



Queensland

Transport Operations (Passenger Transport) and Other Legislation (Personalised Transport Reform) Amendment Regulation 2018

Subordinate Legislation 2018 No. 22

made under the

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of State Penalties Enforcement Regulation 2014	
Division 1	Preliminary	
3	Regulation amended	4
Division 2	Amendments commencing on notification	
4	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	4
Division 3	Amendments commencing on 1 April 2018	
5	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	5
Part 3	Amendment of Transport Operations (Passenger Transport) Regulation 2005	
Division 1	Preliminary	
6	Regulation amended	6
Division 2	Amendments commencing on notification	
7	Amendment of s 28 (Amendment, suspension and cancellation of driver	

Contents

	authorisation—Act, s 32)	6
8	Amendment of s 30 (Immediate amendment and suspension of driver authorisation—Act, s 32)	6
9	Amendment of s 55 (When access to booking service must be available)	7
10	Amendment of s 56 (Particular requirements for taxis)	7
11	Amendment of s 63 (Booked hire service identification sign)	7
12	Amendment of s 65 (Requirements for itemised receipts)	8
13	Amendment of s 93 (Purpose of division)	8
14	Insertion of new s 96ACA	8
	96ACA Payment to entitled person	8
15	Amendment of s 96AJ (How approved card reader must be used)	9
16	Amendment of s 96AK (When manual card reader must be used)	9
17	Amendment of s 101 (Refusing booked hire service licence)	9
18	Amendment of s 105 (Substitute vehicle for limousine licence outside business hours)	10
19	Amendment of s 106 (Transferring original taxi service licence or limousine licence—Act, s 91S)	10
20	Amendment of s 107 (Leasing particular licence—Act, s 91S)	12
21	Amendment of s 109 (Amending, suspending and cancelling licence)	13
22	Insertion of new pt 7, div 4, sdiv 1A	14
	Subdivision 1A Preliminary	
	117DFA Definitions for division	14
23	Amendment of s 117DK (Refusing booking entity authorisation)	15
24	Amendment of s 117DL (Amending, suspending and cancelling authorisation)	16
25	Amendment of s 117DN (Suspending booking entity authorisation immediately)	17
26	Amendment of s 117DR (Notice about charge for disqualifying offence etc.)	17
27	Insertion of new s 117DRA	17
	117DRA Notice about increased fleet	17
28	Amendment of s 137 (Vehicle requirement for providing particular public passenger services)	18
29	Amendment of s 141A (Advertising provision of public passenger service)	18
30	Insertion of new s 145AA	19

	145AA	Adjustment of booking entity authorisation fee for increased fleet	19
31		Insertion of new pt 12, div 10	20
	Division 10	Transitional provision for Transport Operations (Passenger Transport) and Other Legislation (Personalised Transport Reform) Amendment Regulation 2018	
	158V	Particular booked hire service identification signs approved	20
32		Amendment of sch 6 (Accreditation evidence)	21
33		Amendment of sch 7 (Reviewable decisions)	21
34		Amendment of sch 9 (Fees and levy)	22
35		Amendment of sch 11 (Dictionary)	22
Division 3		Amendments commencing on 1 April 2018	
36		Insertion of new pt 6, div 2A	23
	Division 2A	Record keeping and reporting requirements	
	Subdivision 1	Preliminary	
	71A	Definitions for division	23
	Subdivision 2	Fatigue management information	
	71B	Application of subdivision—Act, s 91C	24
	71C	Recording fatigue management information	24
	71D	Reporting fatigue management information	25
	71E	False or misleading information	26
	Subdivision 3	Taxi services information	
	71F	Application of subdivision	26
	71G	Recording taxi services information	26
	71H	Reporting taxi services information	27
	Subdivision 4	Booked hire services information	
	71I	Application of subdivision—Act, s 91ZG	28
	71J	Driver information	28
	71K	Vehicle information	29
	71L	Journey information	30
	Subdivision 5	Miscellaneous	
	71M	Sharing information—Act, s 148C	32
37		Amendment of sch 11 (Dictionary)	33

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) and Other Legislation (Personalised Transport Reform) Amendment Regulation 2018*.

