



Queensland

Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017

Subordinate Legislation 2017 No. 143

made under the

Motor Accident Insurance Act 1994

Rural and Regional Adjustment Act 1994

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017*.

2 Commencement

- (1) The following provisions commence on the day this regulation is notified—
 - (a) part 3, other than section 6(1), (2) and (4) to (10);
 - (b) part 5;
 - (c) part 6, divisions 1 and 2.
- (2) Part 11, other than section 99(1) and (3), commences on 1 September 2017.
- (3) Part 6, division 3 commences on 1 September 2017, immediately after the provisions mentioned in the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017*, section 2(1) commence.
- (4) The provisions of this regulation not in force on 1 October 2017 and not mentioned in subsection (5), (6) or (7) commence on 1 October 2017.
- (5) Part 2 commences on 1 October 2017, immediately after the provisions mentioned in the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017*, section 2(2) commence.
- (6) Section 6(5) and part 6, division 5 commence on 1 December 2017.
- (7) Section 6(4) commences on 15 January 2018.

74(1)	20
74(2)	20
75(2)	20
77(1)	20
81	8
82(1)	8
82(3)	8
91O(2)	4
91Q(1)	4
91Q(2)	2
91Y(2)	4
91ZO	10
91ZQ(5) in the circumstances in paragraph (b) of the penalty	16
91ZR(3)	4
91ZS(3)	4
91ZU(1)	4
(3) Schedule 1, entry for <i>Transport Operations (Passenger Transport) Act 1994</i> , entry for section 27— <i>omit, insert—</i>	
27(1)	10
27(2)	16
(4) Schedule 1, entry for <i>Transport Operations (Passenger Transport) Act 1994— insert—</i>	

- 76(1) 16
- (5) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*—
insert—
- 78(1) 16
- 78(2) 16
- (6) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*, entry for section 15, ‘12’—
omit, insert—
16
- (7) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*, entry for section 35, ‘35’—
omit, insert—
35(2)
- (8) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*, entry for section 143AC, ‘or limousine’—
omit, insert—
, limousine or booked hire vehicle
- (9) Schedule 1, entry for *Transport Operations (Passenger Transport) Regulation 2005*, entries for sections 42A(1), 54(2) and (3), 59(2), 62(1), 62A(2), (3) and (4), 63(1), (2) and (5), 65(2), (3) and (4), 66(2), 68, 70(1) and (2), 75, 76, 77(4), 78, 79(1) and (2), 80(1) and (2), 98(2) and (3), 103(2), 108(1) to (6), 113, 114, 115(4), 116(1), 117(1) and (2), 117A(1) (both entries), 117B(1) (both entries), 117C(1), 117D(1) and (2), 137(3) and (5), 137B(2) and 141A—
omit.
- (10) Schedule 1, entry for *Transport Operations (Passenger Transport) Regulation 2005*—

insert—

54(1)		2
55(2)		2
56(1)		2
56(2)		2
56(3)		2
57(4)		2
58(2)		2
58(3)		2
58(4)		2
58(5)		2
58(6)		2
59(2)		2
60		1
61(1)	in the circumstances in paragraph (a) of the penalty	2
61(1)	in the circumstances in paragraph (b) of the penalty	8
61(3)	in the circumstances in paragraph (a) of the penalty	2
61(3)	in the circumstances in paragraph (b) of the penalty	8
63(2)		2
64(2)		2
64(3)		2
65(1)		2

66(1)	4
67(1)	4
70(1)	2
70(3)	4
76(2)	2
77(2)	1
78(3)	1
105(4)	2
106(1)	2
106(6)	2
107(1)	2
107(6)	2
114(2)	1
117DA(4)	1
117DB	4
117DC(1)	4
117DC(2)	4
117DD(2)	2
117DD(3)	4
117DD(4)	4
117DD(5)	2
117DE(2)	2
117DF(1)	4
117DQ(2)	1

Transport Operations (Passenger Transport) Regulation 2005 is a reference to the provision as in force on the relevant day.

9 Amendment of sch 1 (Dictionary)

Schedule 1, definitions *limousine service licence*, *special purpose limousine service licence* and *taxi service licence*—
omit.

Part 5 Amendment of Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017

10 Regulation amended

This part amends the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017*.

11 Amendment of s 2 (Commencement)

Section (2)(b)—

omit, insert—

(b) section 14(1) to (4).

12 Omission of s 19 (Replacement of s 117C (Booked hire service signs))

Section 19—

omit.

Editor's note—

Legislation ultimately amended

- *Transport Operations (Passenger Transport) Regulation 2005*

13 Amendment of s 30 (Insertion of new pt 7, div 8)

- (1) Section 30, inserted section 59—

omit.

- (2) Section 30, inserted section 60, heading, ‘booked hire vehicles’—

omit, insert—

motor vehicles used for booked hire services

- (3) Section 30, inserted section 60(1), ‘that is used as a booked hire vehicle’—

omit, insert—

, other than a taxi or limousine, that is used to provide a booked hire service under the *Transport Operations (Passenger Transport) Act 1994*

- (4) Section 30, inserted section 60(4)(c), ‘1 January 2018’—

omit, insert—

15 January 2018

- (5) Section 30, inserted section 60—

renumber as inserted section 59.

Editor's note—

Legislation ultimately amended

- *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*

Division 3 Amendments commencing on 1 September 2017

17 Amendment of s 158N (Safety requirement for booked hire vehicles)

(1) Section 158N, heading, from ‘requirement’—

omit, insert—

**certificate requirement for motor vehicles used
for booked hire services**

(2) Section 158N(1), ‘31 December 2017’—

omit, insert—

14 January 2018

Division 4 Amendments commencing on 1 October 2017

18 Amendment of s 17 (Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply)

Section 17(f)—

omit, insert—

(f) a taxi service; or

(g) a booked hire service.

19 Omission of s 18 (Delegation of powers relating to operator accreditation)

Section 18—

omit.

20 Amendment of s 20B (Requirements for operating relevant vehicles other than motorbikes)

(1) Section 20B, heading, ‘operating’—

omit, insert—

driving

(2) Section 20B(1) and (2)(b), ‘for the operation of’—

omit, insert—

to drive

(3) Section 20B(4), ‘limousine service,’—

omit.

21 Amendment of s 20C (Additional requirement to drive a booked hire vehicle, limousine or taxi)

Section 20C(1), ‘for the operation of’—

omit, insert—

to drive

22 Amendment of s 21C (Expressions on authorising documents)

(1) Section 21C(1), from ‘operate’ to ‘limousine service’—

omit, insert—

drive a vehicle providing a booked hire service

(2) Section 21C(2) and (3), ‘operate’—

omit, insert—

drive

(3) Section 21C(4), from ‘operate’ to ‘following’—

omit, insert—

drive any of the following vehicles to provide a tourist service

(4) Section 21C—

insert—

(5) In this section—

unscheduled long distance passenger service
means a pre-booked public passenger service by road—

- (a) that is unscheduled; and
- (b) by which all passengers on the service are carried on a journey of at least 40km to a general destination that has been predetermined by the operator of the service; and
- (c) in relation to which no passenger's journey is entirely within—
 - (i) a single service contract area or route;
or
 - (ii) a single taxi service area.

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

(1) Section 27(1), 'operate'—

omit, insert—

drive

(2) Section 27(4)(c), 'operating'—

omit, insert—

driving

24 Amendment of s 39 (Notifying operator of amendment, suspension or cancellation of driver authorisation)

(1) Section 39(1)(a)—

omit, insert—

- (a) a person with driver authorisation drives a vehicle to provide a public passenger service that—
 - (i) is operated by someone else; or
 - (ii) is a booked hire service for which someone else provides booking services; and
- (2) Section 39(2)(a) and (b), after ‘the operator’—
insert—
or person who provides booking services

25 Amendment of s 40 (Notifying or informing—Act, s 31, 33, 34 or 35)

- (1) Section 40, ‘, 34 or 35’—
omit, insert—
or 34
- (2) Section 40, ‘or an accredited operator’—
omit.

26 Amendment of s 40A (Medical fitness for driver authorisation)

- (1) Section 40A(2)(a), ‘operate’—
omit, insert—
drive
- (2) Section 40A(4), from ‘operating’ to ‘operate a vehicle’—
omit, insert—
driving a motor vehicle, the person must not drive a motor vehicle

27 Amendment of s 40B (Medical fitness for restricted driver authorisation)

(1) Section 40B(2), ‘operate’—

omit, insert—

drive

(2) Section 40B(3), from ‘operating’ to ‘operate a vehicle’—

omit, insert—

driving a motor vehicle, the person must not drive
a motor vehicle

28 Amendment of s 41 (Requirement to prove fitness)

Section 41, ‘operate’—

omit, insert—

drive

29 Omission of ss 42A and 43

Sections 42A and 43—

omit.

30 Amendment of s 45 (Market entry restrictions—Act, s 36)

Section 45, note, ‘71’—

omit, insert—

91ZT

31 Replacement of pt 6, hdg and divs 1–3

Part 6, heading and divisions 1 to 3—

omit, insert—

Part 6 Personalised transport services

Division 1 Provision of services

Subdivision 1 Booked hire services provided using a taxi and taxi services

52 Application of subdivision

This subdivision prescribes matters relating to providing a booked hire service using a taxi or a taxi service.

Note—

Subdivision 2 prescribes other matters relating to providing a booked hire service using a taxi or other vehicle.

53 Taxi services to which the Act, s 74 does not apply

Section 74 of the Act does not apply to a cross-border taxi service.

54 Taxi driver must not refuse booked hire service or taxi service in particular circumstances

- (1) The driver of a taxi available for hire must not refuse to provide a booked hire service to a prescribed person, or a taxi service to any person, unless—
 - (a) the service is for a journey that—

- (i) starts in a taxi service area other than the taxi service area for the taxi; or
 - (ii) ends somewhere other than in the taxi service area for the taxi; or
 - (iii) when taking the shortest route for the journey that can reasonably be taken, ends more than 40km from the pick-up point for the journey; or
- (b) the driver has a reasonable excuse.
- Maximum penalty—20 penalty units.
- (2) In this section—
- prescribed person* means—
- (a) a person using a wheelchair; or
 - (b) an approved relevant person.

55 When access to booking service must be available

- (1) This section applies to an authorised booking entity that provides booking services for booked hire services provided using taxis.
 - (2) The authorised booked entity must provide the booking services in a way that ensures bookings for a taxi to provide a booked hire service for a prescribed person can be received at any time.
- Maximum penalty—20 penalty units.
- (3) In this section—
- prescribed person* means—
- (a) a person using a wheelchair; or
 - (b) an approved relevant person.

