



Queensland

Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation 2019

Subordinate Legislation 2019 No. 218

made under the

Transport Operations (Passenger Transport) Act 1994
State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation 2019*.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

2 Regulation amended

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

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

- (1) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*, entry for section 15—
omit, insert—

s 15(1) in the circumstances in paragraph (a) of the 16
penalty

s 15(1) in the circumstances in paragraph (b) of the 2
penalty

- (2) Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*, entries for section 27(1) and (2)—
omit, insert—

s 27(1) in the circumstances in paragraph (a) of the 10
penalty

- s 27(1) in the circumstances in paragraph (b) of the 2
penalty
- s 27A(1) in the circumstances in paragraph (a) of the 16
penalty
- s 27A(1) in the circumstances in paragraph (b) of the 2
penalty

Part 3

Amendment of Transport Operations (Passenger Transport) Regulation 2018

4 Regulation amended

This part amends the *Transport Operations (Passenger Transport) Regulation 2018*.

5 Replacement of s 19 (Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply)

Section 19—

omit, insert—

19 Requirement for operator accreditation—public passenger services to which the Act, s 15 does not apply

Section 15 of the Act does not apply to—

- (a) a booked hire service; or
- (b) a taxi service; or
- (c) a community transport service or courtesy transport service, if—
 - (i) no more than 2 vehicles are available, at any time, to provide the service; and

- (ii) each of the vehicles may be driven under a class C driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; or
- (d) a community transport service or courtesy transport service that is not available to the general community; or
Example for paragraph (d)—

Membership of a bowls club is open to the general community. The club provides a courtesy transport service, but only to club members. The service is available to the general community.
- (e) a locally significant event service.

6 Amendment of s 21 (Definitions for part)

Section 21—

insert—

driver authorisation (booked hire and taxi) see section 23(1)(a).

driver authorisation (general) see section 23(1)(b).

7 Amendment of s 23 (Application for grant or renewal)

Section 23(1)—

omit, insert—

- (1) A person who is an individual may apply to the chief executive for the grant or renewal of driver authorisation that authorises the person to drive a vehicle used to provide—
 - (a) any public passenger service of a kind for which driver authorisation is required (*driver authorisation (booked hire and taxi)*); or

- (b) a public passenger service of a kind for which driver authorisation is required, other than a booked hire service or taxi service (a ***driver authorisation (general)***).

Note—

Under section 28A of the Act, a person convicted of a category A driver disqualifying offence is ineligible to apply for or hold driver authorisation.

8 Amendment of s 24 (Licence requirements)

Section 24(3), from ‘to drive a’ to ‘taxi service’—

omit, insert—

(booked hire and taxi)

9 Amendment of s 25 (Deciding application)

Section 25(a), after ‘the driver authorisation’—

insert—

(booked hire and taxi) or driver authorisation (general)

10 Amendment of s 26 (Form of authorising document)

Section 26(1)(a)—

omit, insert—

- (a) decides to grant or renew a driver authorisation (booked hire and taxi) or driver authorisation (general), and gives the person an authorising document for the driver authorisation; or

11 Replacement of s 69 (Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply)

Section 69—

omit, insert—

69 Requirement for driver authorisation—public passenger services to which the Act, ss 27 and 27A do not apply

Sections 27 and 27A of the Act do not apply to—

- (a) a community transport service or courtesy transport service, if—
 - (i) no more than 2 vehicles are available, at any time, to provide the service; and
 - (ii) each of the vehicles may be driven under a class C driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; or
- (b) a community transport service or courtesy transport service that is not available to the general community; or

Example for paragraph (b)—

Membership of a bowls club is open to the general community. The club provides a courtesy transport service, but only to club members. The service is available to the general community.

- (c) a locally significant event service.

12 Amendment of s 73 (Classes of persons entitled to concession under service contract—Act, s 51)

Section 73(2), definition *school student*—

omit.

13 Replacement of s 137 (Issue)

Section 137—

omit, insert—

137 Issue

The chief executive may issue a taxi driver display card to a holder of driver authorisation (booked hire and taxi).