2 Commencement

Part 2, division 3 and part 3, division 3 commence on 1 April 2018.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

Division 1 Preliminary

3 Regulation amended

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

Division 2 Amendments commencing on notification

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

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

insert—

(2) Schedule 1, entry for *Transport Operations (Passenger Transport) Regulation 2005*, entry for section 106(6), '(6)'—
omit, insert—

(7)

(3) Schedule 1, entry for *Transport Operations (Passenger Transport) Regulation 2005*, entry for section 107(6), '(6)'—
omit, insert—

(7)

Division 3 Amendments commencing on 1 April 2018

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

(1) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*—
insert—

s 91ZG(1) 4

s 91ZG(2) 4

(2) Schedule 1, entry for *Transport Operations (Passenger Transport) Regulation 2005*—
insert—

s 71C(1) 8

s 71D(2) 8

s 71G 4

s 71H(1) 4

s 71H(4) 4

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

Division 1 **Preliminary**

6 **Regulation amended**

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

Division 2 **Amendments commencing on notification**

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

Section 28(2)—

insert—

- (h) the chief executive is no longer satisfied that the person holds a prescribed licence of the appropriate class for the driver authorisation.

8 **Amendment of s 30 (Immediate amendment and suspension of driver authorisation—Act, s 32)**

Section 30(2)—

insert—

- (f) the chief executive is no longer satisfied that the person holds a prescribed licence of the appropriate class for the driver authorisation.

9 Amendment of s 55 (When access to booking service must be available)

Section 55(2), ‘booked entity’—

omit, insert—

booking entity

10 Amendment of s 56 (Particular requirements for taxis)

Section 56(1), from ‘provided’ to ‘taxi service’—

omit, insert—

or taxi service provided using a taxi

11 Amendment of s 63 (Booked hire service identification sign)

Section 63(3) and (4)—

omit, insert—

- (3) The sign must be a reproduction of the sign approved by the chief executive for identifying the authorised booking entity providing booking services for the booked hire service.
- (4) The chief executive may refuse to approve a sign for subsection (3) only if the chief executive is satisfied the sign—
 - (a) is not a square of at least 146mm by 146mm; or
 - (b) is not retroreflective; or
 - (c) is likely to offend a reasonable person; or
 - (d) does not accurately identify the authorised booking entity or the booking services for the booked hire service provided by the entity.
- (5) In this section—

left-hand side, of a windscreen of a motor vehicle, means the left-hand side of the windscreen when viewed from behind the vehicle.

12 Amendment of s 65 (Requirements for itemised receipts)

Section 65(3), definition *itemised receipt*, paragraph (c)—
omit, insert—

- (c) the days and times the hiring started and ended; and

13 Amendment of s 93 (Purpose of division)

- (1) Section 93(1), after ‘persons’—

insert—

using taxis

- (2) Section 93(2), after ‘taxi services’—

insert—

provided using taxis

14 Insertion of new s 96ACA

Part 6, division 5, subdivision 3—

insert—

96ACA Payment to entitled person

- (1) This section applies if an authorised booking entity or an operator of a booked hire service or taxi service (the *payee*) receives a scheme payment on behalf of another person who is entitled to the payment.
- (2) The payee must ensure the scheme payment is given to the person entitled to the payment within a reasonable time, unless the payee has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) In this section—

scheme payment means an amount paid by the State under the taxi subsidy scheme for part of a fare for a booked hire service or a taxi service.

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

Section 96AJ(1)(a), before ‘taxi service’—

insert—

booked hire service or

16 Amendment of s 96AK (When manual card reader must be used)

Section 96AK(1)(a), before ‘taxi service’—

insert—

booked hire service or

17 Amendment of s 101 (Refusing booked hire service licence)

(1) Section 101(1)(b) and (c), ‘the person or a related body corporate’—

omit, insert—

a relevant person

(2) Section 101(2), ‘This section’—

omit, insert—

Subsection (1)(c)

(3) Section 101—

insert—

(4) In this section—

relevant person, in relation to issuing a booked hire service licence to a person, means each of the following persons—

- (a) the person;
- (b) if the person is a corporation—an executive officer of the corporation;
- (c) a related body corporate of the person and each executive officer of the body corporate.