56 Particular requirements for taxis

- (1) An operator of a booked hire service provided using a taxi or a taxi service must ensure the taxi complies with the following requirements—
 - (a) a taximeter fitted to the taxi must be working;
 - (b) a sticker about maximum fares produced by the department must be fixed to the taxi;
 - (c) if the taxi has a fleet number, the fleet number must be clearly displayed inside and on the exterior of the taxi.

Maximum penalty—20 penalty units.

- (2) An operator of a booked hire service provided using a taxi must ensure a booking receiver is kept in the taxi and is working.

Maximum penalty—20 penalty units.

- (3) A person must not, without a reasonable excuse, drive a taxi unless a booking receiver is—
 - (a) in the taxi; and
 - (b) working; and
 - (c) connected to a booking system for arranging bookings for a booked hire service.

Maximum penalty—20 penalty units.

- (4) In this section—

booking receiver means the part of a booking system that is for receiving information about bookings.

57 Fares and charges for taxis

- (1) If a person soils a taxi, the driver of the taxi may charge a reasonable amount of not more than 1 penalty unit for cleaning the taxi.

- (2) An amount that may be charged under subsection (1) is in addition to the fare the driver of the taxi may charge.
- (3) If the driver of a taxi believes the driver will not be able to obtain the fare for a journey at the destination, the driver may require the hirer to pay the estimated fare, or an agreed amount for the journey, as a deposit before starting the journey.
- (4) The driver of a taxi, while providing a taxi service, must not drive the taxi to the destination specified by the hirer in a way that involves excessive charging.

Maximum penalty for subsection (4)—20 penalty units.

58 Operation of taximeter by taxi driver

- (1) This section applies to the driver of a taxi being used to provide a booked hire service or taxi service if—
 - (a) the taxi is fitted with a taximeter; and
 - (b) the amount of the fare for the journey has not been agreed before the journey starts.
- (2) If the driver is providing a booked hire service, the driver must only activate the taximeter—
 - (a) if the service is provided to an approved relevant person using a wheelchair—at the start of the journey, after the person and the person's wheelchair have been secured in the taxi; or
 - (b) if paragraph (a) does not apply and the service has been booked for a specific time and the taxi arrives at the pick-up point at or before that time—after the earlier of the booked time or the time the hirer enters the taxi; or

(c) otherwise—after the hirer is notified of the taxi’s arrival at the pick-up point.

Maximum penalty—20 penalty units.

(3) If the driver is providing a taxi service, the driver must only activate the taximeter—

(a) if the service is provided to an approved relevant person using a wheelchair—at the start of the journey, after the person and the person’s wheelchair have been secured in the taxi; or

(b) otherwise—after the hirer enters the taxi.

Maximum penalty—20 penalty units.

(4) During a hiring, the driver must stop the taximeter from registering a charge for any period during which the taxi is unable to continue the hiring.

Maximum penalty—20 penalty units.

(5) The driver must deactivate the taximeter before asking for, or receiving, payment or a voucher—

(a) for a hiring other than a hiring under section 59—on arrival at the destination for the hiring; or

(b) otherwise—on arrival at the last destination of the multiple hirers.

Maximum penalty—20 penalty units.

(6) The driver must, immediately after the booked hire service or taxi service ends, reset the taximeter to remove the record of the fare amount for the service.

Maximum penalty—20 penalty units.

59 Multiple hirers

(1) The driver of a taxi may provide a taxi service for 2 or more hirers, at the same time, if—

- (a) before the taxi service starts, all of the hirers agree to the driver of the taxi providing the service for all of the hirers; and
 - (b) the hirers are travelling to—
 - (i) destinations in the same locality; or
 - (ii) destinations in the same general direction; and
 - (c) the fare payable by each hirer is less than the maximum fare that would be payable by that hirer for a journey direct to that hirer's destination; and
 - (d) each hirer is advised of the rate of discount applying or the applicable fare before the journey starts; and
 - (e) the service is not provided to a timetable.
- (2) A driver of a taxi must not provide a taxi service for 2 or more hirers at the same time except under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.

60 Control of doors of taxi

The driver of a taxi must take control over opening and shutting the taxi's doors if—

- (a) a hirer of the taxi, or the parent or guardian of a hirer, asks the driver to take control over opening and shutting the taxi's doors; and
- (b) the design of the taxi allows the driver to control the opening and shutting of the taxi's doors by using a device.

Maximum penalty—10 penalty units.

Subdivision 2 Booked hire services

61 Fare estimate for booked hire services

- (1) A person who provides a booking service for a booked hire service must give the hirer of the booked hire service a fare estimate under this section before the service begins, unless the person has a reasonable excuse.

Example of a reasonable excuse—

a hirer opts out of receiving a fare estimate

Maximum penalty—

- (a) for an individual—20 penalty units; or
- (b) otherwise—80 penalty units.
- (2) A fare estimate for a booked hire service must—
- (a) state an estimate of the amount of the fare; and
- (b) state the circumstances (if any) when the amount of the fare may be higher than the estimated fare and how the additional amount is worked out in those circumstances; and

Examples—

- 1 The fare may be higher than the estimated fare if the time taken for the journey is longer because of heavy traffic, and the additional amount is worked out on the basis of a stated amount per minute of the journey.
- 2 The fare may be higher than the estimated fare if the distance travelled for the journey is longer because the passenger asks that a detour be taken, and the additional amount is worked out on the basis of a stated amount per kilometre of the journey.
- (c) be written and expressed in Australian currency.
- (3) A person must not charge the hirer a fare for the booked hire service more than—

- (a) the estimated fare stated in the fare estimate;
or
- (b) if the fare estimate states the circumstances when the amount of the fare may be higher than the estimated fare—the estimated fare plus an additional amount worked out in the way stated in the fare estimate.

Maximum penalty—

- (a) for an individual—20 penalty units; or
 - (b) otherwise—80 penalty units.
- (4) This section does not apply to a booked hire service requested through a fixed booking device.
- (5) In this section—
fixed booking device see section 77(2) of the Act.

62 Prescribed details for booking record

For section 80(1)(b) of the Act, the following details of a booking for a booked hire service are prescribed—

- (a) information given by the hirer of the service that is sufficient to identify the hirer;

Examples—

name, mobile number, username, name of an organisation

- (b) the date and time when the passengers are to be picked up;
- (c) the location where the passengers are to be picked up;
- (d) if a fare estimate for the service is given to the hirer under section 61—the estimated amount of the fare.

63 Booked hire service identification sign

- (1) This section applies to a booked hire vehicle when the vehicle is available to be used, or is being used, to provide a booked hire service.
- (2) A person must not drive the vehicle unless a sign that complies with subsection (3) is—
 - (a) displayed—
 - (i) on the bottom left-hand side of the front and rear windscreens of the vehicle; and
 - (ii) in a place that does not obstruct the view of the road or traffic from the driver's seat; and
 - (b) clearly visible at least 20m away from the windscreen.

Maximum penalty—20 penalty units.

- (3) For subsection (2), a sign must—
 - (a) be a reproduction of the sign that a person who provides a booking service for the booked hire service has advised the chief executive, in writing, is the person's booked hire service identification sign; and
 - (b) be a square of at least 146mm by 146mm; and
 - (c) be retroreflective; and
 - (d) comply with any other requirements for the sign decided by the chief executive and published on the department's website.

Example for paragraph (d)—

requirements for the border of a sign

- (4) 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.

64 When vehicle must not display sign implying use for booked hire service

- (1) This section applies to—
 - (a) a booked hire vehicle while the vehicle is not being used, or not available to be used, to provide a booked hire service; and
 - (b) any other motor vehicle that is not a booked hire vehicle, limousine or taxi.
- (2) A person must not drive the vehicle if a sign is displayed on it that—
 - (a) reasonably implies the vehicle is used to provide a booked hire service; and
 - (b) is visible to a person who is outside the vehicle.

Maximum penalty—20 penalty units.

- (3) An operator of a booked hire service provided using the vehicle must ensure that a sign is not displayed on the vehicle that—
 - (a) reasonably implies the vehicle is used to provide a booked hire service; and
 - (b) is visible to a person who is outside the vehicle.

Maximum penalty—20 penalty units.

Subdivision 3 General

65 Requirements for itemised receipts

- (1) If the hirer of a booked hire vehicle, limousine or taxi (other than an exempted taxi) asks for a receipt for the fare for hiring the vehicle for a

journey, the driver of the vehicle must give the hirer an itemised receipt for the journey before leaving the journey's destination.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply if the driver reasonably believes another person has given, or is to give, the hirer an itemised receipt.
- (3) In this section—

itemised receipt, for the fare for hiring a booked hire vehicle, limousine or taxi for a journey, means a written receipt that includes—

- (a) the driver's driver authorisation number; and
- (b) the fare, the amounts comprising the fare and any payment surcharge for the fare; and

Examples of amounts comprising a fare—

booking fee for the service, total tollage

- (c) the time at which the hiring started and finished; and
- (d) the origin of, and destination for, the journey.

66 Distinguishing number plate for taxi

- (1) The operator of a public passenger service provided using a taxi must ensure a T-plate is displayed on the taxi.

Maximum penalty—40 penalty units.

- (2) In this section—

T-plate means a number plate issued for a taxi under the *Transport Operations (Road Use Management) Act 1995*.

67 Distinguishing number plate for limousine

- (1) The operator of a public passenger service provided using a limousine must ensure—
 - (a) for a special purpose limousine—an SL-plate is displayed on the limousine; or
 - (b) otherwise—an L-plate is displayed on the limousine.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to a motor vehicle used to provide a booked hire service under a limousine licence under section 105.
- (3) In this section—

L-plate means a number plate issued for a limousine, other than a special purpose limousine, under the *Transport Operations (Road Use Management) Act 1995*.

SL-plate means a number plate issued for a special purpose limousine under the *Transport Operations (Road Use Management) Act 1995*.

special purpose limousine means the motor vehicle stated in a special purpose limousine licence.

68 Maximum fares for particular booked hire service—Act, s 91ZR

For section 91ZR(2)(b) of the Act, booked hire services provided to persons using a wheelchair are prescribed.

69 Maximum payment surcharge—Act, s 91ZS

- (1) For section 91ZS(2) of the Act, the maximum payment surcharge prescribed for a fare for a booked hire service provided using a taxi or a taxi

service is—

- (a) if the whole fare is paid using a non-cash method—5% of the fare; or
- (b) if part of the fare is paid using a non-cash method—5% of the part of the fare paid using the non-cash method.