14 Amendment of s 139 (Person not to display card unless person holds driver authorisation)

(1) Section 139, heading, after ‘driver authorisation’—

insert—

(booked hire and taxi)

(2) Section 139(2), from ‘driver authorisation’ to ‘taxi service’—

omit, insert—

driver authorisation (booked hire and taxi)

15 Amendment of s 140 (Issue)

Section 140(a)—

omit, insert—

(a) the person holds driver authorisation (booked hire and taxi); and

16 Amendment of s 141 (Temporary assignment)

(1) Section 141(2)(b)(i)—

omit, insert—

(i) evidence that the person holds driver authorisation (booked hire and taxi);

(2) Section 141(2), note—

omit.

- (3) Section 141(3), ‘to drive a taxi’—

omit, insert—

(booked hire and taxi)

17 Amendment of s 142 (Temporary issue)

Section 142(a)—

omit, insert—

- (a) the person holds driver authorisation
(booked hire and taxi); and

18 Amendment of s 146 (Return of card)

Section 146(1)(c) and (3)(b), from ‘to drive a taxi’ to ‘taxi service’—

omit, insert—

(booked hire and taxi)

19 Amendment of s 148 (Person not to display card unless person holds driver authorisation to drive taxi)

- (1) Section 148, heading, ‘to drive taxi’—

omit, insert—

(booked hire and taxi)

- (2) Section 148(2), from ‘to drive’ to ‘taxi service’—

omit, insert—

(booked hire and taxi)

20 Amendment of s 272 (Code of conduct for school students)

Section 272(2)—

omit.

21 Insertion of new pt 17, div 3

Part 17—

insert—

Division 3 Transitional provision for Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation 2019

303 Existing driver authorisations

- (1) Subsection (2) applies if, immediately before the commencement, an authorising document for driver authorisation has, or is taken to have, the expression ‘BHTX’ on the document.
- (2) On the commencement, the document is taken to be an authorising document for driver authorisation (booked hire and taxi).
- (3) Subsection (4) applies if, immediately before the commencement, an authorising document for driver authorisation has, or is taken to have, the expression ‘Genr’ on the document.
- (4) On the commencement, the document is taken to be an authorising document for driver authorisation (general).

Note—

See section 290 for the circumstances in which an authorising document for driver authorisation is taken to have the expression ‘BHTX’ or ‘Genr’ on the document.

22 Amendment of sch 8 (Fees and levy)

- (1) Schedule 8, items 9 and 10, from ‘to drive’ to ‘taxi service’—
omit, insert—
(booked hire and taxi)
- (2) Schedule 8, item 11, from ‘other than’ to ‘taxi service’—
omit, insert—
(general)

23 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *forward-control passenger vehicle* and *off-road passenger vehicle—*
omit.
- (2) Schedule 9—
insert—

driver authorisation (booked hire and taxi) see section 23(1)(a).

driver authorisation (general) see section 23(1)(b).

forward-control passenger vehicle means—

- (a) 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);
or
- (b) a motor vehicle that has a compliance plate on it that states the vehicle is of the vehicle category forward-control passenger vehicle (MB).

off-road passenger vehicle means—

- (a) 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); or
- (b) a motor vehicle that has a compliance plate on it that states the vehicle is of the vehicle category off-road passenger vehicle (MC).
- (3) Schedule 9, definition *passenger vehicle*, paragraph (d)—
omit, insert—
- (d) a motor vehicle that has a compliance plate on it that states the vehicle is of the vehicle category passenger car (MA); or
- (e) a motor vehicle of the vehicle category light omnibus (MD) or heavy omnibus (ME) under a vehicle standard made under the *Motor Vehicle Standards Act 1989* (Cwlth); or
- (f) a motor vehicle that has a compliance plate on it that states the vehicle is of the vehicle category light omnibus (MD) or heavy omnibus (ME).

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

24 **Standard amended**

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

25 **Amendment of s 36 (Requirements of incident report)**

Section 36(2), definition *operator accreditation number*, ‘, part 2’—

omit.

26 Amendment of sch 4 (Dictionary)

Schedule 4, definition *eligible school students*—
omit, insert—

eligible school students means students who travel to and from school or another educational establishment under an arrangement made by the chief executive under section 144 of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 7 November 2019.
- 2 Notified on the Queensland legislation website on 8 November 2019.
- 3 The administering agency is the Department of Transport and Main Roads.

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