



Queensland

*Transport Operations (Passenger Transport) Act 1994*

# **Transport Operations (Passenger Transport) Regulation 2005**

**Current as at 1 April 2018**

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## Queensland

# Transport Operations (Passenger Transport) Regulation 2005

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Short title . . . . . 13
2	Definitions . . . . . 13
<b>Part 2</b>	<b>Operator accreditation</b>
<b>Division 1</b>	<b>Preliminary</b>
4	Purpose of pt 2 . . . . . 13
<b>Division 2</b>	<b>Provisions for applications and other matters</b>
5	Application for grant or renewal of operator accreditation . . . . . 13
6	Deciding application . . . . . 14
7	Provisional operator accreditation—Act, s 18 . . . . . 14
8	Refusal of operator accreditation—Act, s 17 . . . . . 15
9	Term of operator accreditation . . . . . 16
10	Renewal notices . . . . . 16
11	Amendment, suspension and cancellation of operator accreditation— Act, s 20 . . . . . 17
12	Immediate suspension of operator accreditation—Act, s 20 . . . . . 19
13	Further action after immediate suspension . . . . . 20
14	Return of evidence of operator accreditation if cancelled, suspended or amended . . . . . 20
15	Other amendments of operator accreditation . . . . . 21
<b>Division 3</b>	<b>Miscellaneous matters relevant to operator accreditation</b>
16	Notifying disqualifying offences . . . . . 22
17	Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply . . . . . 22
<b>Part 3</b>	<b>Driver authorisation</b>
<b>Division 1</b>	<b>Preliminary</b>
19	Purpose of pt 3 . . . . . 23
<b>Division 2</b>	<b>Provisions for applications and other matters</b>
20	Application for grant or renewal of driver authorisation . . . . . 23
20A	Requirements for operating relevant vehicles that are motorbikes . . . . . 25

Contents

---

20B	Requirements for driving relevant vehicles other than motorbikes	26
20C	Additional requirement to drive a booked hire vehicle, limousine or taxi 27	
21	Deciding application	28
21A	Form of authorising document	28
21B	General provisions about authorising documents	29
21C	Expressions on authorising documents	29
21D	Codes on authorising documents	30
22	Provisional driver authorisation—Act, s 30	31
23	Conditions on driver authorisation—Act, s 32	32
24	Refusal of driver authorisation—Act, s 29	32
25	Term of driver authorisation	33
26	Renewal notices	34
27	Restricted driver authorisation—Act, s 29A	34
27A	Eligibility for restricted driver authorisation	36
28	Amendment, suspension and cancellation of driver authorisation—Act, s 32	36
29	Notice about amendment, suspension and cancellation of driver authorisation	38
30	Immediate amendment and suspension of driver authorisation—Act, s 32	40
31	Notice about immediate amendment or suspension	41
32	Further action after immediate amendment or suspension	42
33	Category B driver disqualifying offences—exclusion action	43
34	Category B driver disqualifying offences—exceptional case	43
35	Chief executive may require authorising document to be replaced	43
35A	Voluntary surrender of driver authorisation	44
36	Return of authorising document if authorisation cancelled or suspended 45	
37	Relationship between driver licence and driver authorisation	45
37A	Notification of damage, loss or theft of authorising document	46
37B	Application for replacement authorising document	46
37C	Upgrading to smartcard driver authorisation	47
38	Other amendments of driver authorisation	47
39	Notifying operator of amendment, suspension or cancellation of driver authorisation	48
<b>Division 3</b>	<b>Miscellaneous matters relevant to driver authorisation</b>	
39A	Disclosure of driver authorisation information	49
40	Notifying or informing—Act, s 31, 33 or 34	49
40A	Medical fitness for driver authorisation	49
40B	Medical fitness for restricted driver authorisation	50
41	Requirement to prove fitness	51
42	Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply	52