(2) In this section—

non-cash method, used for paying a fare or part of a fare, means a credit card, debit card, prepaid card, charge card or voucher is used to pay the fare.

Division 2 Required training for providing particular services

70 Driver must complete required training

- (1) A person must not drive a motor vehicle to provide a booked hire service or taxi service of a particular kind unless the person has completed the required training for providing a service of that kind.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to required training until—
 - (a) 3 months after the notice stating the training is published; or
 - (b) if the notice states a later day—the later day.
- (3) An authorised booking entity that provides booking services for a booked hire service, or an operator of a booked hire service or taxi service, must ensure a person who drives a motor vehicle to provide the service does not contravene

subsection (1).

Maximum penalty—40 penalty units.

(4) In this section—

required training, for a booked hire service or taxi service of a particular kind, means the training stated in a training notice for a service of that kind.

training notice means a notice published by the chief executive on the department's website stating—

- (a) the training that a person driving a motor vehicle to provide a booked hire service or taxi service of a particular kind must complete; and
- (b) the matters that must be addressed in the training; and
- (c) any minimum standards for the training.

71 Minimum standards for training

A person who provides training mentioned in a training notice under section 70 must ensure the training complies with any minimum standards for the training stated in the notice.

Maximum penalty—40 penalty units.

Division 3 Audits of persons in the chain of responsibility for booked hire services or taxi services

72 Prescribed matters for audit notice—Act, s 91ZN

For section 91ZN(2)(d) of the Act, the following matters are prescribed—

- (a) the way the audit is to be carried out;

Examples of ways an audit may be carried out—

- in person, at the premises of the person being audited
- a desktop audit at the auditor’s place of work

- (b) the name of the person who will carry out the audit;

- (c) if the person is an authorised officer—a summary of the officer’s powers under the Act that are relevant to carrying out the audit.

73 Prescribed matters for audit report—Act, s 91ZP

For section 91ZP(2) of the Act, the following matters are prescribed—

- (a) the name of the person who carried out the audit;

- (b) the period during which the audit was carried out;

- (c) each place the audit was carried out;

- (d) the name and address of each person whose business activities were audited;

- (e) the findings made by the person who carried out the audit and the person’s reasons for the findings.

Division 4 General provisions

74 Taxi service areas for taxi industry security levy—Act, s 91ZW

Each taxi service area mentioned in schedule 2A is prescribed for section 91ZW of the Act.

75 Relevant driver offence—Act, s 91ZI

The Queensland Road Rules, section 182 is prescribed as a provision to which section 91ZI of the Act applies.

76 Particular motor vehicle not to look like taxi

- (1) This section applies to a motor vehicle other than—
 - (a) a taxi; or
 - (b) a motor vehicle stated in a substitute vehicle authority for a taxi service licence; or
 - (c) a historic vehicle that is not used to provide a public passenger service.
- (2) The registered operator of the motor vehicle must ensure the vehicle does not have a sign, marking, light or other thing on it that might reasonably indicate to members of the public it is a taxi.

Examples—

- a hail light
- a particular design or colour scheme used on taxis affiliated with a particular operator

Maximum penalty—20 penalty units.

- (3) In this section—

historic vehicle means a motor vehicle that—

- (a) is more than 30 years old from its date of manufacture; and

- (b) only has signs, markings, lights or other things on it that indicate it is a taxi that are consistent with the age of the vehicle.

77 Notice about ending arrangement with driver for serious misconduct

- (1) This section applies to—
 - (a) an authorised booking entity who has an arrangement with another person (the *driver*) under which the entity provides booking services for the driver to drive a motor vehicle to provide booked hire services; and
 - (b) the operator of a booked hire service or taxi service who has an arrangement with another person (also the *driver*) under which the driver drives a motor vehicle to provide the service for the operator.
- (2) The authorised booking entity or operator must immediately give a written notice stating the matters mentioned in subsection (3) to the chief executive if the entity or operator ends the arrangement with the driver because the entity or operator reasonably believes the driver—
 - (a) has committed a driver disqualifying offence; or
 - (b) has, while driving a motor vehicle, not provided a public passenger service safely; or
 - (c) has committed an offence against a provision of relevant transport legislation relating to using a motor vehicle; or
 - (d) has, in any way, been a threat to the safety of any person, including, in particular, a child

or other vulnerable member of the community.

Maximum penalty—10 penalty units.

- (3) The notice must state the following matters—
- (a) the driver's name and driver authorisation number;
 - (b) the day the authorised booking entity or operator ended the arrangement;
 - (c) the ground mentioned in subsection (2) on which the arrangement was ended;
 - (d) details of the facts and circumstances, or alleged facts and circumstances, forming the basis for the ground.

78 Chief executive may require information

- (1) This section applies if the chief executive receives a notice under section 77 (the *first notice*) from an authorised booking entity or operator of a booked hire service or taxi service about another person (the *driver*).
- (2) The chief executive may, by written notice (the *second notice*) given to the entity or operator, require the entity or operator to give the chief executive further information that—
 - (a) the entity or operator has about matters stated in the first notice; and
 - (b) the chief executive reasonably requires to decide whether to take action under section 28 or 30 in relation to the driver's driver authorisation.
- (3) The entity or operator must comply with the requirement as soon as practicable (but within 14 days) after the second notice is given.

Maximum penalty—10 penalty units.

32 Replacement of pt 6, div 5, sdiv 1, hdg (Definitions)

Part 6, division 5, subdivision 1, heading—

omit, insert—

Subdivision 1 Preliminary

93 Purpose of division

- (1) This division provides for a scheme (the *taxi subsidy scheme*) under section 91ZY of the Act for particular booked hire services and taxi services provided to particular persons.
- (2) Under the taxi subsidy scheme, the State pays part of the fares for booked hire services and taxi services for approved relevant persons by providing a benefit to each approved relevant person in relation to the cost of the services.
- (3) The taxi subsidy scheme is administered by the chief executive.

33 Amendment of s 94 (Definitions for div 5)

- (1) Section 94, heading, ‘div 5’—

omit, insert—

division

- (2) Section 94, definition *approved card reader*, paragraph (c), ‘taxi journey’—

omit, insert—

journey

- (3) Section 94, definition *authorised purpose*, paragraph (c)(iii), ‘taxi’—

omit.

- (4) Section 94, definition *taxi subsidy scheme*—

omit, insert—

taxi subsidy scheme see section 93.

34 Amendment of s 96AA (Production of membership card to receive benefit)

Section 96AA, ‘taxi journey’—

omit, insert—

journey

35 Amendment of pt 6, div 5, sdiv 4, hdg (Obligations on holder of taxi service licence or substitute taxi authority)

Part 6, division 5, subdivision 4, heading, ‘substitute taxi’—

omit, insert—

substitute vehicle

36 Amendment of s 96AD (Ensuring approved card reader is fitted)

Section 96AD(2), ‘substitute taxi authority must ensure a substitute taxi’—

omit, insert—

substitute vehicle authority must ensure a substitute vehicle for a taxi service licence

37 Amendment of s 96AE (Ensuring approved card reader appears to be working when making taxi or substitute taxi available under lease or contract)

(1) Section 96AE, heading, ‘substitute taxi’—

omit, insert—

substitute vehicle

(2) Section 96AE(1)(a)(ii)—

omit, insert—

(ii) a substitute vehicle authority enters into a contract or other arrangement in relation to the motor vehicle stated in the authority (the *substitute vehicle*); and

(3) Section 96AE(1)(b) and (c) and (2), ‘substitute taxi’—
omit, insert—
substitute vehicle

38 Amendment of s 96AF (Ensuring approved card reader appears to be working when taxi is made available to driver)

Section 96AF(1)(a), after ‘operator of a’—
insert—
booked hire service or

39 Amendment of s 96AG (Ensuring approved card reader interfaces with taximeter and is kept connected)

Section 96AG(1)(a), after ‘to provide a’—
insert—
booked hire service or

40 Amendment of s 96AH (Manual card reader and restricted use slips to be carried in taxi)

(1) Section 96AH(1), after ‘operator of a’—
insert—
booked hire service or

(2) Section 96AH(2), definition *restricted use slip*, ‘taxi fares’—
omit, insert—
fares

41 Omission of s 96AN (Driver of taxi must not refuse hiring by approved relevant person)

Section 96AN—

omit.

42 Amendment of s 96AP (Taxi driver display card to be displayed)

(1) Section 96AP(2)(a)—

omit.

(2) Section 96AP(2)(c), ‘passenger journey originating’—

omit, insert—

journey that starts

(3) Section 96AP(2)(b) and (c)—

renumber as section 96AP(2)(a) and (b).

43 Amendment of s 96AR (Issue of interim taxi driver display card)

Section 96AR, ‘accredited’—

omit.

44 Amendment of s 96AS (Temporary assignment of interim taxi driver display card by accredited operator of a taxi service)

Section 96AS, ‘accredited’—

omit.

45 Amendment of s 96AU (When interim taxi driver display card must, or must not, be displayed)

Section 96AU(3), from ‘if the driver’—

omit, insert—

if the driver is driving a taxi for a journey that starts in a taxi service area other than a prescribed area.

46 Amendment of s 96AV (False or misleading information relating to assignment)

Section 96AV, ‘accredited’—

omit.

47 Amendment of s 96AW (Record to be kept about assignment)

Section 96AW, ‘accredited’—

omit.

48 Amendment of s 96AX (Return of interim taxi driver display card)

Section 96AX(1), ‘accredited’—

omit.

49 Amendment of s 96AY (Duty to notify damage, loss or theft of interim taxi driver display card)

Section 96AY, ‘accredited’—

omit.

50 Amendment of s 96B (Requirement to carry licence for NSW taxi)

(1) Section 96B, ‘the taxi’—

omit, insert—

the NSW taxi

(2) Section 96B(2), ‘to provide a cross-border taxi service’—

omit, insert—

in Queensland

51 Replacement of pts 7 and 7A

Parts 7 and 7A—

omit, insert—

Part 7 Licences and authorisation for personalised transport services

Division 1 Applications for booked hire service licences

97 Applying for booked hire service licence

- (1) A person may apply to the chief executive for a booked hire service licence.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) include the details of the motor vehicle to be stated in the licence; and
 - (c) be accompanied by the fee stated in schedule 9.

98 Chief executive may require information or document

- (1) The chief executive may, by written notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 14 days stated in the notice, further

information or a document the chief executive reasonably requires to decide the application.

- (2) The applicant is taken to have withdrawn the application if the applicant does not comply with a requirement under subsection (1) within the stated period.

