



Queensland

Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation 2023

Subordinate Legislation 2023 No. 111

made under the

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of State Penalties Enforcement Regulation 2014	
3	Regulation amended	3
4	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	3
Part 3	Amendment of Transport Operations (Passenger Transport) Regulation 2018	
5	Regulation amended	4
6	Amendment of s 85 (Operation of taximeter by taxi driver)	4
7	Insertion of new s 85A	6
	85A Tampering with taximeter	6
8	Insertion of new pt 6, div 7A	6
	Division 7A Lift payment scheme	
	136A Purpose of division—Act, s 91ZY	6
	136B Eligibility for lift payment	6
	136C Payment of lift payment to entitled person	7
9	Amendment of s 218M (Chief executive may charge amount as default	

Contents

	fare in particular circumstances)	7
10	Amendment of sch 9 (Dictionary)	8

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation 2023*.

2 Commencement

This regulation commences on 1 October 2023.

Part 2 Amendment of State Penalties Enforcement Regulation 2014

3 Regulation amended

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

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

- (1) Schedule 1, entry for Transport Operations (Passenger Transport) Regulation 2018—

insert—

s 85(1A)

2

- (2) Schedule 1, entry for Transport Operations (Passenger Transport) Regulation 2018—

insert—

s 85A

4

- (3) Schedule 1, entry for Transport Operations (Passenger Transport) Regulation 2018—

insert—

s 136C(2)

2

Part 3

Amendment of Transport Operations (Passenger Transport) Regulation 2018

5 Regulation amended

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

6 Amendment of s 85 (Operation of taximeter by taxi driver)

- (1) Section 85(1)—

omit, insert—

- (1) This section applies to the driver of a taxi, fitted with a taximeter, that is used to provide a booked hire service or taxi service for a journey if—
- (a) the chief executive has decided a maximum fare for the service under section 91ZR of the Act; or
 - (b) paragraph (a) does not apply and the amount of the fare for the service has not been agreed before the journey starts.
- (1A) The driver must use the taximeter to record and show the following amount for the booked hire service or taxi service for the journey—
- (a) if the fare for the service has not been agreed before the journey starts and is not

agreed before the journey ends—the amount of the fare for the service (the *fare amount*);

- (b) if the fare for the service is agreed at any time before the journey ends—the amount (the *equivalent amount*) that would be the amount of the fare for the service as if paragraph (a) applied to the fare.

Maximum penalty—20 penalty units.

- (1B) Subsections (2) to (6) apply to the driver for using the taximeter.

- (2) Section 85(2), ‘only’—

omit.

- (3) Section 85(2)(a), (b) and (c), before ‘after’—

insert—

only

- (4) Section 85(3), ‘only’—

omit.

- (5) Section 85(3)(a) and (b), before ‘after’—

insert—

only

- (6) Section 85(6), after ‘fare amount’—

insert—

or equivalent amount

- (7) Section 85—

- (7) In this section, a reference to a taximeter includes a reference to a taximeter that is used to record and show an equivalent amount for hiring of a taxi.

7 Insertion of new s 85A

After section 85—

insert—

85A Tampering with taximeter

A person must not tamper with a taximeter.

Maximum penalty—40 penalty units.

8 Insertion of new pt 6, div 7A

After section 136—

insert—

Division 7A Lift payment scheme

136A Purpose of division—Act, s 91ZY

- (1) This division provides for a scheme (the *lift payment scheme*) under section 91ZY of the Act under which—
 - (a) the State pays an amount (a *lift payment*) for each booked hire service and taxi service provided using a wheelchair accessible taxi for an approved relevant person mentioned in section 136B(a) or (b); and
 - (b) each driver of a wheelchair accessible taxi who is eligible under section 136B is entitled to the lift payment.
- (2) The lift payment scheme is administered by the chief executive.

136B Eligibility for lift payment

A person is eligible for a lift payment under the lift payment scheme for driving a wheelchair accessible taxi to provide a booked hire service or

taxi service for an approved relevant person who is—

- (a) a relevant person mentioned in section 78, definition *relevant person*, paragraph (a); or
- (b) another relevant person whom the chief executive is satisfied is dependent on a wheelchair for using a taxi for the provision of the booked hire service or taxi service.

136C Payment of lift payment to entitled person

- (1) This section applies if an authorised booking entity or an operator of a booked hire service or taxi service (the *payee*) receives a lift payment on behalf of a person who is entitled to the payment under the lift payment scheme.
- (2) The payee must ensure the lift payment is given to the person entitled to the payment within 14 days after the payee receives the payment, unless the payee has a reasonable excuse.

Maximum penalty—20 penalty units.

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

- (1) Section 218M(1)—

omit, insert—

- (1) The chief executive may charge an amount, of not more than the maximum amount, decided by the chief executive as a default fare in relation to the use or hire of a relevant public passenger vehicle that applies if a person using a token for a journey on the vehicle does not tap on or tap off the token for the journey.

- (2) Section 218(4), definition *maximum fare*—

omit, insert—

maximum amount means the highest amount payable for the use or hire of a relevant public passenger vehicle decided by the chief executive and published on the department's website.

10 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

lift payment see section 136A(1)(a).

lift payment scheme see section 136A(1).

wheelchair accessible taxi means a taxi that has the capacity to accommodate at least 1 wheelchair and the occupant of the wheelchair.

ENDNOTES

- 1 Made by the Governor in Council on 24 August 2023.
- 2 Notified on the Queensland legislation website on 25 August 2023.
- 3 The administering agency is the Department of Transport and Main Roads.

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