43A	Damaging authorising document . . . . .	52
43B	Chief executive may direct superseded authorising document to be destroyed . . . . .	52
43C	Driver authorisation may only be held in the driver's name . . . . .	53
43D	Possessing another person's authorising document . . . . .	53
43E	Document purporting to be authorising document . . . . .	53
43F	Notifiable events under other Acts . . . . .	54
<b>Part 4</b>	<b>Market entry restrictions</b>	
44	Purpose of pt 4 . . . . .	55
45	Market entry restrictions—Act, s 36 . . . . .	55
<b>Part 5</b>	<b>Service contracts</b>	
46	Purpose of pt 5 . . . . .	55
46A	Classes of persons—Act, s 51(3) . . . . .	55
47	Matters to be considered—Act, s 59(2)(e) . . . . .	56
48	Matters to be considered or not considered by arbitrator in deciding amount of compensation . . . . .	56
48A	Service contract route prescribed—Act, s 62AAA(1), definition integrated mass transit area . . . . .	58
49	Matters to be considered—Act, s 62AAE(2)(d) . . . . .	58
<b>Part 6</b>	<b>Personalised transport services</b>	
<b>Division 1</b>	<b>Provision of services</b>	
<b>Subdivision 1</b>	<b>Booked hire services provided using a taxi and taxi services</b>	
52	Application of subdivision . . . . .	59
53	Taxi services to which the Act, s 74 does not apply . . . . .	59
54	Taxi driver must not refuse booked hire service or taxi service in particular circumstances . . . . .	59
55	When access to booking service must be available . . . . .	60
56	Particular requirements for taxis . . . . .	60
57	Fares and charges for taxis . . . . .	61
58	Operation of taximeter by taxi driver . . . . .	62
59	Multiple hirers . . . . .	63
60	Control of doors of taxi . . . . .	64
<b>Subdivision 2</b>	<b>Booked hire services</b>	
61	Fare estimate for booked hire services . . . . .	64
62	Prescribed details for booking record . . . . .	65
63	Booked hire service identification sign . . . . .	66
64	When vehicle must not display sign implying use for booked hire service 67	
<b>Subdivision 3</b>	<b>General</b>	
65	Requirements for itemised receipts . . . . .	68
66	Distinguishing number plate for taxi . . . . .	68
67	Distinguishing number plate for limousine . . . . .	69

Contents

---

68	Maximum fares for particular booked hire service—Act, s 91ZR	69
69	Maximum payment surcharge—Act, s 91ZS	69
<b>Division 2</b>	<b>Required training for providing particular services</b>	
70	Driver must complete required training	70
71	Minimum standards for training	71
<b>Division 2A</b>	<b>Record keeping and reporting requirements</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
71A	Definitions for division	71
<b>Subdivision 2</b>	<b>Fatigue management information</b>	
71B	Application of subdivision—Act, s 91C	72
71C	Recording fatigue management information	72
71D	Reporting fatigue management information	73
71E	False or misleading information	73
<b>Subdivision 3</b>	<b>Taxi services information</b>	
71F	Application of subdivision	74
71G	Recording taxi services information	74
71H	Reporting taxi services information	74
<b>Subdivision 4</b>	<b>Booked hire services information</b>	
71I	Application of subdivision—Act, s 91ZG	75
71J	Driver information	75
71K	Vehicle information	76
71L	Journey information	77
<b>Subdivision 5</b>	<b>Miscellaneous</b>	
71M	Sharing information—Act, s 148C	79
<b>Division 3</b>	<b>Audits of persons in the chain of responsibility for booked hire services or taxi services</b>	
72	Prescribed matters for audit notice—Act, s 91ZN	79
73	Prescribed matters for audit report—Act, s 91ZP	80
<b>Division 4</b>	<b>General provisions</b>	
74	Taxi service areas for taxi industry security levy—Act, s 91ZW	80
75	Relevant driver offence—Act, s 91ZI	80
76	Particular motor vehicle not to look like taxi	80
77	Notice about ending arrangement with driver for serious misconduct	81
78	Chief executive may require information	82
<b>Division 5</b>	<b>Taxi subsidy scheme</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
93	Purpose of division	83
94	Definitions for division	83
<b>Subdivision 2</b>	<b>Membership of taxi subsidy scheme</b>	
95	Application for, and grant or refusal of, assistance under taxi subsidy	