99 Deciding application

After receiving the application for the booked hire service licence, the chief executive must consider it and decide—

- (a) to grant the application, with or without conditions; or
- (b) to refuse, under section 101, to issue the licence.

100 Issuing booked hire service licence

- (1) If the chief executive decides to grant the application, the chief executive must issue a booked hire service licence to the applicant.
- (2) A booked hire service licence must state the following—
 - (a) the licence holder's name;
 - (b) details of the motor vehicle for which the licence is in force;
 - (c) the day the licence takes effect and expires;
 - (d) any conditions of the licence.
- (3) If the chief executive imposed conditions on the booked hire service licence, the chief executive must give the applicant a regulation notice for the decision to impose the conditions.

Note—

Schedule 2 of the Act provides a decision to impose a condition on a booked hire service licence is a reviewable decision.

101 Refusing booked hire service licence

- (1) The chief executive may refuse to issue a booked hire service licence to a person if—
 - (a) the motor vehicle for which the licence is sought does not comply with the vehicle requirements for a booked hire service licence; or
 - (b) a booked hire service licence, limousine licence or taxi service licence held by the person or a related body corporate was cancelled or suspended within the previous year; or
 - (c) the person or a related body corporate has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—
 - (i) providing a booked hire service or taxi service; or
 - (ii) using a motor vehicle to provide a booked hire service or taxi service; or
 - (d) the chief executive is satisfied it is necessary in the public interest to do so.
- (2) This section 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.

- (3) If the chief executive decides to refuse to issue a booked hire service licence under this section, the chief executive must give the person a regulation

notice for the decision.

Note—

Schedule 2 of the Act provides a refusal to issue a booked hire service licence is a reviewable decision.

Division 2 General provisions for licences

102 Application of division

This division applies for the following licences—

- (a) a booked hire service licence;
- (b) a limousine licence;
- (c) a taxi service licence.

103 Vehicle requirements

- (1) The vehicle requirements for a motor vehicle stated in a licence are that the vehicle must be—
 - (a) an appropriate vehicle for the licence; and
 - (b) registered under the *Transport Operations (Road Use Management) Act 1995*; and
 - (c) the subject of a current certificate of inspection; and
 - (d) the subject of a CTP insurance policy for a class of motor vehicle that includes the following vehicles or another class of vehicle that attracts a higher premium—
 - (i) for a booked hire service licence—booked hire vehicles;
 - (ii) for a limousine licence—limousines;
 - (iii) for a taxi service licence—taxis.

(2) However, subsection (1)(c) does not apply to a motor vehicle mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, section 25(2).

(3) In this section—

appropriate vehicle means—

(a) for a booked hire service licence—a passenger vehicle or utility vehicle that has no more than 12 seating positions, including the driver’s position; or

(b) for a limousine licence—a passenger vehicle that—

(i) has a wheelbase of at least 2,800mm; or

(ii) is at least 30 years old from its date of manufacture; or

(c) for a taxi service licence—a passenger vehicle that has no more than 12 seating positions, including the driver’s position.

CTP insurance policy see the *Motor Accident Insurance Act 1994*, section 4.

104 Changing motor vehicle stated in licence

(1) The holder or ultimate approved lessee of a licence may apply to the chief executive to change the motor vehicle stated in the licence.

(2) The application must—

(a) be in the approved form; and

(b) state the details of the motor vehicle that is the subject of the application.

(3) The chief executive may decide to grant the application if the chief executive is satisfied the

vehicle the subject of the application complies with the vehicle requirements for the licence.

105 Substitute vehicle for limousine licence outside business hours

- (1) This section applies if—
 - (a) a limousine can not be used to provide booked hire services because of a mechanical failure or accident; and
 - (b) the mechanical failure or accident happened—
 - (i) outside of the department's normal business hours; or
 - (ii) at another time, or at a place, so that it is not reasonably practicable for the holder of the licence to make an application under section 104 at an office of the department during the department's normal business hours.
- (2) The holder or ultimate approved lessee of the limousine licence for the limousine may give the chief executive a notice about the holder's intention to use the motor vehicle stated in the notice to provide booked hire services under the licence under this section.
- (3) The notice must—
 - (a) be in the approved form; and
 - (b) state the details of the motor vehicle the holder or ultimate approved lessee intends to use under this section; and
 - (c) be made electronically, in the way stated on the approved form.
- (4) The holder or ultimate approved lessee of a limousine licence must not give a notice under

this section for a vehicle that does not comply with the vehicle requirements for the licence.

Maximum penalty—20 penalty units.

- (5) The motor vehicle stated in the notice may be used under the licence for the period that—
 - (a) starts when the notice is given under this section; and
 - (b) ends when the department's normal business hours end on the next business day after the notice is given.
- (6) Subsection (5) does not apply if the motor vehicle stated in the notice does not comply with the vehicle requirements for the licence.

106 Transferring original taxi service licence or limousine licence—Act, s 91S

- (1) The holder of an original taxi service licence or limousine licence (other than a special purpose limousine licence) must not transfer the licence to another person (the *proposed transferee*) unless the transfer has been approved by the chief executive under this section.

Maximum penalty—20 penalty units.

- (2) Failure to comply with subsection (1) does not invalidate or otherwise affect the transfer of the licence.
- (3) An application for an approval of a transfer must—
 - (a) be in the approved form; and
 - (b) state the proposed day of the transfer; and
 - (c) state the proposed price to be paid, or other consideration to be given, for the transfer of the licence; and

- (d) be signed by the holder and the proposed transferee.
- (4) The chief executive may refuse the application only if satisfied—
 - (a) the proposed transferee or a related body corporate has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—
 - (i) providing a booked hire service or taxi service; or
 - (ii) using a motor vehicle to provide a booked hire service or taxi service; or
 - (b) the proposed transferee has, within the previous year, contravened, or encouraged or permitted someone else to contravene, a condition of a booked hire service licence, limousine licence or taxi service licence; or
 - (c) a booked hire service licence, limousine licence or taxi service licence held by the proposed transferee was suspended or cancelled within the previous year; or
 - (d) it is necessary in the public interest.
- (5) If the chief executive decides to refuse the application, the chief executive must give the holder and the proposed transferee a regulation notice for the decision.
- (6) The holder of the licence must, within 14 days after any of the following happen, give the chief executive written notice of the matter—
 - (a) either of the following changes—
 - (i) the proposed day for the transfer of the licence;

- (ii) the proposed price to be paid, or other consideration to be given, for the transfer;
- (b) the transfer does not happen on the proposed day notified to the chief executive under this section;
- (c) the licence is transferred and the price paid, or other consideration given, for the transfer is different to the price or other consideration notified to the chief executive under this section;
- (d) the holder or the proposed transferee decides not to proceed with the transfer of the licence.

Maximum penalty for subsection (6)—20 penalty units.

107 Leasing particular licence—Act, s 91S

- (1) The holder or an approved lessee (the *lessor*) of a taxi service licence or limousine licence (other than a special purpose limousine licence) must not lease or sublease the licence to another person (the *proposed lessee*) unless the lease or sublease has been approved by the chief executive under this section.

Maximum penalty—20 penalty units.

- (2) Failure to comply with subsection (1) does not invalidate or otherwise affect the lease or sublease of the licence.
- (3) An application for an approval of a lease or sublease must—
 - (a) be in the approved form; and
 - (b) state the proposed start day and end day of the lease or sublease; and

- (c) be signed by the lessor and the proposed lessee.
- (4) The chief executive may refuse the application only if satisfied—
 - (a) the proposed lessee or a related body corporate has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—
 - (i) providing a booked hire service or taxi service; or
 - (ii) using a motor vehicle to provide a booked hire service or taxi service; or
 - (b) the proposed lessee has, within the previous year, contravened, or encouraged or permitted someone else to contravene, a condition of a booked hire service licence, limousine licence or taxi service licence; or
 - (c) a booked hire service licence, limousine licence or taxi service licence held by the proposed lessee was suspended or cancelled within the previous year; or
 - (d) if the application is for approval of a sublease—the lessor does not have the authority, under the lease under which the lessor holds an interest in the licence, to sublease the licence, including, for example, because the lease ends before the proposed end day of the sublease; or
 - (e) it is necessary in the public interest.
- (5) If the chief executive decides to refuse the application, the chief executive must give the lessor and proposed lessee a regulation notice for the decision.
- (6) The lessor must, within 14 days after any of the following happen, give the chief executive written

notice of the matter—

- (a) the proposed start day or end day of the lease or sublease changes;
- (b) the lease or sublease starts or ends on a day other than the proposed start day or end day notified to the chief executive under this section;
- (c) the lessor or proposed lessee decides not to enter into the lease or sublease.

Maximum penalty for subsection (6)—20 penalty units.

- (7) In this section—

approved lessee, of a licence, means a person to whom a licence has been leased or subleased under a lease or sublease approved by the chief executive, under this section, that has not ended.

108 Surrendering licence—Act, s 91S

- (1) The holder of a licence may surrender the licence by written notice given to the chief executive.
- (2) The surrender takes effect from the day the notice is received by the chief executive or a later day stated in the notice.

109 Amending, suspending and cancelling licence

- (1) The chief executive may amend a person's licence, including a condition of the licence, if satisfied the amendment will better meet the needs of users of booked hire services or taxi services.
- (2) The chief executive may suspend or cancel a person's licence if satisfied—

- (a) the motor vehicle stated in the licence does not comply with the vehicle requirements for the licence; or
- (b) the person or a related body corporate has committed an offence against a provision of relevant transport legislation relating to—
 - (i) providing a booked hire service or taxi service; or
 - (ii) using a motor vehicle to provide a booked hire service or taxi service; or
- (c) the person has contravened, or encouraged or permitted someone else to contravene, a condition of—
 - (i) the licence; or
 - (ii) another booked hire service licence, limousine licence or taxi service licence; or
- (d) another booked hire service licence, limousine licence or taxi service licence held by the person has been suspended or cancelled; or
- (e) it is necessary in the public interest.

Note—

Schedule 2 of the Act provides an amendment, suspension or cancellation of a booked hire service licence, limousine licence or taxi service licence is a reviewable decision.

- (3) This section 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.