18 Amendment of s 105 (Substitute vehicle for limousine licence outside business hours)

- (1) Section 105, heading, after ‘hours’—

insert—

—Act, s 91R

- (2) Section 105(1)(b)(ii), ‘for the holder of the licence to make an application’—

omit, insert—

for an application to be made

- (3) Section 105(5), ‘The’—

omit, insert—

For section 91R(3)(b) of the Act, the

- (4) Section 105(5)(b), ‘next’—

omit, insert—

third

19 Amendment of s 106 (Transferring original taxi service licence or limousine licence—Act, s 91S)

- (1) Section 106(4)(a), ‘or a related body corporate’—

omit, insert—

, or a related entity of the proposed transferee,

(2) Section 106(4)(b)—

omit.

(3) Section 106(4)(c), after ‘the proposed transferee’—

insert—

, or a related entity of the proposed transferee,

(4) Section 106(4)(c) and (d)—

renumber as section 106(4)(b) and (c).

(5) Section 106—

insert—

(4A) Subsection (4)(a) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act provides for when a person commits an offence against a provision of an Act.

(6) Section 106(6), penalty, ‘(6)’—

omit, insert—

(7)

(7) Section 106(4A) to (6)—

renumber as section 106(5) to (7).

(8) Section 106—

insert—

(8) In this section—

related entity, of a proposed transferee, means each of the following persons—

(a) if the transferee is a corporation—an executive officer of the corporation;

(b) a related body corporate of the transferee and each executive officer of the body corporate.

20 Amendment of s 107 (Leasing particular licence—Act, s 91S)

- (1) Section 107(4)(a), ‘or a related body corporate’—

omit, insert—

, or a related entity of the proposed lessee,

- (2) Section 107(4)(b)—

omit.

- (3) Section 107(4)(c), after ‘the proposed lessee’—

insert—

, or a related entity of the proposed lessee,

- (4) Section 107(4)(d), from ‘, including’ to ‘the sublease’—

omit.

- (5) Section 107(4)(c) to (e)—

renumber as section 107(4)(b) to (d).

- (6) Section 107—

insert—

(4A) Subsection (4)(a) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act provides for when a person commits an offence against a provision of an Act.

- (7) Section 107(6), penalty, ‘(6)’—

omit, insert—

(7)

- (8) Section 107(7)—

insert—

related entity, of a proposed lessee, means each of the following persons—

- (a) if the lessee is a corporation—an executive officer of the corporation;
 - (b) a related body corporate of the lessee and each executive officer of the body corporate.
- (9) Section 107(4A) to (7)—
renumber as section 107(5) to (8).

21 **Amendment of s 109 (Amending, suspending and cancelling licence)**

- (1) Section 109(2)(b), ‘the person or a related body corporate’—
omit, insert—
a relevant person
- (2) Section 109(2)(c) and (d), ‘the person’—
omit, insert—
a relevant person
- (3) Section 109(2)—
insert—
(da) a fee, or the taxi industry security levy under section 91ZW of the Act, payable for the licence remains unpaid after the day payment is required to be made; or
- (4) Section 109(2)(da) and (e)—
renumber as section 109(2)(e) and (f).
- (5) Section 109(3)—
omit, insert—
(3) Subsection (2)(b) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act provides for when a person commits an offence against a provision of an Act.

(6) Section 109—

insert—

(4) In this section—

relevant person, in relation to suspending or cancelling a person's licence, means each of the following persons—

- (a) the person;
- (b) if the person is a corporation—an executive officer of the corporation;
- (c) a related body corporate of the person and each executive officer of the body corporate.