	scheme . . . . .	87
96	Chief executive may cancel assistance under taxi subsidy scheme	87
96AA	Production of membership card to receive benefit . . . . .	89
<b>Subdivision 2A</b>	<b>Disclosure or use of relevant information for taxi subsidy scheme</b>	
96AAA	Chief executive may disclose or use relevant information . . . . .	89
<b>Subdivision 3</b>	<b>Obligations on all persons</b>	
96AB	Disclosure or use of taxi subsidy scheme information . . . . .	91
96AC	Misusing, or tampering with, membership card or approved card reader 91	
96ACA	Payment to entitled person . . . . .	91
<b>Subdivision 4</b>	<b>Obligations on holder of taxi service licence or substitute vehicle authority</b>	
96AD	Ensuring approved card reader is fitted . . . . .	92
96AE	Ensuring approved card reader appears to be working when making taxi or substitute vehicle available under lease or contract . . . . .	92
<b>Subdivision 5</b>	<b>Obligations on operator</b>	
96AF	Ensuring approved card reader appears to be working when taxi is made available to driver . . . . .	93
96AG	Ensuring approved card reader interfaces with taximeter and is kept connected . . . . .	93
96AH	Manual card reader and restricted use slips to be carried in taxi	94
<b>Subdivision 6</b>	<b>Obligations on taxi driver</b>	
96AI	Driver authorisation number to be entered . . . . .	94
96AJ	How approved card reader must be used . . . . .	95
96AK	When manual card reader must be used . . . . .	96
96AL	When manual card reader must not be used . . . . .	96
96AM	Driver to compare photograph and not to hire taxi to particular person 97	
<b>Division 6</b>	<b>Taxi driver display cards and interim taxi driver display cards</b>	
<b>Subdivision 1</b>	<b>Taxi driver display cards</b>	
96AO	Issue of taxi driver display card . . . . .	97
96AP	Taxi driver display card to be displayed . . . . .	97
96AQ	Person not to display taxi driver display card unless person holds driver authorisation for a taxi . . . . .	98
<b>Subdivision 2</b>	<b>Interim taxi driver display cards</b>	
96AR	Issue of interim taxi driver display card . . . . .	98
96AS	Temporary assignment of interim taxi driver display card by operator of a taxi service . . . . .	99
96AT	Temporary issue of interim taxi driver display card by chief executive 100	
96AU	When interim taxi driver display card must, or must not, be displayed 100	
96AV	False or misleading information relating to assignment . . . . .	101
96AW	Record to be kept about assignment . . . . .	101

Contents

---

96AX	Return of interim taxi driver display card . . . . .	101
96AY	Duty to notify damage, loss or theft of interim taxi driver display card 102	
96AZ	Person not to display interim taxi driver display card unless person holds driver authorisation for a taxi . . . . .	103
<b>Part 6A</b>	<b>Cross-border taxi services</b>	
96B	Requirement to carry licence for NSW taxi . . . . .	103
96C	Cross-border taxi ranks . . . . .	104
<b>Part 7</b>	<b>Licences and authorisation for personalised transport services</b>	
<b>Division 1</b>	<b>Applications for booked hire service licences</b>	
97	Applying for booked hire service licence . . . . .	104
98	Chief executive may require information or document . . . . .	105
99	Deciding application . . . . .	105
100	Issuing booked hire service licence . . . . .	105
101	Refusing booked hire service licence . . . . .	106
<b>Division 2</b>	<b>General provisions for licences</b>	
102	Application of division . . . . .	107
103	Vehicle requirements . . . . .	107
104	Changing motor vehicle stated in licence . . . . .	108
105	Substitute vehicle for limousine licence outside business hours—Act, s 91R . . . . .	108
106	Transferring original taxi service licence or limousine licence—Act, s 91S . . . . .	110
107	Leasing particular licence—Act, s 91S . . . . .	112
108	Surrendering licence—Act, s 91S . . . . .	114
109	Amending, suspending and cancelling licence . . . . .	114
110	Notice about proposed amendment, suspension and cancellation . . . . .	115
111	Suspending licence immediately . . . . .	116
112	Further action after immediate suspension . . . . .	117
113	Other amendments of licence . . . . .	117
114	Returning amended, suspended or cancelled licence . . . . .	118
<b>Division 3</b>	<b>Substitute vehicle authority for taxi service licences</b>	
115	Purpose of division . . . . .	118
116	Chief executive may issue substitute vehicle authority . . . . .	118
117	Application for substitute vehicle authority . . . . .	119
117A	Deciding application . . . . .	119
117B	Issuing substitute vehicle authority . . . . .	119
117C	Refusing substitute vehicle authority . . . . .	120
117D	Allowed use of vehicle under taxi service licence . . . . .	120
117DA	Cancellation of substitute vehicle authority . . . . .	121
117DB	Compliance with conditions . . . . .	122
117DC	Requirements for use of a vehicle . . . . .	122



