



Queensland

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2020

Subordinate Legislation 2020 No. 194

made under the

Transport Operations (Passenger Transport) Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Transport Operations (Passenger Transport) Regulation 2018	
3	Regulation amended	3
4	Insertion of new s 173A	3
	173A Chief executive may require information or document	3
5	Amendment of s 218M (Chief executive may charge amount as default fare in particular circumstances)	4
6	Insertion of new s 263A	4
	263A Revenue protection device—Act, s 153B	5
7	Amendment of s 266 (Services excluded from passenger services—Act, sch 3, def public passenger service)	5
8	Amendment of s 277 (Change of name, address or postal address)	5
9	Amendment of s 284 (Continued use of substitute vehicles during peak patronage periods until 30 September 2019)	6
10	Amendment of s 302 (Application of s 284)	7
11	Insertion of new pt 17, div 5	7
	Division 5 Transitional provisions for Transport Operations (Passenger Transport) Amendment Regulation (No. 2)	

Contents

	2020	
	307	Application of s 173A to existing applications 7
	308	Application of s 284 7
12		Amendment of sch 9 (Dictionary) 8
Part 3		Amendment of Transport Operations (Passenger Transport) Standard 2010
13		Standard amended 9
14		Amendment of sch 1 (Vehicle requirements and operator's obligations) 9
15		Amendment of sch 4 (Dictionary) 10

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2020*.

2 Commencement

- (1) Section 5 commences on 11 September 2020.
- (2) Section 12(1) and (2) and part 3 commence on the commencement of the *Road Vehicle Standards Act 2018* (Cwlth), section 15.

Part 2 Amendment of Transport Operations (Passenger Transport) Regulation 2018

3 Regulation amended

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

4 Insertion of new s 173A

After section 173—

insert—

173A Chief executive may require information or document

- (1) The chief executive may, by written notice given to the authorised booking entity, require the entity 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

[s 5]

application.

- (2) The authorised booking entity is taken to have withdrawn the application if, within the stated period, the entity does not comply with the requirement.

5 **Amendment of s 218M (Chief executive may charge amount as default fare in particular circumstances)**

- (1) Section 218M(1), from ‘public’ to ‘service’—

omit, insert—

relevant public passenger vehicle

- (2) Section 218M(3), from ‘public’ to ‘services’—

omit, insert—

relevant public passenger vehicles

- (3) Section 218M(4), definition *maximum fare*, from ‘public’ to ‘service’—

omit, insert—

relevant public passenger vehicle

- (4) Section 218M(4), definition *relevant service*—

omit.

- (5) Section 218M(4)—

insert—

relevant public passenger vehicle means a relevant public passenger vehicle under section 153B(3) of the Act.

6 **Insertion of new s 263A**

After section 263—

insert—

263A Revenue protection device—Act, s 153B

For section 153B(3) of the Act, definition *revenue protection device*, paragraph (b), the following are prescribed—

- (a) a PAX Technology A77;
- (b) a Samsung Galaxy J3 (2016);
- (c) a Cubic Transportation Systems CDRL 48.

7 Amendment of s 266 (Services excluded from passenger services—Act, sch 3, def *public passenger service*)

Section 266(1)—

insert—

- (h) a service provided by the hire of a person to drive a motor vehicle if the service does not include the hire of the vehicle.

8 Amendment of s 277 (Change of name, address or postal address)

(1) Section 277, heading, ‘address or’—

omit, insert—

address, email address or

(2) Section 277(1) and (2)—

omit, insert—

- (1) This section applies if the holder of a relevant authority or service contract changes any of the following—
 - (a) the holder’s name or address;
 - (b) if the holder has a current email address— the email address;
 - (c) if the holder has a current postal address— the postal address.

[s 9]

- (2) The holder must notify the chief executive of the change within 10 business days after the change.

Maximum penalty—10 penalty units.

- (3) Section 277—

insert—

- (6) In this section—

current email address, for the holder of a relevant authority or service contract, means an email address—

- (a) given by the holder to the department for the department to use to send information about the relevant authority or service contract by email; and
- (b) for which no written or oral notice from the holder, requiring the department to discontinue use of the email address, has been received by the department.

relevant authority means—

- (a) operator accreditation; or
- (b) driver authorisation; or
- (c) a taxi service licence; or
- (d) a limousine licence; or
- (e) a booked hire service licence; or
- (f) a booking entity authorisation.

9 Amendment of s 284 (Continued use of substitute vehicles during peak patronage periods until 30 September 2019)

Section 284(1), note, ‘section 302’—

omit, insert—

sections 302 and 308

10 Amendment of s 302 (Application of s 284)

Section 302—

insert—

Note—

See section 308 in relation to the application of this section.

11 Insertion of new pt 17, div 5

Part 17—

insert—

**Division 5 Transitional provisions for
Transport Operations
(Passenger Transport)
Amendment Regulation
(No. 2) 2020**

307 Application of s 173A to existing applications

- (1) This section applies if an application under section 173 for a substitute vehicle authority was made, but not decided, before the commencement.
- (2) Section 173A does not apply in relation to the application.

308 Application of s 284

- (1) From the commencement of this section, section 302 no longer applies to section 284 to modify the references in that provision to 30 September 2019.
- (2) Section 284 applies as if the references in the provision to 30 September 2019 were references

[s 12]

to 30 September 2022.

12 Amendment of sch 9 (Dictionary)

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

(2) Schedule 9—
insert—

categorised, in relation to a vehicle category for a motor vehicle, means the motor vehicle—

- (a) is of that category under a national road vehicle standard; or
- (b) has a compliance plate on it that states the vehicle is of that category; or
- (c) is stated to be of that category in the RAV.

compliance plate means a plate authorised to be placed on a motor vehicle, or taken to have been placed on a motor vehicle, under—

- (a) the repealed *Motor Vehicle Standards Act 1989* (Cwlth); or
- (b) the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, part 3, division 1.

national road vehicle standard means a standard determined under the *Road Vehicle Standards Act 2018* (Cwlth), section 12.

off-road passenger vehicle means a motor vehicle categorised as the vehicle category off-road passenger vehicle (MC).

passenger vehicle means a motor vehicle categorised as any of the following vehicle categories—

- (a) passenger car (MA);
- (b) forward-control passenger vehicle (MB);
- (c) off-road passenger vehicle (MC);
- (d) light omnibus (MD);
- (e) heavy omnibus (ME).

RAV means the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cwlth).

- (3) Schedule 9, definition *current postal address*, paragraph (b), after ‘written’—

insert—

or oral

Part 3 **Amendment of Transport Operations (Passenger Transport) Standard 2010**

13 Standard amended

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

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

Schedule 1, section 2—

insert—

- (2) In this section—

categorised, in relation to a vehicle category for a motor vehicle, see the passenger transport regulation, schedule 9.

forward-control passenger vehicle means a

[s 15]

motor vehicle categorised as the vehicle category forward-control passenger vehicle (MB).

off-road passenger vehicle means a motor vehicle categorised as the vehicle category off-road passenger vehicle (MC).

15 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definition *ADR*—

omit.

(2) Schedule 4—

insert—

ADR means a standard determined under the *Road Vehicle Standards Act 2018* (Cwlth), section 12.

tourist service see the passenger transport regulation, schedule 9.

ENDNOTES

- 1 Made by the Governor in Council on 10 September 2020.
- 2 Notified on the Queensland legislation website on 11 September 2020.
- 3 The administering agency is the Department of Transport and Main Roads.

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