—

insert—

Part 9A Rights and obligations of persons on regulated areas

Division 1 Preliminary

133C Definition for pt 9A

In this part—

regulated area means a busway, busway transport infrastructure or light rail platform.

Division 2 Access

133D Driving and parking vehicles

- (1) A person must not drive a vehicle on a busway or busway transport infrastructure at more than—
 - (a) the speed indicated on a sign displayed by the chief executive on the infrastructure; or
 - (b) if no sign is displayed, 10km/h.Maximum penalty—20 penalty units.
- (2) A person must not drive a vehicle, other than a pram, motorised wheelchair or wheelchair, on an area of—
 - (a) a busway or busway transport infrastructure designed for pedestrian use; or
 - (b) a light rail platform.Maximum penalty—20 penalty units.

(3) Subsections (1) and (2) do not apply to a person driving in the course of the person's duty as an employee or member of an emergency service in an emergency situation.

(4) A person must not park a vehicle on a busway or busway transport infrastructure except in a place the chief executive has authorised parking.

Maximum penalty—20 penalty units.

(5) A person driving a vehicle on a busway or busway transport infrastructure must obey a direction indicated on a sign displayed by the chief executive on the infrastructure about driving or parking the vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(6) In this section—

emergency service means—

- (a) the Queensland Ambulance Service; or
- (b) the Queensland Fire and Rescue Service; or
- (c) the Queensland Police Service; or
- (d) the State Emergency Services.

motorised wheelchair see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

133E Entering or leaving regulated area

(1) This section applies to a regulated area with a designated entry or exit.

(2) A person must not—

- (a) enter the regulated area other than through the designated entry; or

- (b) leave the regulated area other than through the designated exit.

Maximum penalty—20 penalty units.

133F Person not to enter route unless authorised

A person who is not on a bus operating on a busway must not enter a route designed and constructed for, or dedicated to, the priority movement of buses for passenger transport purposes, unless the person is authorised by the chief executive to enter the route.

Maximum penalty—20 penalty units.

Division 3 Persons on regulated area

133G Application of pt 9A, div 3

This division applies to a person on a regulated area, other than a person on a public passenger vehicle operating on the regulated area.

Note—

See parts 9 and 9B for other provisions about the rights and obligations of passengers or persons on public transport infrastructure.

133H Animals on regulated area

- (1) A person must not take an animal on, or allow an animal to stray onto, a regulated area.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person if the animal is an assistance animal and the person has control of the animal.

133I Litter

A person must not leave litter on a regulated area except in a container provided for depositing litter.

Maximum penalty—10 penalty units.

133J Alcohol

A person must not drink alcohol on a regulated area.

Maximum penalty—20 penalty units.

133K Smoking

(1) This section applies to an area of a regulated area if a sign is displayed indicating that smoking is not allowed in the area.

(2) A person must not smoke in the area.

Maximum penalty—20 penalty units.

133L Selling, seeking business or conducting survey

(1) A person on a regulated area must not publicly and personally—

(a) sell anything; or

(b) seek business; or

(c) conduct a survey.

Maximum penalty—10 penalty units.

(2) Subsection (1) does not apply if the person has the permission of a responsible person.

133M Playing musical instrument or operating sound equipment

- (1) A person on a regulated area must not—
 - (a) play a musical instrument; or
 - (b) operate sound equipment.Maximum penalty—10 penalty units.
- (2) Subsection (1) does not apply if—
 - (a) earphones are attached to the musical instrument or sound equipment and the sound level from the earphones is not likely to be a nuisance; or
 - (b) the person has the permission of a responsible person.

- (3) In this section—

attached, for earphones in relation to a musical instrument or sound equipment, means the earphones are connected to the instrument or equipment in a way that diverts all sounds emitted by the instrument or equipment through the earphones only.

sound equipment means an amplifier, radio, tape recorder or other device that emits sound.

Division 4 Signs referred to in part may be official traffic sign

133N Official traffic signs

- (1) A sign displayed by the chief executive on a busway or busway transport infrastructure under this part may be in the form of an official traffic sign and, if it is, it is taken to contain the indication given by the corresponding official traffic sign.

(2) In this section—

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

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

Part 9B Rights and obligations of persons on public transport infrastructure and vehicles

1330 Spitting

A person must not spit while on or in any of the following—

- (a) a public passenger vehicle;
- (b) a busway;
- (c) busway transport infrastructure;
- (d) a light rail platform.

Maximum penalty—20 penalty units.

133P Creating disturbance or nuisance on or in public transport infrastructure or vehicle

- (1) A person must not create a disturbance or nuisance while on or in public transport infrastructure or a public passenger vehicle, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to conduct that is otherwise prohibited under part 9 or 9A or section 133O.