117DD	Records to be kept when vehicle used under taxi service licence	122
117DE	Records to be kept when vehicle used for public passenger service under government contract	124
117DF	When motor vehicle not used as substitute vehicle	124
<b>Division 4</b>	<b>Booking entity authorisations</b>	
<b>Subdivision 1A</b>	<b>Preliminary</b>	
117DFA	Definitions for division	125
<b>Subdivision 1</b>	<b>Applications</b>	
117DG	Applying for booking entity authorisation	126
117DH	Chief executive may require information or document	126
117DI	Deciding application	126
117DJ	Granting or renewing booking entity authorisation	127
117DK	Refusing booking entity authorisation	128
<b>Subdivision 2</b>	<b>General provisions</b>	
117DL	Amending, suspending and cancelling authorisation	129
117DM	Notice about proposed amendment, suspension and cancellation	130
117DN	Suspending booking entity authorisation immediately	131
117DO	Further action after immediate suspension	132
117DP	Other amendments of authorisation	133
117DQ	Returning amended, suspended or cancelled authorisation	133
117DR	Notice about charge for disqualifying offence etc.	134
117DRA	Notice about increased fleet	134
117DS	Notice to drivers about suspension or cancellation of authorisation	135
117DT	Surrendering authorisation—Act, s 91ZB	135
<b>Part 7B</b>	<b>Vehicle security camera systems</b>	
<b>Division 1</b>	<b>Preliminary</b>	
117E	Definitions for part	136
<b>Division 2</b>	<b>General obligations</b>	
117F	Application of division	139
117G	Obligation on operator of service	139
117H	Vehicle not to be fitted with vehicle security camera system that has not been approved	140
117I	Operation of camera systems	140
<b>Division 3</b>	<b>Vehicles fitted with approved security camera systems</b>	
117J	Application of division	140
117K	Properly fitted and fully operational approved security camera system	140
117L	Obligation on person who drives a vehicle	141
117M	Notice that approved security camera system not properly fitted or fully operational	141
117N	Person must not tamper with an approved security camera system	142
<b>Division 4</b>	<b>Chief executive functions</b>	

Contents

---

117O	Chief executive may approve specifications for vehicle security camera system . . . . .	143
117P	Chief executive may approve vehicle security camera system . . . . .	143
117Q	Approval of signs . . . . .	144
<b>Division 5</b>	<b>Security recordings</b>	
117R	Use of security recordings from approved security camera system . . . . .	145
117S	Requirement to keep record of download of security recording . . . . .	145
117T	Security measures for protecting against unauthorised use of security recording . . . . .	146
117U	Disposal of copied security recordings . . . . .	147
<b>Part 8</b>	<b>Obligations of operators</b>	
118	Equipment for vehicles . . . . .	148
119	Advertising on public passenger vehicles . . . . .	148
120	Accreditation evidence and accreditation certificates . . . . .	148
121	Presenting vehicles for inspection . . . . .	150
122	Providing safe vehicles . . . . .	150
122A	Motor vehicles used to provide booked hire services and taxi services 150	
123	Requirement for authority to enter . . . . .	151
124	Record to be kept of each use of vehicle to provide public passenger service . . . . .	152
125	Records prescribed operators must keep about drivers . . . . .	152
126	Prescribed operator must notify chief executive if restricted driver authorisation granted, amended or cancelled . . . . .	153
126A	Air conditioning in buses—obligations of operator . . . . .	153
126B	Particular public passenger service not to be provided using particular vehicle . . . . .	154
<b>Part 9</b>	<b>Rights and obligations of passengers and drivers</b>	
127	Application of pt 9 . . . . .	154
128	Smoking, and consumption of food or beverages, on public passenger vehicle . . . . .	154
129	Carrying animals on public passenger vehicles . . . . .	155
130	Identification of drivers . . . . .	155
131	Dress of drivers . . . . .	156
132	Help to passengers . . . . .	156
133	Drivers of motorbikes . . . . .	156
133A	Air conditioning in buses—obligations of driver . . . . .	156
133B	Particular vehicle not to be driven to provide public passenger service 157	
<b>Part 9A</b>	<b>Rights and obligations of persons on regulated areas</b>	
<b>Division 1</b>	<b>Preliminary</b>	
133C	Definition for pt 9A . . . . .	157
<b>Division 2</b>	<b>Access</b>	