110 Notice about proposed amendment, suspension and cancellation

- (1) This section applies if the chief executive considers a ground exists under section 109 to amend, suspend or cancel a person's licence.
- (2) Before taking the action mentioned in subsection (1) (the *proposed action*), the chief executive must give the person a written notice—
 - (a) stating the proposed action; and
 - (b) stating the grounds for the proposed action; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) if the proposed action is an amendment of the licence—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the licence—stating the proposed suspension period; and
 - (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
 - (a) if the proposed action was to amend the licence—
 - (i) amend the licence in the way stated in the notice under subsection (2); or
 - (ii) amend the licence in another way; or
 - (b) if the proposed action was to suspend the licence—

- (i) suspend the licence for no longer than the period stated in the notice under subsection (2); or
- (ii) amend the licence; or
- (c) if the proposed action was to cancel the licence—
 - (i) cancel the licence; or
 - (ii) suspend the licence for a period; or
 - (iii) amend the licence.

111 Suspending licence immediately

- (1) The chief executive may immediately suspend a person's licence, by giving a notice to the person, if the chief executive is satisfied—
 - (a) the motor vehicle stated in the licence does not comply with the vehicle requirements for the licence; or
 - (b) it is necessary in the public interest.

Example of the public interest—

The chief executive is satisfied the person is behaving in a way that is damaging to the reputation of public passenger transport.

- (2) The notice must state—
 - (a) that the licence is immediately suspended; and
 - (b) the reasons for the suspension.
- (3) The chief executive may, under subsection (1), suspend the person's licence until the earlier of the following—
 - (a) the chief executive gives the person a regulation notice under section 110(3);

- (b) the end of 56 days after the notice under subsection (1) is given to the person.
- (4) This section applies despite section 110.

112 Further action after immediate suspension

- (1) This section applies if—
 - (a) under section 111, the chief executive immediately suspends a person’s licence; and
 - (b) the chief executive also proposes, under section 109, to amend, suspend or cancel the licence.
- (2) The notice under section 111(1) must also state the information mentioned in section 110(2) in relation to the action the chief executive proposes to take.
- (3) Section 110(3) applies to the proposed action as if the notice given under section 111(1) were a notice given under section 110(2).

113 Other amendments of licence

- (1) The chief executive may amend a person’s licence, including a condition of the licence—
 - (a) for a formal or clerical reason; or
 - (b) in another way that does not adversely affect the person’s interests; or
 - (c) if the person asks.
- (2) The chief executive amends the licence by giving written notice to the person.

114 Returning amended, suspended or cancelled licence

- (1) This section applies if—
 - (a) a person is given a notice, under section 110, 111 or 113, amending, suspending or cancelling the person’s licence; and
 - (b) the notice requires the licence to be returned to the chief executive.
- (2) As soon as practicable after the person is given the notice (but within 14 days), the person must return the licence to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

- (3) Even if the person does not return the licence, the action stated in the notice has effect from the date stated in the notice.

Division 3 Substitute vehicle authority for taxi service licences

115 Purpose of division

For section 91R(3)(b) of the Act, this division provides for the issue of an authority (a *substitute vehicle authority*) for a motor vehicle that may be used under a taxi service licence in particular circumstances and on particular conditions.

116 Chief executive may issue substitute vehicle authority

The chief executive may issue a substitute vehicle authority—

- (a) to an authorised booking entity that provides booking services for booked hire services provided using taxis; and
- (b) for a motor vehicle that complies with the vehicle requirements for a taxi service licence.

117 Application for substitute vehicle authority

- (1) An authorised booking entity may apply to the chief executive for a substitute vehicle authority for taxis for which the entity provides booking services.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) include the details of the motor vehicle to be stated in the substitute vehicle authority.

117A Deciding application

After receiving the application for the substitute vehicle authority, the chief executive must consider it and decide—

- (a) to grant the application, with or without conditions; or
- (b) to refuse, under section 117C, to issue the authority.

117B Issuing substitute vehicle authority

- (1) If the chief executive decides to grant the application, the chief executive must issue a substitute vehicle authority to the authorised booking entity.
- (2) The substitute vehicle authority is for a term of 1 year.

- (3) The substitute vehicle authority must state the following—
 - (a) the authorised booking entity's name;
 - (b) details of the motor vehicle for which the authority is in force;
 - (c) the day the authority starts and ends;
 - (d) any conditions of the authority.
- (4) If the chief executive imposed conditions on the substitute vehicle authority, the chief executive must give the authorised booking entity a regulation notice for the decision to impose the conditions.

117C Refusing substitute vehicle authority

- (1) The chief executive must refuse to issue a substitute vehicle authority if satisfied the motor vehicle for which the authority is sought does not comply with the vehicle requirements for a taxi service licence.
- (2) Also, the chief executive may refuse to issue a substitute vehicle authority if satisfied that, without the authority, there is a sufficient number of substitute vehicles available for booked hire services provided using taxis for which the authorised booking entity provides booking services, having regard to—
 - (a) the circumstances in which a motor vehicle stated in a substitute vehicle authority may be used to provide a booked hire service; and
 - (b) the number of taxis for which the entity provides booking services; and
 - (c) the number of substitute vehicle authorities the entity holds.

- (3) If the chief executive decides to refuse to issue a substitute vehicle authority under this section, the chief executive must give the authorised booking entity a regulation notice for the decision.

117D Allowed use of vehicle under taxi service licence

The motor vehicle stated in a substitute vehicle authority may be used to provide a booked hire service or taxi service under a taxi service licence if—

- (a) the holder of the authority provides booking services for booked hire services provided under the licence; and
- (b) the motor vehicle stated in the licence can not be used to provide the booked hire service or taxi service because of any of the following circumstances—
 - (i) the vehicle has a mechanical fault;
 - (ii) the vehicle has been involved in an accident;
 - (iii) another circumstance stated in the authority.

117DA Cancellation of substitute vehicle authority

- (1) The chief executive may cancel a substitute vehicle authority if satisfied—
 - (a) the motor vehicle stated in the authority does not comply with the vehicle requirements for a taxi service licence; or
 - (b) the motor vehicle stated in the authority has been used in contravention of section 117DC; or

- (c) the holder of the authority has contravened, or is contravening, a condition of the authority.
- (2) Before cancelling the substitute vehicle authority, the chief executive must give the holder a written notice—
 - (a) stating the chief executive is considering cancelling the authority; and
 - (b) stating the grounds for the cancellation; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) inviting the holder to show, within a stated time of at least 28 days, why the authority should not be cancelled.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to cancel the substitute vehicle authority, the chief executive may, by giving a regulation notice to the holder, cancel the authority.
- (4) As soon as practicable after the regulation notice is given to the holder (but within 14 days), the holder must return the substitute vehicle authority to the chief executive, unless the holder has a reasonable excuse.

Maximum penalty for subsection (4)—10 penalty units.

117DB Compliance with conditions

The holder of a substitute vehicle authority must comply with each condition of the authority, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units

117DC Requirements for use of a vehicle

- (1) A person must not use, or allow the use of, the motor vehicle stated in a substitute vehicle authority to provide a public passenger service other than—
 - (a) a booked hire service or taxi service provided in accordance with section 117D; or
 - (b) under a contract with a government entity.

Maximum penalty—40 penalty units.

- (2) A person must not use, or allow the use of, the motor vehicle stated in a substitute vehicle authority to provide a public passenger service unless the vehicle—
 - (a) complies with each condition of the taxi service licence; and
 - (b) displays the letters ‘ST’ on the rear and side panels of the vehicle.

Maximum penalty—40 penalty units.

117DD Records to be kept when vehicle used under taxi service licence

- (1) This section applies if a motor vehicle stated in a substitute vehicle authority (the *substitute vehicle*) is used to provide a booked hire service or taxi service under a taxi service licence instead of the motor vehicle stated in the licence (the *taxi*).
- (2) The holder of the substitute vehicle authority must keep a written record of the following information for 2 years after the vehicle is used as mentioned in subsection (1)—
 - (a) the registration number of the substitute vehicle;

- (b) the registration number and any fleet number of the taxi;
- (c) the date and time the substitute vehicle was used;
- (d) the reason why the taxi could not be used;
- (e) the location of the taxi while the substitute vehicle was being used.

Maximum penalty—20 penalty units.

- (3) Before the substitute vehicle is used as mentioned in subsection (1), the holder of the substitute vehicle authority for the vehicle must give the information mentioned in subsection (2) to the operator of the booked hire service or taxi service.

Maximum penalty—40 penalty units.

- (4) The operator of the booked hire service or taxi service must—
 - (a) before a driver drives the substitute vehicle instead of the taxi to provide the service, give the driver the following information—
 - (i) a copy of the information given to the operator under subsection (3);
 - (ii) the taxi service area for the taxi;
 - (iii) a copy of any conditions imposed on the taxi service licence for the taxi; and
 - (b) keep a copy of the information given to the operator under subsection (3) for 2 years after the information is given.

Maximum penalty—40 penalty units.

- (5) The driver of the substitute vehicle must, if asked by an authorised person, produce the information mentioned in subsection (4)(a) for inspection by the authorised person unless the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

- (6) For this section—
- (a) a record or information may be kept, given or produced for inspection electronically; and
 - (b) a record or information may be kept, given or produced for inspection by keeping, giving or producing for inspection a copy of the information or record.

117DE Records to be kept when vehicle used for public passenger service under government contract

- (1) This section applies if the motor vehicle stated in a substitute vehicle authority is used to provide a public passenger service under a contract with a government entity.
- (2) The holder of the substitute vehicle authority must keep a written record of the particulars mentioned in section 124(2)(b) to (e) for the use of the vehicle to provide the public passenger service for 2 years after the vehicle is used to provide the service.

Maximum penalty—20 penalty units.

117DF When motor vehicle not used as substitute vehicle

- (1) If a motor vehicle stated in a substitute vehicle authority is not being used as a substitute vehicle for a taxi service licence, the registered operator of the vehicle must—
 - (a) at the request of the chief executive, make the vehicle available for inspection by the chief executive; and

- (b) not stand the vehicle in a public place in a way that would reasonably imply that the vehicle is available for hire as a taxi.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply while the motor vehicle is being used to provide a public passenger service under a contract with a government entity.

Division 4 Booking entity authorisations

Subdivision 1 Applications

117DG Applying for booking entity authorisation

- (1) A person may apply to the chief executive for a booking entity authorisation to be granted or renewed.
- (2) The application must be—
 - (a) in the approved form; and
 - (b) accompanied by the fee stated in schedule 9.

117DH Chief executive may require information or document

- (1) The chief executive may, by written notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 14 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.
- (2) The applicant is taken to have withdrawn the application if the applicant does not comply with

a requirement under subsection (1) within the stated period.

117DI Deciding application

After receiving the application for the grant or renewal of booking entity authorisation, the chief executive must consider it and decide—

- (a) to grant or renew the authorisation, with or without conditions; or
- (b) to refuse, under section 117DK, to grant or renew the authorisation.