- (3) This section is prescribed for the Act, section 143AHA(3), definition *relevant provision*, paragraph (c).

Part 9C Dealing with vehicles or other property on busway, busway transport infrastructure or light rail

133Q Moving abandoned, parked or left property

- (1) This section applies if a vehicle or other property is—
- (a) abandoned on a busway, busway transport infrastructure or light rail; or
 - (b) parked or left on a busway, busway transport infrastructure or light rail except in a place—
 - (i) authorised as a place for parking; or
 - (ii) authorised or designated as a place for leaving or keeping the property.
- (2) The responsible person or an authorised person may take steps that are reasonable and necessary to move the property to another place.

133R Notifying owner that property moved

- (1) Within 14 days after moving the property, the responsible person must give its owner a written notice stating—
- (a) the property has been moved; and

- (b) how the property may be recovered; and
- (c) if the responsible person considers, on reasonable grounds, the property has been abandoned on a busway, busway transport infrastructure or light rail—
 - (i) the property is abandoned property; and
 - (ii) if the property is not recovered within 2 months, the property may be sold.
- (2) If the owner can not be identified or located within the 14 days, the notice may be given by publishing it in a newspaper circulating generally in the State.
- (3) The responsible person need not give the notice if—
 - (a) the property has insufficient value to justify giving the notice; or
 - (b) it is otherwise impracticable to give the notice.

133S Moving expenses

The responsible person may recover the reasonable expenses of moving the property, securely storing it and publishing any newspaper notice for it (the *moving expenses*) from—

- (a) the person who was in charge of the property immediately before it was moved; or
- (b) if the person in charge can not be identified—the property’s owner, unless the property was being used on the busway, busway transport infrastructure or light rail without the owner’s consent.

133T Releasing property when expenses paid

The responsible person must release the property to its owner or in accordance with its owner's written directions if the moving expenses are paid.

133U Disposing of property

- (1) The responsible person may dispose of property the responsible person considers, on reasonable grounds, to have been abandoned on a busway, busway transport infrastructure or light rail if—
 - (a) the moving expenses are not paid within 2 months of giving notice under section 133R to the owner of the property; or
 - (b) if the responsible person decides not to give a notice under section 133R, at least 2 months have passed since the decision.
- (2) The responsible person may dispose of the property—
 - (a) by selling it; or
 - (b) if the proceeds of its sale are not likely to cover the reasonable expenses that would be incurred by the responsible person in selling it—in the way the responsible person considers appropriate.
- (3) If the property is sold, the sale proceeds must be applied in making payments in the following order—
 - (a) the expenses reasonably incurred by the responsible person in selling the property (the *sale expenses*);
 - (b) the moving expenses;
 - (c) any balance to the owner.

- (4) If the sale proceeds are less than the sale and moving expenses, the difference between the expenses and the proceeds—
 - (a) is a debt payable to the responsible person by the person who is liable for the moving expenses; and
 - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
- (5) If the property is not sold, the moving expenses and the expenses reasonably incurred by the responsible person in disposing of the property—
 - (a) are a debt payable to the responsible person by the person who is liable for the moving expenses; and
 - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
- (6) The responsible person may waive part or all of the expenses.

10 Amendment of pt 10A, hdg (Authorised person for GCRT)

Part 10A, heading, 'GCRT'—

omit, insert—

Gold Coast light rail

11 Amendment of s 134A (Appointment)

Section 134A, 'GCRT'—

omit, insert—

Gold Coast light rail

12 Amendment of s 134B (Powers)

(1) Section 134B(1)

omit, insert—

(1) For section 114(2) of the Act, the powers of an authorised person for the Gold Coast light rail given under relevant transport legislation are limited to the powers given under—

(a) the following provisions of the Act—

- (i) section 127;
- (ii) section 143ADA;
- (iii) section 143ADB;
- (iv) section 143AG;
- (v) section 143AH;
- (vi) section 143AHA(1);
- (vii) section 143AHB(1) and (3);
- (viii) section 143AHC;
- (ix) section 143AHD; and

(b) section 133Q(2) of this regulation.

(2) Section 134B(2)(a)(v)—

omit.

(3) Section 134B(2)(a)(vi)—

renumber as section 134B(2)(a)(v).

(4) Section 134B(2)(b)—

insert—

(iii) section 133P.

(5) Section 134B(3), ‘mentioned in the section’—

omit, insert—

for that section

(6) Section 134B(3)(c)—

omit, insert—

- (c) section 133P of this regulation;

Note—

Section 133P(2) prescribes section 133P as a relevant provision under the Act, section 143AHA(3)(c).