133D	Driving and parking vehicles . . . . .	157
133E	Entering or leaving regulated area . . . . .	158
133F	Person not to enter route unless authorised . . . . .	159
<b>Division 3</b>	<b>Persons on regulated area</b>	
133G	Application of division . . . . .	159
133H	Animals on regulated area . . . . .	159
133I	Litter . . . . .	160
133J	Alcohol . . . . .	160
133K	Smoking . . . . .	160
133L	Selling, seeking business or conducting survey . . . . .	160
133M	Playing musical instrument or operating sound equipment . . . . .	160
<b>Division 4</b>	<b>Signs referred to in part may be official traffic sign</b>	
133N	Official traffic signs . . . . .	161
<b>Part 9B</b>	<b>Rights and obligations of persons on public transport infrastructure and vehicles</b>	
133O	Spitting . . . . .	162
133P	Creating disturbance or nuisance on or in public transport infrastructure or vehicle . . . . .	162
<b>Part 9C</b>	<b>Dealing with vehicles or other property on busway, busway transport infrastructure or light rail</b>	
133Q	Moving abandoned, parked or left property . . . . .	163
133R	Notifying owner that property moved . . . . .	163
133S	Moving expenses . . . . .	164
133T	Releasing property when expenses paid . . . . .	164
133U	Disposing of property . . . . .	164
<b>Part 10</b>	<b>Review of decisions not provided for under Act, chapter 10</b>	
134	Review of decisions . . . . .	166
<b>Part 10A</b>	<b>Authorised person for Gold Coast light rail</b>	
134A	Appointment . . . . .	166
134B	Powers . . . . .	166
<b>Part 11</b>	<b>General</b>	
135	Disqualifying offences—Act, sch 3, def disqualifying offence, para (e) 168	
135A	Scheduled passenger services that are not general route services—Act, sch 3, def general route service . . . . .	168
136	Services excluded from passenger services—Act, sch 3, def public passenger service . . . . .	169
137	Vehicle requirement for providing particular public passenger services 171	
137A	Requirements for road-based public passenger vehicle . . . . .	171
138	Transport arrangements for students . . . . .	172
139	Code of conduct for school students . . . . .	173
140	Local conveyance committees . . . . .	173

Contents

---

141	Soliciting or touting . . . . .	174
141A	Advertising provision of public passenger service . . . . .	174
142	Records to be maintained . . . . .	175
143	Change of name, address or postal address . . . . .	175
144	Operation of Brisbane Airport Rail Link . . . . .	176
144A	Authorised disclosure of information—Act, s 148C . . . . .	177
145	Fees and levy . . . . .	177
145AA	Adjustment of booking entity authorisation fee for increased fleet . . . . .	178
145A	Refund of fee for application for particular driver authorisation . . . . .	179
145B	Refund of additional application fee . . . . .	180
146	Approval of forms . . . . .	180
146A	Matters prescribed for operator accreditation standards or driver authorisation standards . . . . .	180
<b>Part 12</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Transport Operations (Passenger Transport) Regulation 2005</b>	
147	Definitions for div 1 . . . . .	181
148	Reference in relevant notice to disqualifying offence is reference to driver disqualifying offence . . . . .	182
149	Things done under repealed regulation . . . . .	182
150	Circumstances, after commencement, in which repealed regulation applies to outstanding relevant application . . . . .	184
151	Circumstances where repealed regulation applies to application for review of original decision . . . . .	185
152	Approved taxi security camera systems in relevant areas . . . . .	185
153	Application of repealed s 33 . . . . .	187
157	References to repealed regulation . . . . .	187
158	Application of Acts Interpretation Act 1954 . . . . .	187
<b>Division 2</b>	<b>Transitional provision for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007</b>	
158A	Operators of taxi services—obligations about approved card readers . . . . .	188
<b>Division 3</b>	<b>Transitional provision for Transport Operations (TransLink Transit Authority) Regulation 2008</b>	
158B	Existing contracts for commercial scheduled services . . . . .	188
<b>Division 4</b>	<b>Transitional provisions for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 2) 2008</b>	
158C	Definition for div 4 . . . . .	189
158D	Section 137A does not apply in relation to particular motor vehicles . . . . .	189
158E	Particular motor vehicles continue to be luxury motor vehicles . . . . .	189
<b>Division 5</b>	<b>Transitional provision for Transport and Other Legislation Amendment Regulation (No. 2) 2008</b>	