22 Insertion of new pt 7, div 4, sdiv 1A

Part 7, division 4, before subdivision 1—

insert—

Subdivision 1A Preliminary

117DFA Definitions for division

In this division—

proposed local nominee, of a foreign person, means a person proposed to be the foreign person's local nominee under section 91ZD of the Act.

relevant person means—

- (a) for a person's application for a booking entity authorisation, each of the following persons—
 - (i) the person;
 - (ii) if the person is a foreign person—the person's proposed local nominee;

- (iii) if the person or person's proposed local nominee is a corporation—each executive officer of the corporation;
 - (iv) a related body corporate of the person or the person's proposed local nominee and each executive officer of the body corporate; or
- (b) for a person's booking entity authorisation, each of the following persons—
- (i) the person;
 - (ii) if the person is a foreign person—the person's local nominee;
 - (iii) if the person or person's local nominee is a corporation—each executive officer of the corporation;
 - (iv) a related body corporate of the person or the person's local nominee and each executive officer of the body corporate.

23 Amendment of s 117DK (Refusing booking entity authorisation)

(1) Section 117DK(1)(d), from 'or, if' to 'the corporation'—
omit.

(2) Section 117DK(1)(e)—
omit, insert—

- (e) the chief executive is satisfied a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—
 - (i) a booked hire service; or
 - (ii) a booking service for a booked hire service; or

(iii) a taxi service; or

(3) Section 117DK(2), ‘This section’—

omit, insert—

Subsection (1)(c)

(4) Section 117DK(4)—

omit.

24 Amendment of s 117DL (Amending, suspending and cancelling authorisation)

(1) Section 117DL(2)(b), from ‘the person or’ to ‘local nominee’—

omit, insert—

a relevant person

(2) Section 117DL(2)(d), from ‘or, if’ to ‘the corporation’—

omit.

(3) Section 117DL(2)(e) and (f)—

omit, insert—

(e) a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—

(i) a booked hire service; or

(ii) a booking service for a booked hire service; or

(iii) a taxi service; or

(f) a fee payable for the authorisation remains unpaid after the day payment is required to be made; or

(g) it is necessary in the public interest.

(4) Section 117DL(3), ‘This section’—

omit, insert—

Subsection (2)(c)

(5) Section 117DL(4)—

omit.

25 Amendment of s 117DN (Suspending booking entity authorisation immediately)

Section 117DN(1)(b)—

omit, insert—

(b) a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—

(i) a booked hire service; or

(ii) a booking service for a booked hire service; or

(iii) a taxi service; or

26 Amendment of s 117DR (Notice about charge for disqualifying offence etc.)

Section 117DR(5)—

omit.

27 Insertion of new s 117DRA

After section 117DR—

insert—

117DRA Notice about increased fleet

(1) This section applies if—

- (a) a person has paid a fee based on a fleet category (the *previous fleet category*) for a booking entity authorisation; and
 - (b) during the term of the authorisation, the number of available vehicles for the authorisation changes and is more than the upper limit of vehicles in the previous fleet category.
- (2) The person must give the chief executive a written notice about the change within 14 days after the change happens.
- Maximum penalty—40 penalty units.
- (3) In this section—
- fleet category*, for a booking entity authorisation, means each of the following groupings of numbers of vehicles—
- (a) 1 to 5 vehicles;
 - (b) 6 to 20 vehicles;
 - (c) 21 to 50 vehicles.

28 Amendment of s 137 (Vehicle requirement for providing particular public passenger services)

Section 137(2), from ‘drive’ to ‘public passenger service’—
omit, insert—

operate the public passenger service using a motor vehicle

29 Amendment of s 141A (Advertising provision of public passenger service)

(1) Section 141A—

insert—

(3A) However, subsections (2) and (3) do not apply to

a public passenger service that is an air service or a ferry service.

- (2) Section 141A(3A) and (4)—
renumber as section 141A(4) and (5).

30 Insertion of new s 145AA

After section 145—

insert—

145AA Adjustment of booking entity authorisation fee for increased fleet

- (1) This section applies if the chief executive—
- (a) receives a notice under section 117DRA(2) about a change for a person's booking entity authorisation; or
 - (b) becomes aware of circumstances that require a person to provide the chief executive with a notice under section 117DRA(2) about a change for a person's booking entity authorisation.
- (2) The chief executive may give the person a written notice (a *fee notice*) to pay an amount (an *additional fee*) for the person's booking entity authorisation that is the relevant fee adjusted—
- (a) in proportion to the term remaining for the authorisation after the change; and
 - (b) to take account of the most recent fee paid for the number of available vehicles under the authorisation.
- (3) The fee notice must state—
- (a) the additional fee payable; and
 - (b) a period of at least 14 days in which the additional fee must be paid.