(7) Section 134B(4), ‘GCRT’—

omit, insert—

Gold Coast light rail

13 Replacement of s 135A (Forward-control passenger vehicle—Act, sch 3, def *forward-control passenger vehicle*)

Section 135A—

omit, insert—

135A Scheduled passenger services that are not general route services—Act, sch 3, def *general route service*

- (1) The following are not general route services—
- (a) a scheduled passenger service that is restricted to use for 1 specific purpose;

Examples—

a scheduled passenger service that is restricted to use by—

- spectators travelling to or from a football game
- tourists travelling to or from a common tourist attraction

- (b) a scheduled passenger service that—
- (i) is provided for 1 specific purpose; and

- (ii) is subject to a condition that prevents a person from using the service primarily for another purpose.

Example—

a hop-on hop-off style tour service that is intended to be used by tourists who want to travel to multiple tourist attractions and, because of the fare, effectively prevents a person from using the service to go to work

- (2) However, subsection (1) does not apply to a scheduled passenger service to or from a serviced airport unless the service is—
 - (a) an accommodation transfer service; or
 - (b) a tourist service; or
 - (c) a tourist transfer service; or
 - (d) a service that may only be used by a person who has booked the service—
 - (i) for a service from a place to a serviced airport—before the vehicle used to provide the service arrives at the place; or
 - (ii) for a service from a serviced airport to a place—before the person arrives at the airport to use the service.

- (3) In this section—

serviced airport means the Brisbane airport, the Cairns airport, the Gold Coast airport, the Sunshine Coast airport and the Townsville airport.

14 Amendment of s 137 (Public passenger vehicles—Act, sch 3, def *public passenger vehicle*)

Section 137(3), after ‘limousine service’—

insert—

, air service, ferry service or a public passenger service
provided by a fixed track vehicle

15 Amendment of sch 3 (Relevant taxi service areas for approved taxi security camera systems)

Schedule 3, ‘Bribie Island’ and ‘Warwick’—

omit.

16 Amendment of sch 6 (Accreditation evidence)

(1) Schedule 6, section 1, heading, ‘forward-control vehicles or off-road tour vehicles’—

omit, insert—

**forward-control passenger vehicles or off-road
passenger vehicles**

(2) Schedule 6, section 1, ‘forward-control vehicle or off-road tour vehicle’—

omit, insert—

forward-control passenger vehicle or off-road
passenger vehicle

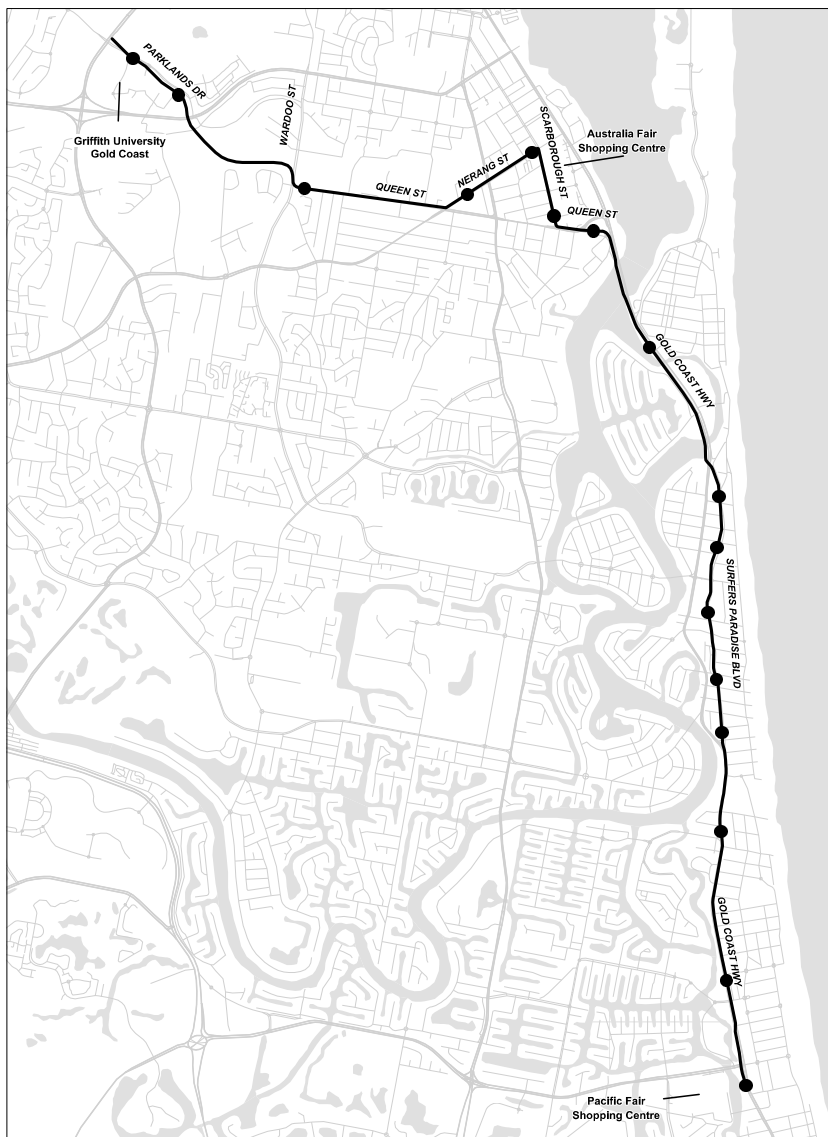
17 Replacement of sch 7A (Gold Coast Rapid Transit)