158F	Prescribed medical certificates . . . . .	190
<b>Division 6</b>	<b>Transitional provisions for Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009</b>	
158G	Undecided applications for driver authorisation—taxi . . . . .	190
158H	Application of ss 20A–20C and 27A to particular applications made on or after commencement of this section . . . . .	191
<b>Division 7</b>	<b>Transitional provisions for Transport and Other Legislation (Hire Services) Amendment Regulation 2016</b>	
158I	Extended term of operator accreditation for limousine services and taxi services . . . . .	192
158J	Renewal of expired operator accreditation for limousine services and taxi services . . . . .	192
158K	Application of s 42A to particular authorised drivers . . . . .	193
<b>Division 8</b>	<b>Transitional provisions for Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation 2017</b>	
158L	Existing approved specifications, approved taxi security camera systems and security recordings . . . . .	193
158M	Transitional period for particular vehicles—s 117G . . . . .	194
158N	Safety certificate requirement for motor vehicles used for booked hire services . . . . .	194
<b>Division 9</b>	<b>Transitional provisions for Transport and Other Legislation (Personalised Transport Reform) Amendment Regulation (No. 2) 2017</b>	
158O	Definitions for division . . . . .	195
158P	Application of regulation to particular vehicles during transition . . . . .	195
158Q	Existing lease or sublease of taxi service licence or limousine service licence . . . . .	196
158R	Existing action to amend, suspend or cancel taxi service licence or limousine service licence . . . . .	196
158S	Existing substitute taxi authority or application for substitute taxi authority . . . . .	196
158T	Continued use of substitute vehicles during peak patronage periods until 30 September 2018 . . . . .	197
158U	Agreement about limousine standing area not affected . . . . .	198
<b>Division 10</b>	<b>Transitional provision for Transport Operations (Passenger Transport) and Other Legislation (Personalised Transport Reform) Amendment Regulation 2018</b>	
158V	Particular booked hire service identification signs approved . . . . .	198
<b>Part 13</b>	<b>Repeal</b>	
159	Repeal of Transport Operations (Passenger Transport) Regulation 1994 . . . . .	199
<b>Schedule 1</b>	<b>Market entry restrictions . . . . .</b>	<b>200</b>
<b>Schedule 2A</b>	<b>Taxi service areas for taxi industry security levy . . . . .</b>	<b>203</b>
<b>Schedule 2B</b>	<b>Prescribed areas . . . . .</b>	<b>204</b>
<b>Schedule 3</b>	<b>Relevant security camera areas for approved security camera . . . . .</b>	

Contents

---

	<b>systems</b> .....	205
<b>Schedule 5</b>	<b>Equipment for vehicles</b> .....	206
1	Off-road passenger vehicles operating tourist services .....	206
2	Taxis .....	206
<b>Schedule 6</b>	<b>Accreditation evidence</b> .....	208
1	Buses, forward-control passenger vehicles or off-road passenger vehicles .....	208
2	Taxis and passenger cars .....	208
3	Limousines and NSW taxis .....	209
4	Motor cycles, motor tricycles and motor cycles with sidecars . . .	209
<b>Schedule 7</b>	<b>Reviewable decisions</b> .....	210
<b>Schedule 7A</b>	<b>Gold Coast light rail</b> .....	211
<b>Schedule 9</b>	<b>Fees and levy</b> .....	212
<b>Schedule 11</b>	<b>Dictionary</b> .....	216

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# Transport Operations (Passenger Transport) Regulation 2005

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 2005*.

### 2 Definitions

The dictionary in schedule 11 defines particular words used in this regulation.

## Part 2 Operator accreditation

### Division 1 Preliminary

#### 4 Purpose of pt 2

The purpose of this part is to provide for matters about operator accreditation for chapter 3 of the Act.

*Note—*

Section 11 of the Act sets out the purpose of operator accreditation.

### Division 2 Provisions for applications and other matters

#### 5 Application for grant or renewal of operator accreditation

- (1) A person may apply to the chief executive for the grant or renewal of operator accreditation.

- (2) The application must be in the approved form.
- (3) An application may be made jointly by 2 or more persons.

## 6 Deciding application

After receiving the application for the grant or renewal of operator accreditation, the chief executive must consider it and decide—

- (a) if the applicant complies with the requirements under the Act about granting or renewing operator accreditation—to grant or renew operator accreditation; or
- (b) if paragraph (a) does not apply but, under section 7, the chief executive may grant the person provisional operator accreditation—to grant provisional operator accreditation; or
- (c) otherwise—to refuse, under section 8, to grant or renew operator accreditation.