- (4) The person must pay the additional fee within the period stated in the fee notice.

Note—

Under section 117DL, the chief executive may suspend or cancel a person's booking entity authorisation for failure to pay a fee for the authorisation.

- (5) In this section—

relevant fee, in relation to available vehicles for a person's booking entity authorisation, means a fee mentioned in schedule 9, item 4B(a)(i), (ii), (iii) or (iv) that would apply for the number of available vehicles if the person were applying for the grant or renewal of the booking entity authorisation.

31 Insertion of new pt 12, div 10

Part 12—

insert—

Division 10 Transitional provision for Transport Operations (Passenger Transport) and Other Legislation (Personalised Transport Reform) Amendment Regulation 2018

158V Particular booked hire service identification signs approved

- (1) This section applies if, before the commencement, a person advised the chief executive of the person's booked hire service identification sign under section 63(3), as in force immediately before the commencement.

- (2) If the person advised the chief executive of more than 1 sign, this section applies to the latest sign advised to the chief executive.
- (3) The chief executive is taken to have approved the sign under section 63(3), as in force after the commencement.

32 Amendment of sch 6 (Accreditation evidence)

- (1) Schedule 6, section 1, after ‘off-road passenger vehicle’—
insert—
(other than a vehicle that is a limousine, taxi or NSW taxi)
- (2) Schedule 6, section 2, heading, from ‘other than’—
omit.
- (3) Schedule 6, section 2, from ‘car’ to ‘in force’—
omit, insert—
car (other than a vehicle that is a limousine or NSW taxi)
- (4) Schedule 6, section 2A—
omit.
- (5) Schedule 6, section 3, heading, after ‘Limousines’—
insert—
and NSW taxis
- (6) Schedule 6, section 3, ‘for which a limousine licence is in force’—
omit, insert—
that is a limousine or NSW taxi

33 Amendment of sch 7 (Reviewable decisions)

Schedule 7—

insert—

63(4) refusal to approve a sign

34 Amendment of sch 9 (Fees and levy)

Schedule 9, item 10(d)—

omit, insert—

- (d) if the applicant is applying for the grant or renewal of booking entity authorisation—
 - (i) for an applicant who is a foreign person—
 - (A) if the applicant's local nominee or proposed local nominee is an individual 42.45
 - (B) if the applicant's local nominee or proposed local nominee is a corporation, for each executive officer of the corporation when the application is made 42.45
 - (ii) for each executive officer of a related body corporate of the applicant when the application is made 42.45

35 Amendment of sch 11 (Dictionary)

(1) Schedule 11, definition *relevant person*—

omit.

(2) Schedule 11—

insert—

available vehicles, for a booking entity authorisation, means the motor vehicles used, or to be used, to provide booked hire services under the authorisation.

proposed local nominee, for part 7, division 4, see

section 117DFA.

relevant person—

(a) for part 6, division 5, see section 94; or

(b) for part 7, division 4, see section 117DFA.

- (3) Schedule 11, definition *related body corporate*, paragraph (a)(i), ‘or 50% of’—

omit, insert—

of 50% or

Division 3 Amendments commencing on 1 April 2018

36 Insertion of new pt 6, div 2A

Part 6, after division 2—

insert—

Division 2A Record keeping and reporting requirements

Subdivision 1 Preliminary

71A Definitions for division

In this division—

approved method, for providing information, means—

(a) providing the information to the chief executive electronically and in the approved form; or

(b) using an electronic system approved by the chief executive to provide the information.

quarter, for a financial year, means the following periods in the financial year—

- (a) 1 July to 30 September;
- (b) 1 October to 31 December;
- (c) 1 January to 31 March;
- (d) 1 April to 30 June.

Subdivision 2 Fatigue management information

71B Application of subdivision—Act, s 91C

For section 91C(1) of the Act, this subdivision—

- (a) applies to—
 - (i) an authorised booking entity that provides booking services for a booked hire service; and
 - (ii) an operator of a booked hire service provided using a taxi or a taxi service; and
- (b) states the requirements for the entity and operator to monitor, record and report particular information relevant to managing driver fatigue.