117DJ Granting or renewing booking entity authorisation

(1) If the chief executive decides to grant the application, the chief executive must—

- (a) if the application was for a booking entity authorisation to be granted—
 - (i) grant the authorisation to the applicant; and
 - (ii) decide whether to impose any conditions on the authorisation; or
- (b) if the application was to renew a booking entity authorisation—
 - (i) renew the applicant's authorisation; and
 - (ii) decide whether to impose the same or different conditions on the authorisation.

(2) The chief executive must also give the applicant an authorising document.

(3) The authorising document must state the following—

- (a) the booking entity authorisation holder's name;
 - (b) the day the authorisation takes effect and expires;
 - (c) any conditions of the authorisation.
- (4) If the chief executive decides to impose conditions on the booking entity authorisation, the chief executive must give the applicant a regulation notice for the decision to impose the conditions.

Note—

Schedule 2 of the Act provides imposing a condition on a booking entity authorisation is a reviewable decision.

117DK Refusing booking entity authorisation

- (1) The chief executive may refuse to grant or renew a booking entity authorisation if—
- (a) for a person who is a foreign person—the person does not have a proposed local nominee; or
 - (b) another booking entity authorisation held by a relevant person was cancelled or suspended within the previous year; or
 - (c) a relevant person has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—
 - (i) providing a booked hire service, a booking service for a booked hire service or a taxi service; or
 - (ii) using a motor vehicle to provide a booked hire service or a taxi service; or

- (d) a relevant person or, if the relevant person is a corporation, an executive officer of the corporation has been—
 - (i) convicted of a disqualifying offence; or
 - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
 - (e) the chief executive is satisfied any of the following persons have taken steps to avoid detection of, or prosecution for, an offence committed by the person or another person in relation to providing a booked hire service, a booking service for a booked hire service or a taxi service—
 - (i) the person;
 - (ii) if the person is a foreign person—the person’s proposed local nominee;
 - (iii) if the person or proposed local nominee is a corporation—an executive officer of the corporation; or
 - (f) the chief executive is satisfied it is necessary in the public interest to do so.
- (2) This section 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.

- (3) If the chief executive decides to refuse to grant or renew a booking entity authorisation under this section, the chief executive must give the person a regulation notice for the decision.

Note—

Schedule 2 of the Act provides a refusal to grant or renew a booking entity authorisation is a reviewable decision.

(4) In this section—

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, for a person's application for a booking entity authorisation, means each of the following persons—

- (a) the person;
- (b) if the person is a foreign person—the person's proposed local nominee;
- (c) a related body corporate of the person or the person's proposed local nominee.

Subdivision 2 General provisions

117DL Amending, suspending and cancelling authorisation

- (1) The chief executive may amend a person's booking entity authorisation, including a condition of the authorisation, if satisfied the amendment will better meet the needs of users of booked hire services.
- (2) The chief executive may suspend or cancel a person's booking entity authorisation if satisfied—
 - (a) for a foreign person—the person does not have a local nominee; or
 - (b) the person or, if the person is a foreign person, the person's local nominee has contravened a condition of the authorisation; or

- (c) a relevant person has committed an offence against a provision of relevant transport legislation relating to—
 - (i) providing a booked hire service, a booking service for a booked hire service or a taxi service; or
 - (ii) using a motor vehicle to provide a booked hire service or a taxi service; or
- (d) a relevant person or, if the relevant person is a corporation, an executive officer of the corporation has been—
 - (i) convicted of a disqualifying offence; or
 - (ii) charged with a disqualifying offence and the charge has not been finally disposed of; or
- (e) any of the following persons have taken steps to avoid detection of, or prosecution for, an offence committed by the person or another person in relation to providing a booked hire service, a booking service for a booked hire service or a taxi service—
 - (i) the person;
 - (ii) if the person is a foreign person—the person’s local nominee;
 - (iii) if the person or local nominee is a corporation—an executive officer of the corporation; or
- (f) it is necessary in the public interest.

Note—

Schedule 2 of the Act provides an amendment, suspension or cancellation of a booking entity authorisation is a reviewable decision.

- (3) This section 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 relevant transport legislation.

(4) In this section—

relevant person, in relation to a person’s booking entity authorisation, means each of the following persons—

- (a) the person;
- (b) if the person is a foreign person—the person’s local nominee;
- (c) a related body corporate of the person or the person’s local nominee.

117DM Notice about proposed amendment, suspension and cancellation

- (1) This section applies if the chief executive considers a ground exists under section 117DL to amend, suspend or cancel a person’s booking entity authorisation.
- (2) Before taking the action mentioned in subsection (1) (the ***proposed action***), the chief executive must give the person a written notice—
 - (a) stating the proposed action; and
 - (b) stating the grounds for the proposed action; and
 - (c) outlining the facts and circumstances forming the basis for the grounds; and
 - (d) if the proposed action is an amendment of the booking entity authorisation—stating the proposed amendment; and
 - (e) if the proposed action is suspension of the authorisation—stating the proposed suspension period; and

- (f) inviting the person to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—
- (a) if the proposed action was to amend the booking entity authorisation—
 - (i) amend the authorisation in the way stated in the notice under subsection (2); or
 - (ii) amend the authorisation in another way; or
 - (b) if the proposed action was to suspend the authorisation—
 - (i) suspend the authorisation for no longer than the period stated in the notice under subsection (2); or
 - (ii) amend the authorisation; or
 - (c) if the proposed action was to cancel the authorisation—
 - (i) cancel the authorisation; or
 - (ii) suspend the authorisation for a period; or
 - (iii) amend the authorisation.

117DN Suspending booking entity authorisation immediately

- (1) The chief executive may immediately suspend a person's booking entity authorisation, by giving a notice to the person, if the chief executive is satisfied—

- (a) for a foreign person—
 - (i) the person’s local nominee stops being a person mentioned in section 91ZD(2) of the Act; or
 - (ii) the person does not have a local nominee; or
- (b) any of the following persons have taken steps to avoid detection of, or prosecution for, an offence committed by the person or another person in relation to providing a booked hire service, a booking service for a booked hire service or a taxi service—
 - (i) the person;
 - (ii) if the person is a foreign person—the person’s local nominee;
 - (iii) if the person or local nominee is a corporation—an executive officer of the corporation; or
- (c) it is necessary in the public interest.

Example of the public interest—

The chief executive is satisfied the person is behaving in a way that is damaging to the reputation of public passenger transport.

- (2) The notice must state—
 - (a) that the booking entity authorisation is immediately suspended; and
 - (b) the reasons for the suspension.
- (3) The chief executive may, under subsection (1), suspend the person’s booking entity authorisation until the earlier of the following—
 - (a) the chief executive gives the person a regulation notice under section 117DM(3);
 - (b) the end of 56 days after the notice under subsection (1) is given to the person.

- (4) This section applies despite section 117DM.

117DO Further action after immediate suspension

- (1) This section applies if—
- (a) under section 117DN, the chief executive immediately suspends a person's booking entity authorisation; and
 - (b) the chief executive also proposes, under section 117DL, to amend, suspend or cancel the authorisation.
- (2) The notice under section 117DN(1) must also state the information mentioned in section 117DM(2) in relation to the action the chief executive proposes to take.
- (3) Section 117DM(3) applies to the proposed action as if the notice given under section 117DN(1) were a notice given under section 117DM(2).

117DP Other amendments of authorisation

- (1) The chief executive may amend a person's booking entity authorisation, including a condition of the authorisation—
- (a) for a formal or clerical reason; or
 - (b) in another way that does not adversely affect the person's interests; or
 - (c) if the person asks.
- (2) The chief executive amends the booking entity authorisation by giving written notice to the person.

117DQ Returning amended, suspended or cancelled authorisation

- (1) This section applies if—

- (a) a person is given a notice, under section 117DM, 117DN or 117DP, amending, suspending or cancelling the person's booking entity authorisation; and
 - (b) the notice requires the authorisation to be returned to the chief executive.
- (2) As soon as practicable after the person is given the notice (but within 14 days), the person must return the booking entity authorisation to the chief executive, unless the person has a reasonable excuse.
- Maximum penalty—10 penalty units.
- (3) Even if the person does not return the booking entity authorisation, the action stated in the notice has effect from the date stated in the notice.

117DR Notice about charge for disqualifying offence etc.

- (1) This section applies if a relevant person for an authorised booking entity—
- (a) is charged with a disqualifying offence; or
 - (b) becomes aware another relevant person for the authorised booking entity has been charged with a disqualifying offence.
- (2) The relevant person must immediately give the chief executive a written notice stating—
- (a) the details of the charge; and
 - (b) the day when the charge will be heard.
- Maximum penalty—10 penalty units.
- (3) As soon as is practicable after the charge is finally dealt with, the relevant person must give the chief executive a written notice about the outcome of the charge.

Maximum penalty—10 penalty units.

- (4) The relevant person does not commit an offence against subsection (2) or (3) if the person reasonably believes another relevant person for the authorised booking entity has complied with the subsection.
- (5) In this section—
relevant person, for an authorised booking entity, means—
 - (a) the authorised booking entity; or
 - (b) if the authorised booking entity is a foreign person—the entity’s local nominee; or
 - (c) if the authorised booking entity or entity’s local nominee is a corporation—an executive officer of the corporation.

117DS Notice to drivers about suspension or cancellation of authorisation

- (1) This section applies if a person’s booking entity authorisation is suspended or cancelled.
- (2) The person must immediately give a written notice about the suspension or cancellation to each driver the person provided a booking service for in the 90 days before the authorisation was suspended or cancelled.

Maximum penalty—80 penalty units.

- (3) The notice may be given electronically.

117DT Surrendering authorisation—Act, s 91ZB

- (1) The holder of a booking entity authorisation may surrender the authorisation by giving a written notice about the surrender to the chief executive.
- (2) The surrender takes effect from the day the notice

is received by the chief executive or a later day stated in the notice.

52 Amendment of s 117G (Obligation on operator of service)

Section 117G(1)—

omit, insert—

- (1) This section applies to a vehicle used to provide—
 - (a) a booked hire service for a journey that starts in a relevant security camera area if—
 - (i) the vehicle is authorised to provide a taxi service; or
 - (ii) the passenger pays, or is required to pay, the fare for the journey by cash, electronic funds transfer, credit card transaction or in another way, in person immediately before, during or after the journey; or
 - (b) a taxi service for a journey that starts in a relevant security camera area.