## 7 Provisional operator accreditation—Act, s 18

- (1) The chief executive may grant operator accreditation to the person on a provisional basis (a *provisional operator accreditation*)—
  - (a) if the person meets some but not all the standards applying to operator accreditation; or
  - (b) while—
    - (i) if the person is an individual—the criminal history of the person is being checked; or
    - (ii) if the person is a member of a partnership—the criminal history of the person, or another member of the partnership, is being checked; or
    - (iii) if the person is a corporation—the criminal history of an executive officer of the corporation is being checked.



- (2) A grant under subsection (1)(a) may be subject to a condition about the person meeting all the standards applying to operator accreditation within a specified time.
- (3) If, before the end of the term stated in the provisional operator accreditation as its term, the chief executive is satisfied the applicant complies with the requirements under the Act about granting or renewing operator accreditation, the chief executive may grant operator accreditation to the person.

## **8 Refusal of operator accreditation—Act, s 17**

- (1) The chief executive may refuse to grant operator accreditation to a person, or to renew a person's operator accreditation, if—
  - (a) for an individual—the person has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (b) for a member of a partnership—the person, or another member of the partnership, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
  - (c) for a corporation—the person, or an executive officer of the corporation, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.
- (2) Also the chief executive may refuse to grant operator accreditation to a person, or to renew a person's operator accreditation, if—
  - (a) the person does not comply with a standard applying to the operator accreditation; or
  - (b) an operator accreditation granted to the person has been cancelled or suspended; or
  - (c) the chief executive considers the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise

[s 9]

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is contrary to the encouragement of the high quality operation of public passenger services as mentioned in section 11 of the Act.

*Example for paragraph (c)—*

The accredited operator has been charged or convicted of an offence (other than a disqualifying offence). If the act or omission constituting the alleged offence or the offence placed at risk the safety of passengers, particularly children or other vulnerable members of the community or involved the person acting fraudulently, the chief executive may consider the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services.

- (3) If the chief executive refuses to grant or to renew operator accreditation in relation to a person under this section (even if the chief executive grants the person provisional operator accreditation), the chief executive must give the person a regulation notice about the decision.

*Note—*

Schedule 2 of the Act provides a refusal to grant or renew operator accreditation is a reviewable decision.

## 9 Term of operator accreditation

- (1) An operator accreditation is for a term, stated in the operator accreditation, of not longer than 5 years.
- (2) An operator accreditation may be renewed for successive terms of not longer than 5 years.
- (3) In this section—

*operator accreditation* includes provisional operator accreditation.

## 10 Renewal notices

- (1) This section applies if the chief executive does not send, or an accredited operator does not receive, a renewal notice for the person's operator accreditation.

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- (2) The failure to send, or the non-receipt of the renewal notice, does not affect—
- (a) the expiry of the operator accreditation; or
  - (b) the accredited operator's obligation to renew the operator accreditation before it expires.
- (3) In this section—
- operator accreditation* includes provisional operator accreditation.

## 11 **Amendment, suspension and cancellation of operator accreditation—Act, s 20**

- (1) The chief executive may amend, suspend or cancel a person's operator accreditation if—
- (a) for an individual—the person is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation; or
  - (b) for a member of a partnership—the person or another member of the partnership is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation; or
  - (c) for a corporation—the person, or an executive officer of the person, is convicted of a disqualifying offence or does not comply with a standard applying to the operator accreditation.
- (2) Also, the chief executive may suspend or cancel a person's operator accreditation if the chief executive considers the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services as mentioned in section 11 of the Act.

*Note—*

See example for section 8(2)(c).

- (3) 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 amendment of the operator accreditation—stating the proposed amendment; and
  - (e) if the proposed action is suspension of the operator accreditation—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.
- (4) 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 operator accreditation—
    - (i) amend the operator accreditation in the way stated in the regulation notice; or
    - (ii) amend the operator accreditation in another way having regard to the representations; or
  - (b) if the proposed action was to suspend the operator accreditation—
    - (i) suspend the operator accreditation for no longer than the period stated in the regulation notice; or
    - (ii) amend the operator accreditation having regard to the representations; or
  - (c) if the proposed action was to cancel the operator accreditation—

- (i) cancel the operator accreditation; or
- (ii) suspend the operator accreditation for a period; or
- (iii) amend the operator accreditation having regard to the representations.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of operator accreditation is a reviewable decision.