71C Recording fatigue management information

- (1) The authorised booking entity and operator must keep a record of the following information about each driver of a relevant vehicle used to provide a relevant service for the period mentioned in subsection (2)—
 - (a) the driver authorisation number of the driver;

- (b) the days and times the driver is driving, or is available to drive, the vehicle to provide the service.

Maximum penalty—80 penalty units.

Examples of a driver being available to drive—

- a driver of a taxi starts a work shift and is on duty to drive the taxi
 - a driver of a booked hire vehicle is on duty to accept or receive bookings for a booked hire service, including, for example, by being connected to a booking service or app to accept bookings
 - a driver of a limousine is travelling to pick up a passenger for a journey
- (2) The record must be kept for 2 years after the day on which the driver drove the relevant vehicle, or was available to drive the vehicle.

- (3) In this section—

relevant service means—

- (a) for the authorised booking entity—
- (i) the booked hire service; or
 - (ii) another public passenger service for which the entity arranges bookings using a relevant vehicle; or
- (b) for the operator—the booked hire service provided using the taxi or the taxi service.

relevant vehicle means a booked hire vehicle, limousine or taxi.

71D Reporting fatigue management information

- (1) The chief executive may give a written notice to the authorised booking entity or operator requiring the entity or operator to provide the information recorded under section 71C for a stated period to the chief executive.

- (2) The authorised booking entity or operator must comply with a requirement made under subsection (1) within 28 days after the notice is given.

Maximum penalty—80 penalty units.

71E False or misleading information

A person must not give information to the authorised booking entity or operator for section 71C if the person knows the information is false, misleading or incomplete in a material particular.

Maximum penalty—80 penalty units.

Subdivision 3 Taxi services information

71F Application of subdivision

This subdivision applies to an operator of a taxi service in relation to each taxi service for a journey provided using a taxi.

71G Recording taxi services information

The operator must keep a record of the following information for 2 years after the taxi service was provided—

- (a) the vehicle registration number and taxi service licence number for the taxi;
- (b) the name and driver authorisation number of the driver of the taxi;
- (c) the days and times the journey started and ended;
- (d) the locations where the journey started and ended;

- (e) the fare and any payment surcharge for the service;
- (f) if applicable, that the service was provided to an approved relevant person.

Maximum penalty—40 penalty units.

71H Reporting taxi services information

- (1) Within 28 days after the end of each financial year, the operator must provide the chief executive with a report that complies with subsection (2).

Maximum penalty—40 penalty units.

- (2) The report must—
 - (a) state the total number of taxi service journeys provided by the operator for the financial year; and
 - (b) be provided using an approved method; and
 - (c) be about the information mentioned in section 71G.
- (3) Also, the chief executive may, at any time, give a written notice to the operator requiring the operator to provide the chief executive with—
 - (a) stated information mentioned in section 71G for a stated period; or
 - (b) another type of report about the information mentioned in section 71G.
- (4) The operator must comply with a requirement made under subsection (3) within 28 days after the notice is given.

Maximum penalty—40 penalty units.

Subdivision 4 Booked hire services information

71I Application of subdivision—Act, s 91ZG

This subdivision prescribes—

- (a) for section 91ZG(1) of the Act, the information an authorised booking entity must keep and the period for which the information must be kept; and
- (b) for section 91ZG(2) of the Act, the way and times the information must be provided to the chief executive.

Note—

The maximum penalty for failing to comply with section 91ZG(1) or (2) of the Act is 150 penalty units.

71J Driver information

- (1) This section applies in relation to—
 - (a) a person (a *driver*) who—
 - (i) is the authorised booking entity; and
 - (ii) drives or has driven a motor vehicle used to provide booked hire services; and
 - (iii) under the driver's booking entity authorisation, provides or has provided booking services for the booked hire services; or
 - (b) a person (also a *driver*) who has or had an arrangement with the authorised booking entity under which the entity provides or has provided booking services for the driver to drive a motor vehicle to provide booked hire services.