Schedule 7A—

omit, insert—

Schedule 7A Gold Coast light rail

schedule 11, definition *Gold Coast light rail*, paragraph (a)



18 Amendment of sch 8 (Public passenger vehicles)

- (1) Schedule 8, entry for general route service or school service, 'light bus or heavy bus'—

omit, insert—

light bus, heavy bus or people mover

- (2) Schedule 8, entry for long distance scheduled passenger service, 'light bus or a heavy bus'—

omit, insert—

light bus, heavy bus or people mover

- (3) Schedule 8, entry for charter bus service—

omit.

- (4) Schedule 8, entry for tourist service—

omit, insert—

tourist service

off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and sidecar, motor tricycle, forward-control passenger vehicle or people mover

passenger car for which a taxi service licence or limousine service licence is in force

- (5) Schedule 8, entry for accommodation transfer service, 'light bus or heavy bus'—

omit, insert—

light bus, heavy bus or people mover

- (6) Schedule 8, entry for tourist transfer service, 'light bus or heavy bus'—

omit, insert—

light bus, heavy bus or people mover

- (7) Schedule 8, entry for unscheduled long distance passenger service, ‘light bus or heavy bus’—

omit, insert—

light bus, heavy bus or people mover

19 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definitions *GCRT* and *tourist service*—

omit.

- (2) Schedule 11—

insert—

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.

busway transport infrastructure see the *Transport Infrastructure Act 1994*, schedule 6.

Gold Coast light rail means—

- (a) the light rail, shown on the map depicted in schedule 7A, known as the Gold Coast light rail; and
- (b) any other public transport infrastructure operated by, or under the control of, a light rail manager, or a light rail operator, for the Gold Coast light rail.

light rail platform means—

- (a) a place for the taking on and letting off of light rail vehicle passengers using the light rail route; and
- (b) a place, adjoining a place mentioned in paragraph (a), where a public passenger

vehicle other than light rail vehicle takes on or lets off passengers.

people mover means a passenger car having at least 6 seating positions, including the driver's position, that are not limited for use by reference to a person's age or weight.

regulated area, for part 9A, see section 133C.

responsible person means—

- (a) for a busway or busway transport infrastructure—the chief executive; or
- (b) for light rail—the light rail manager, the light rail operator or the chief executive.

- (3) Schedule 11, definition *other public passenger service*, 'road-based'—

omit.

- (4) Schedule 11, definition *other public passenger service*, paragraph (b)—

omit.

- (5) Schedule 11, definition *other public passenger service*—

insert—

- (da) a general route service or school service;

- (6) Schedule 11, definition *other public passenger service*, paragraph (g)—

omit.

- (7) Schedule 11, definition *other public passenger service*, paragraphs (c) to (k)—

renumber as paragraphs (b) to (j).

Division 3 **Amendment commencing 1 December 2014**

20 **Amendment of s 134B (Powers)**

Section 134B(2)(b)(iii)—

omit, insert—

(iii) sections 133D(2) and 133E;

(iv) sections 133H to 133M;

(v) sections 133O and 133P.

Part 4 **Amendment of the Transport Operations (Passenger Transport) Standard 2010**

21 **Standard amended**

This part amends the *Transport Operations (Passenger Transport) Standard 2010*.

22 **Amendment of sch 1 (Vehicle requirements and operator's obligations)**

(1) Schedule 1, part 1, section 2—

insert—

(d) a people mover.

(2) Schedule 1, part 2, section 4(2)(c), after 'off-road'—

insert—

passenger

23 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definition *tourist service*—

omit.

(2) Schedule 4—

insert—

people mover see the *Transport Operations (Passenger Transport) Regulation 2005*, schedule 11.

Part 5 Repeal

24 Repeal

The Transport Infrastructure (Busway) Regulation 2002, SL No. 363 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 25 September 2014.
- 2 Notified on the Queensland legislation website on 26 September 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel