



Queensland

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 13

made under the

Transport Operations (Passenger Transport) Act 1994

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[s 1]

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2016*.

2 Regulation amended

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

3 Amendment of s 94 (Definitions for div 5)

(1) Section 94—

insert—

decision notice, for a decision of the chief executive, means a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision.

National Disability Insurance Scheme means the scheme under the *National Disability Insurance Scheme Act 2013* (Cwlth).

NDIS participant means—

- (a) a person who—
 - (i) is a participant in the National Disability Insurance Scheme; and
 - (ii) has a plan in effect under the *National Disability Insurance Scheme Act 2013* (Cwlth), section 37; or
- (b) a person who has ceased to be a participant under section 29 of that Act because the person has given notification that the person no longer wishes to be a participant.

(2) Section 94, definition *relevant person*, after ‘a person’—

insert—

, other than an NDIS participant,

4 Amendment of s 95 (Application for, and grant or refusal of, assistance under taxi subsidy scheme)

Section 95(4), from ‘may,’ to ‘if’—

omit, insert—

may refuse to approve the application, by giving the person a decision notice, if

5 Amendment of s 96 (Chief executive may cancel assistance under taxi subsidy scheme)

(1) Section 96(3), from ‘may,’—

omit, insert—

may cancel the approval by giving the person a decision notice.

(2) Section 96—

insert—

(3A) However, if the chief executive is no longer satisfied the person is a relevant person because the person is an NDIS participant, the chief executive—

(a) need not comply with subsection (2); and

(b) may cancel the approval by giving the person a decision notice.

(3) Section 96(4), ‘regulation notice’—

omit, insert—

decision notice

(4) Section 96(5), from ‘action’—

omit, insert—

cancellation has effect from the date stated in the decision notice.

(5) Section 96(3A) to (5)—

renumber as section 96(4) to (6).

[s 6]

6 Insertion of new pt 6, div 5, sdiv 2A

After section 96AA—

insert—

Subdivision 2A Disclosure or use of relevant information for taxi subsidy scheme

96AAA Chief executive may disclose or use relevant information

- (1) This section applies to—
 - (a) the use of relevant information for a TSS related person by the chief executive; and
 - (b) the disclosure of relevant information for a TSS related person, by the chief executive, to the following—
 - (i) a public service employee;
 - (ii) an entity established by an Act for a public purpose;
 - (iii) the Commonwealth, or an entity of the Commonwealth.
- (2) The chief executive may use or disclose the relevant information for administering the taxi subsidy scheme.
- (3) Without limiting subsection (2), the chief executive may use or disclose the relevant information—
 - (a) to decide whether the person is an NDIS participant; or
 - (b) to assist the transition of the person from the taxi subsidy scheme to the National Disability Insurance Scheme, whether or not the person becomes a participant in the National Disability Insurance Scheme; or

Example of paragraph (b)—

Disclosure of the relevant information to assist in deciding whether a person is eligible to become a participant in the National Disability Insurance Scheme.

- (c) to assist the transition of the person from the National Disability Insurance Scheme to the taxi subsidy scheme, whether or not the person becomes an approved relevant person.
- (4) In this section—

entity of the Commonwealth includes an entity established by an Act of the Commonwealth for a public purpose.

relevant information, for a TSS related person, means the following—

- (a) the person's name;
- (b) the person's date of birth;
- (c) the person's contact details;
- (d) the person's gender;
- (e) other information about the person that is related to the administration of the taxi subsidy scheme.

Examples of other information—

- the name and contact details of the person's carer or guardian and details of any relationship between the person and the person's carer or guardian
- benefits received by the person under the taxi subsidy scheme

TSS related person means—

- (a) an applicant for membership of the taxi subsidy scheme as a relevant person; or
- (b) an approved relevant person; or

[s 7]

- (c) a person who was previously an approved relevant person.

7 **Amendment of sch 11**

Schedule 11—

insert—

decision notice, for part 6, division 5, see section 94.

National Disability Insurance Scheme, for part 6, division 5, see section 94.

NDIS participant, for part 6, division 5, see section 94.

ENDNOTES

- 1 Made by the Governor in Council on 10 March 2016.
- 2 Notified on the Queensland legislation website on 11 March 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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