-
- (2) The information is—
 - (a) the name and driver authorisation number of the driver; and
 - (b) the start and end of the period the driver is on-the-books.
 - (3) The period for keeping the information is 2 years after the driver is no longer on-the-books.
 - (4) The information must be provided for each quarter in a financial year to the chief executive within 28 days after the end of the quarter, using an approved method.
 - (5) Subsection (4) does not apply if the driver was not on-the-books during a quarter.
 - (6) A driver is *on-the-books* for the authorised booking entity—
 - (a) for a driver mentioned in subsection (1)(a)—when the driver is providing booking services for the booked hire services; or
 - (b) for a driver mentioned in subsection (1)(b)—when the driver has an arrangement in force to provide the booked hire services.

71K Vehicle information

- (1) This section applies in relation to a vehicle that is a booked hire vehicle, limousine or taxi that is, or was, available to be used to provide booked hire services.
- (2) The information is—
 - (a) the registration number of the vehicle; and
 - (b) the licence number for the vehicle; and
 - (c) the start and end of the period the vehicle is on-the-books.

- (3) The period for keeping the information is 2 years after the vehicle is no longer on-the-books.
- (4) The information for each quarter in a financial year must be provided to the chief executive within 28 days after the end of the quarter, using an approved method.
- (5) Subsection (4) does not apply if the vehicle was not on-the-books during a quarter.
- (6) The vehicle is *on-the-books* when the vehicle is available to be used to provide the booked hire services.

71L Journey information

- (1) This section applies to each booked hire service provided, or requested to be provided, by hiring a motor vehicle for a journey.
- (2) The information is—
 - (a) the day and time the booking for the service was made; and
 - (b) the locations where the journey started and ended; and
 - (c) the days and times the journey started and ended; and
 - (d) the vehicle registration number and booked hire service licence or taxi service licence number for the vehicle; and
 - (e) if the hirer booked the vehicle to arrive at a particular time—the time; and
 - (f) information given by the hirer that is sufficient to identify the hirer; and

Examples—

name, mobile number, username, name of an organisation

-
- (g) the name and driver authorisation number of the driver of the vehicle; and
 - (h) the fare and any payment surcharge for the journey; and
 - (i) if a fare estimate was given to the hirer under section 61—the estimated amount of the fare; and
 - (j) if applicable, that the service was provided to an approved relevant person; and
 - (k) if applicable, that a service was requested and not provided.
- (3) The period for keeping the information is 2 years—
- (a) if the booked hire service was not provided—after the service was requested; or
 - (b) otherwise—after the service was provided.
- (4) The information mentioned in subsection (2)(a) to (e) and (2)(j) for each quarter in a financial year must be provided to the chief executive within 28 days after the end of the quarter, using an approved method.
- (5) Also, a report about journey information for a financial year must be provided to the chief executive within 28 days after the end of the financial year, using an approved method.
- (6) In addition, the chief executive may, at any time, give a written notice to the authorised booking entity requiring the entity to provide the chief executive with—
- (a) stated journey information for a stated period; or
 - (b) another type of report about journey information.

- (7) The authorised booking entity must comply with a requirement made under subsection (6) within 28 days after the notice is given.
- (8) In this section—
journey information means information mentioned in subsection (2), other than information mentioned in subsection (2)(f).

Subdivision 5 Miscellaneous

71M Sharing information—Act, s 148C

- (1) For section 148C(2)(b)(i) of the Act, a person who receives information under this division may disclose the information to another entity if the information—
 - (a) does not contain confidential information about a person to whom the information relates; and
 - (b) is disclosed for a purpose relating to traffic management, town planning or infrastructure development.
- (2) In this section—
confidential information means information, other than information that is publicly available—
 - (a) that is personal information under the *Information Privacy Act 2009*, section 12; or
 - (b) that would be likely to identify the person to whom the information relates or damage the commercial activities of any person to whom the information relates.

37 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

approved method, for part 6, division 2A, see section 71A.

quarter, for part 6, division 2A, see section 71A.

ENDNOTES

- 1 Made by the Governor in Council on 8 March 2018.
- 2 Notified on the Queensland legislation website on 9 March 2018.
- 3 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2018