53 Amendment of s 120 (Accreditation evidence and accreditation certificates)

- (1) Section 120(4), after ‘operate’—

insert—

a public passenger service using

- (2) Section 120(5)(a)—

omit, insert—

- (a) the vehicle the accredited person used to provide a public passenger service is leased from, or usually used by, another person who holds operator accreditation; and

- (3) Section 120(5)(b), ‘operates the vehicle’—

omit, insert—

uses the vehicle to provide the service

- (4) Section 120(5)(c), ‘operate the vehicle’—

omit, insert—

use the vehicle to provide the service

54 Insertion of new s 122A

After section 122—

insert—

122A Motor vehicles used to provide booked hire services and taxi services

- (1) This section applies to each motor vehicle used to provide a booked hire service or taxi service.
- (2) The operator of the booked hire service or taxi service must ensure—
 - (a) the vehicle is serviced and maintained to a standard that complies with, or exceeds, the servicing and maintenance program specified by the vehicle’s manufacturer; and
 - (b) a copy of the servicing and maintenance program is kept by or for the operator; and
 - (c) a record is made by or for the operator about each service and maintenance of the vehicle; and
 - (d) the record is kept by or for the operator for at least 2 years after the record is made.

Maximum penalty—20 penalty units.

- (3) The operator must, if asked by an authorised person, produce for inspection by the authorised person—
 - (a) a record kept under subsection (2)(d); or

- (b) a copy of the servicing and maintenance program for the vehicle specified by the vehicle's manufacturer.

Maximum penalty—20 penalty units.

- (4) For this section—
 - (a) a record or copy may be kept or produced for inspection electronically; and
 - (b) a record may be kept or produced for inspection by keeping or producing for inspection a copy of the record.

55 Amendment of s 124 (Record to be kept of each use of vehicle to provide public passenger service)

Section 124(1)—

omit, insert—

- (1) This section applies to an operator of a public passenger service for which operator accreditation is required.

56 Amendment of s 133D (Driving and parking vehicles)

- (1) Section 133D(2), ‘, motorised wheelchair’—

omit.

- (2) Section 133D(6), definition *motorised wheelchair*—

omit.

57 Amendment of s 133F (Person not to enter route unless authorised)

Section 133F, ‘operating’—

omit, insert—

being driven

58 Amendment of s 133G (Application of pt 9A, div 3)

- (1) Section 133G, heading, ‘pt 9A, div 3’—

omit, insert—

division

- (2) Section 133G, ‘operating’—

omit, insert—

being driven

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

Section 137—

omit, insert—

137 Vehicle requirement for providing particular public passenger services

- (1) This section applies to a public passenger service other than the following services—

- (a) booked hire service;
- (b) community transport service;
- (c) courtesy transport service;
- (d) taxi service.

- (2) A person must not drive a motor vehicle to provide the public passenger service unless the vehicle is—

- (a) a passenger vehicle; or
- (b) for a tourist service—
 - (i) a passenger vehicle; or
 - (ii) a motor cycle, motor cycle and sidecar or motor tricycle.

Maximum penalty—20 penalty units.

60 Omission of s 137B (Requirements for itemised receipts)

Section 137B—

omit.

61 Amendment of s 141 (Soliciting or touting)

(1) Section 141(1)—

insert—

Examples of touting for passengers—

pestering a person, or exerting pressure on a person, to be a passenger

(2) Section 141(2), from ‘attempting’ to ‘section 66(1),’—

omit, insert—

arranging for multiple hirers of a taxi at a taxi rank under section 59

62 Replacement of s 141A (Offering provision of public passenger service)

Section 141A—

omit, insert—

141A Advertising provision of public passenger service

(1) A person must not advertise the provision of a public passenger service unless—

(a) if the service is of a kind for which operator accreditation is required under the Act—the person who is to provide the service is accredited to operate a service of that kind; and

(b) if the service is of a kind for which driver authorisation is required under the Act—the person who is to drive a vehicle to provide

the service is an authorised driver for a service of that kind; and

- (c) if the service is a booked hire service—the person who provides a booking service for the booked hire service is an authorised booking entity; and
- (d) 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—

Under the Act, only particular vehicles may be used to provide a booked hire service or taxi service. See sections 74, 75, 76 and 77 of the Act.

Maximum penalty—40 penalty units.

- (2) A person must not use the words ‘taxi’, ‘taxi-cab’ or ‘cab’, or a similar expression, to advertise the provision of a public passenger service unless a taxi is the vehicle to be used to provide the service.

Maximum penalty—40 penalty units.

- (3) A person must not use the words ‘limousine’ or ‘limo’, or a similar expression, to advertise the provision of a public passenger service unless a limousine is the vehicle to be used to provide the service.

Maximum penalty—40 penalty units.

- (4) A person does not commit an offence against subsection (1), (2) or (3) merely because the person, as part of the person’s business, prints, publishes or displays an advertisement for another person.

63 Amendment of s 142 (Records to be maintained)

Section 142(2), ‘section 87C’—

omit, insert—

section 81

64 Amendment of s 143 (Change of name, address or postal address)

Section 143(1), ‘or a limousine service licence’—

omit, insert—

, a limousine licence, a booked hire service licence or booking entity authorisation

65 Insertion of new s 144A

After section 144—

insert—

**144A Authorised disclosure of information—Act,
s 148C**

- (1) The chief executive may, by publication on the department’s website, disclose information about the price paid, or other consideration given—
 - (a) for the issue of a taxi service licence under section 91F of the Act; or
 - (b) for the transfer of—
 - (i) an original taxi service licence; or
 - (ii) a limousine licence (other than a special purpose limousine licence).
- (2) However, the chief executive must not disclose the name of a person, including, for example, a person who is the transferor or transferee of a licence.

66 Amendment of s 145A (Refund of fee for application for driver authorisation other than for a taxi or limousine)

(1) Section 145A, heading, from ‘driver’ to ‘limousine’—

omit, insert—

particular driver authorisation

(2) Section 145A(1)(a), ‘for a’—

omit, insert—

to drive a relevant vehicle that is a booked hire vehicle,

67 Amendment of s 158K (Application of s 42A to particular authorised drivers)

Section 158K—

insert—

Note—

Section 42A was repealed by section 29 of the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017*.

68 Insertion of new pt 12, div 9

Part 12—

insert—

Division 9

**Transitional provisions for
Transport and Other
Legislation (Personalised
Transport Reform)
Amendment Regulation
(No. 2) 2017**

158O Definitions for division

In this division—

amending regulation means the *Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017*.

previous, for a provision of this regulation, means the provision as in force before the commencement of the provision in which the term is used.

158P Application of regulation to particular vehicles during transition

- (1) This section applies until 14 January 2018.
- (2) In this regulation, other than section 64, a reference to a booked hire vehicle includes a booked hire vehicle under schedule 11, previous definition *booked hire vehicle*.
- (3) Section 64 applies to any motor vehicle, other than a limousine or taxi, while the vehicle is not being used, or available to be used, to provide a booked hire service.

158Q Existing lease or sublease of taxi service licence or limousine service licence

- (1) This section applies to—
 - (a) a lease or sublease of a taxi service licence in force immediately before the commencement, notice of which was given to the chief executive under previous section 54; and
 - (b) a lease or sublease of a limousine service licence in force immediately before the commencement, notice of which was given to the chief executive under previous section 98.

- (2) For this regulation, the chief executive is taken to have approved the lease under section 107.

158R Existing action to amend, suspend or cancel taxi service licence or limousine service licence

A notice about proposed action under previous section 56(2) or 100(2) that has not been finally dealt with before the commencement is taken to be a notice under section 110(2).

158S Existing substitute taxi authority or application for substitute taxi authority

- (1) A substitute taxi authority in force under previous part 6, division 3 immediately before the commencement continues in force as a substitute vehicle authority under part 7, division 3.
- (2) For subsection (1), it does not matter that the holder of the substitute taxi authority is not an authorised booking entity.
- (3) An application for a substitute taxi authority made under previous section 73 but not decided before the commencement lapses on the commencement.

158T Continued use of substitute vehicles during peak patronage periods until 30 September 2018

- (1) This section applies until the end of 30 September 2018.
- (2) The chief executive may give an authorised booking entity a written notice stating that a substitute taxi may be used to provide a booked hire service or taxi service during stated peak patronage periods.
- (3) Section 74 of the Act does not apply to a taxi

service provided using a substitute taxi as stated in a peak demand exemption notice.

- (4) Section 76 of the Act does not apply to a booked hire service provided using a substitute taxi as stated in a peak demand exemption notice.
- (5) In this section—

peak demand exemption notice means—

- (a) a notice given under subsection (2); or
- (b) a notice given by the chief executive under previous section 65(2) of the Act exempting a person from previous section 65(1) of the Act, if the exemption was in force immediately before the commencement.

peak patronage period means a period in which demand for booked hire services or taxi services is higher than usual.

previous, for a provision of the Act, means the provision as in force immediately before the commencement.

substitute taxi means a motor vehicle stated in—

- (a) a substitute taxi authority continued in force under section 158S(1); or
- (b) a substitute vehicle authority issued under part 7, division 3.

158U Agreement about limousine standing area not affected

- (1) This section applies if, immediately before the commencement—
 - (a) a place was a limousine standing area under repealed section 108; and

- (b) an agreement about the use of the place as a limousine standing area was in force between—
 - (i) the owner or operator of a limousine; and
 - (ii) the owner or occupier of the place.
- (2) The agreement is not affected by the repeal of section 108 by the amending regulation.

69 Amendment of sch 2A (Taxi service areas for taxi industry security levy)

Schedule 2A, authorising section, ‘section 60A’—

omit, insert—

section 74

70 Omission of schs 4 and 4A

Schedules 4 and 4A—

omit.

71 Amendment of sch 5 (Equipment for vehicles)

Schedule 5, section 2(3), from ‘to’—

omit, insert—

to an exempted taxi.

72 Amendment of sch 6 (Accreditation evidence)

- (1) Schedule 6, section 2, from ‘being used’ to ‘limousine service’—

omit, insert—

or a vehicle for which a limousine

- (2) Schedule 6, section 3, ‘service licence’—

omit, insert—

licence

- (3) Schedule 6, section 3, ‘the limousine service’—

omit, insert—

the public passenger service

73 Amendment of sch 7 (Reviewable decisions)

- (1) Schedule 7, entries for sections 74(1), 77(1), 112 and 115(1)—

omit.

- (2) Schedule 7—

insert—

106(4) refusal of application for approval to transfer licence

107(4) refusal of application for approval to lease licence

117A issue of substitute vehicle authority with conditions

117C refusal of application to issue substitute vehicle authority

117DA(3) cancellation of substitute vehicle authority

74 Omission of sch 8 (Public passenger vehicles)

Schedule 8—

omit.

75 Amendment of sch 9 (Fees and levy)

- (1) Schedule 9, item 1—

omit, insert—

1	Service contract, or a renewal of a service contract, if the holder of the contract is, under the contract, remunerated from revenue generated by passenger fares, for each year the contract is in force—	
	(a) 1 to 10 vehicles	177.40
	(b) 11 to 20 vehicles	443.75
	(c) 21 to 50 vehicles	887.50
	(d) more than 50 vehicles	1,775.05
	(2) Schedule 9, item 4, ‘service’— <i>omit.</i>	
	(3) Schedule 9— <i>insert—</i>	
4A	Booked hire service licence	237.26
4B	Application for grant or renewal of booking entity authorisation—the total of the following—	
	(a) for each year of the authorisation—	
	(i) 1 to 5 vehicles	250.00
	(ii) 6 to 20 vehicles	700.00
	(iii) 21 to 50 vehicles	2,000.00
	(iv) more than 50 vehicles	5,000.00
	(b) the additional application fee payable under item 10	
	(4) Schedule 9, item 6(d) to (f)— <i>omit.</i>	
	(5) Schedule 9, item 6(g), ‘(f)’— <i>omit, insert—</i>	
	(c)	

- (6) Schedule 9, item 6(g)—
renumber as schedule 9, item 6(d).
- (7) Schedule 9, item 10, from ‘5(b)’ to ‘or (c)’—
omit, insert—
4B(b), 5(b) or 7(b) if the individual, partner,
executive officer or representative mentioned in
paragraph (a), (b), (c) or (d)
- (8) Schedule 9, item 10—
insert—
- (d) if the applicant is applying for the grant or renewal
of booking entity authorisation and is a foreign
person—
- (i) if the applicant’s local nominee or proposed
local nominee is an individual 42.45
- (ii) 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
- (9) Schedule 9, item 11, column 2—
omit, insert—
Taxi industry security levy (Act, s 91ZW)

76 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definitions *authorised provider, booked hire service, booked hire vehicle, date of compliance, driver operator booked hire service, heavy bus, identification plate, licensed limousine, light bus, limousine operator, long distance scheduled passenger service, luxury car tax threshold, other public passenger service, people mover, rank and hail service, schedule 4 vehicle, substitute limousine, substitute limousine authority, substitute taxi and substitute taxi authority*—

omit.

(2) Schedule 11—

insert—

charter bus service means a public passenger service involving the charter of a bus and driver for prearranged journeys and for pre-agreed amounts if—

- (a) neither the operator nor the driver receive individual fares; and
- (b) each journey has a common origin or destination or both; and
- (c) the charterer has the right to decide the route and time of travel.

cross-border taxi service means a taxi service that is provided—

- (a) using a NSW taxi; and
- (b) for a journey that starts at a cross-border taxi rank and ends in New South Wales.

forward-control passenger vehicle means a motor vehicle of the vehicle category forward-control passenger vehicle (MB) under a vehicle standard made under the *Motor Vehicle Standards Act 1989* (Cwlth).

government entity means—

- (a) a local government, any State or the Commonwealth; or
- (b) a department, service, agency, authority, commission, corporation, instrumentality, board, office or other entity established for a government purpose of a local government, any State or the Commonwealth; or
- (c) a part of an entity mentioned in paragraph (b).

off-road passenger vehicle means a motor vehicle of the vehicle category off-road passenger vehicle (MC) under a vehicle standard made under the *Motor Vehicle Standards Act 1989* (Cwlth).

passenger car means a motor vehicle of the vehicle category passenger car (MA) under a vehicle standard made under the *Motor Vehicle Standards Act 1989* (Cwlth).

passenger vehicle means each of the following—

- (a) a passenger car;
- (b) a forward-control passenger vehicle;
- (c) an off-road passenger vehicle;
- (d) a motor vehicle of vehicle category light omnibus (MD) or heavy omnibus (ME) under a vehicle standard made under the *Motor Vehicle Standards Act 1989* (Cwlth).

registered operator, of a vehicle, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

register of vehicles means a register of vehicles kept by the chief executive under a transport Act as defined under the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

related body corporate means—

- (a) for an individual—
 - (i) a corporation of which the individual is a majority shareholder, director or secretary or in which the individual has an interest or 50% of more; or
 - (ii) a body corporate that is a related body corporate, within the meaning of the Corporations Act, section 50, to a

corporation mentioned in subparagraph (i); or

- (b) for a corporation—a body corporate that is a related body corporate within the meaning of the Corporations Act, section 50.

special purpose limousine licence see section 91I(5) of the Act.

substitute vehicle authority see section 115.

taximeter means an instrument that is designed to record and show fares for hirings of a taxi.

tourist service means a pre-booked public passenger service operated in accordance with a publicly available itinerary to—

- (a) a common scenic or tourist attraction; or
- (b) if the service is not wholly within a service contract area or route—a major sporting or cultural event.

ultimate approved lessee, of a taxi service licence or limousine licence, means a person—

- (a) to whom the licence has been leased or subleased under a lease or sublease approved by the chief executive, under section 107, that has not ended; and
- (b) who has not subleased the person's interest in the licence to someone else under another sublease approved by the chief executive, under section 107, that has not ended.

utility vehicle means a motor vehicle that—

- (a) is recorded in the register of vehicles as a make of vehicle with any of the following body shapes—
 - (i) dual cabin;
 - (ii) cabin and chassis;

(iii) utility; and

(b) has a gross vehicle mass of not more than 4.5t.

vehicle requirements, for a booked hire service licence, limousine licence or taxi service licence, means the vehicle requirements for the licence stated in section 103.

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

(3) Schedule 11, definitions *accommodation transfer service* and *tourist transfer service*, after ‘passenger service’—

insert—

, other than a booked hire service

(4) Schedule 11, definition *approved relevant person*, ‘, for part 6, division 5,’—

omit.

(5) Schedule 11, definition *taxi subsidy scheme*, ‘section 94’—

omit, insert—

section 93

Division 5 Amendment commencing on 1 December 2017

77 Omission of s 50 (Service contracts required for administration of taxi services—Act, s 66)

Section 50—

omit.

omit.

- (2) Section 27(2), after ‘operator’—

insert—

of a relevant service

- (3) Section 27(2)(b), from ‘for a vehicle’ to ‘taxi—’—

omit.

- (4) Section 27(3), ‘subsection (2)’—

omit, insert—

subsection (1)

- (5) Section 27(2) to (4)—

renumber as section 27(1) to (3).

84 Amendment of s 29 (Maintenance of vehicles)

- (1) Section 29(1)—

omit.

- (2) Section 29(2), after ‘operator’—

insert—

of a relevant service

- (3) Section 29(5), ‘(4)’—

omit, insert—

(3)

- (4) Section 29(2) to (5)—

renumber as section 29(1) to (4).

85 Omission of s 30A (Additional vehicle requirements for taxis)

Section 30A—

omit.

86 Omission of s 38 (When ss 34–37 do not apply to operators of taxi services)

Section 38—

omit.

87 Amendment of s 41 (Complaints)

Section 41(2)—

omit.

88 Amendment of sch 1 (Vehicle requirements and operator’s obligations)

(1) Schedule 1, section 1(a), ‘27(3)’—

omit, insert—

27(2)

(2) Schedule 1, section 1(b), ‘27(4)’—

omit, insert—

27(3)

(3) Schedule 1, section 4(1), ‘, other than a booked hire vehicle, limousine or taxi,’—

omit.

89 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definitions *booked hire service, booked hire vehicle, driver operator booked hire service, heavy bus, light bus, people mover* and *relevant service*—

omit.

(2) Schedule 4—

insert—

heavy bus means a bus with a gross vehicle mass of more than 5t.

light bus means a bus with a gross vehicle mass of not more than 5t.

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.

relevant service means a public passenger service for which operator accreditation is required.

- (3) Schedule 4, definition *relevant vehicle*, after 'passenger service'—

insert—

, other than a booked hire service or taxi service,

Part 8

Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

90 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

91 Amendment of s 106 (Persons who are eligible, or not eligible, to apply for order)

- (1) Section 106(3)—

insert—

(ga) a suspension under the *Transport Operations (Passenger Transport) Act 1994*, section 91ZJ;

- (2) Section 106(3)(ga) and (h)—

renumber as section 106(3)(h) and (i).

Division 4 **Transitional provision for
Transport and Other
Legislation (Personalised
Transport Reform)
Amendment Regulation
(No. 2) 2017**

**137 Notifying change of purpose of use for vehicle
used for booked hire service**

- (1) This section applies if the purpose of use for a vehicle, other than a limousine or taxi, is changed to be or include providing a booked hire service under the *Transport Operations (Passenger Transport) Act 1994*.
- (2) The registered operator of the vehicle does not commit an offence for a contravention of section 20(1)(d) in relation to the change.
- (3) Subsection (2) applies even if the contravention happened before the commencement.
- (4) However, this section applies to a change of a kind mentioned in subsection (1) only if the change happens before 15 January 2018.

Part 11 **Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010**

96 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2009*.

97 **Amendment of s 19 (Inspections by approved examiners for inspection certificate)**

Section 19(5), from ‘immediately’—
omit, insert—

immediately give an inspection certificate to the vehicle’s owner or driver.

Maximum penalty—30 penalty units.

98 **Amendment of s 21 (Reinspection by approved examiners for inspection certificate)**

Section 21(5), from ‘immediately’—
omit, insert—

immediately give an inspection certificate to the vehicle’s owner or driver.

Maximum penalty—30 penalty units.

99 **Amendment of sch 4 (Dictionary)**

(1) Schedule 4, definition *booked hire vehicle*—
omit, insert—

booked hire vehicle see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

- (2) Schedule 4, definition *certificate of inspection*, ‘for a COI vehicle.’—

omit, insert—

for—

- (a) a COI vehicle; or
- (b) a motor vehicle proposed to be a COI vehicle.

- (3) Schedule 4, definition *COI vehicle*, paragraph (b)—

omit, insert—

- (b) a vehicle not mentioned in paragraph (a) used to provide a public passenger service under the *Transport Operations (Passenger Transport) Act 1994* other than a vehicle that—
 - (i) is not a bus; and
 - (ii) is used to provide a community transport service or a courtesy transport service under that Act;

ENDNOTES

- 1 Made by the Governor in Council on 10 August 2017.
- 2 Notified on the Queensland legislation website on 11 August 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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