(5) In this section—

***operator accreditation*** includes provisional operator accreditation.

## **12 Immediate suspension of operator accreditation—Act, s 20**

- (1) The chief executive may immediately suspend a person's operator accreditation, by giving a regulation notice to the person, if—
  - (a) for an individual—the person is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
  - (b) for a partnership—the person or another member of the partnership is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
  - (c) for a corporation—the person, or an executive officer of the person, is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest.
- (2) The chief executive may, under subsection (1), immediately suspend the person's operator accreditation until—
  - (a) if the ground is that the person has been charged with a disqualifying offence, the earlier of the following—
    - (i) the charge is finally disposed of;

[s 13]

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- (ii) the person's operator accreditation expires without being renewed; or
- (b) in any other case, the earlier of the following—
  - (i) the chief executive gives the person a regulation notice under section 11(4);
  - (ii) the end of 56 days after the regulation notice under subsection (1) is given to the person.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of operator accreditation is a reviewable decision.

(3) This section applies despite section 11.

(4) In this section—

*operator accreditation* includes provisional operator accreditation.

### **13 Further action after immediate suspension**

- (1) This section applies if—
  - (a) under section 12, the chief executive immediately suspends a person's operator accreditation; and
  - (b) the chief executive also proposes, under section 11, to amend, suspend or cancel the operator accreditation.
- (2) The regulation notice under section 12(1) must also state the information mentioned in section 11(3) in relation to the action the chief executive proposes to take.
- (3) Section 11(4) applies to the proposed action as if the regulation notice given under section 12(1) were a notice given under section 11(3).

### **14 Return of evidence of operator accreditation if cancelled, suspended or amended**

- (1) This section applies if a person is given a regulation notice—
  - (a) cancelling the person's operator accreditation; or

- (b) suspending the person's operator accreditation for longer than 1 week; or
  - (c) immediately suspending the person's operator accreditation for any period; or
  - (d) amending the person's operator accreditation under section 11.
- (2) As soon as practicable after the person is given the regulation notice (but within 14 days), the person must return the certificate evidencing the operator accreditation 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 document evidencing the operator accreditation, the action stated in the regulation notice has effect from the date stated in the notice.
- (4) In this section—

*operator accreditation* includes provisional operator accreditation.

## 15 Other amendments of operator accreditation

- (1) This section applies only if the chief executive proposes to amend a person's operator accreditation—
- (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 for the amendment.
- (2) The chief executive may make amendments of a type mentioned in subsection (1) by written notice given to the person.

## **Division 3                      Miscellaneous matters relevant to operator accreditation**

### **16            Notifying disqualifying offences**

- (1) If, under section 19(1), 21(1) or 22(1) or (3) of the Act, an applicant or person must notify or inform the chief executive or someone else about a disqualifying offence, the notice or information must—
  - (a) be given in writing; and
  - (b) include details of the charge and the day when the charge will be heard.
- (2) If, under section 19(2), 21(2) or 22(2) or (4) of the Act, an applicant or person must notify or inform the chief executive or someone else about the outcome of a disqualifying offence, the notice or information must be given in writing.

*Note—*

*Disqualifying offence* is defined in schedule 3 of the Act. In paragraph (e) of the definition, a regulation may prescribe an offence as a disqualifying offence. For this purpose, see section 135.

### **17            Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply**

Section 12 of the Act does not apply to—

- (a) a ferry service; or
- (b) a community transport service or courtesy transport service, but only if—
  - (i) no more than 2 vehicles are available, at any time, to provide the service, and 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
  - (ii) the service is not a service that is available to the general community; or



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*Example of a service that is available to the general community—*

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.

- (iii) the service is a locally significant event service; or
- (c) a locally significant event service other than the service mentioned in paragraph (b)(iii); or
- (d) a cableway service; or
- (e) a monorail service; or
- (f) a taxi service; or
- (g) a booked hire service.

## **Part 3                      Driver authorisation**

### **Division 1                Preliminary**

#### **19            Purpose of pt 3**

The purpose of this part is to provide for matters about driver authorisation for chapter 4 of the Act.

*Note—*

Section 23 of the Act sets out the purpose of driver authorisation.

### **Division 2                Provisions for applications and other matters**

#### **20            Application for grant or renewal of driver authorisation**

- (1) A person who is an individual may apply to the chief executive for the grant or renewal of driver authorisation.

*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.

- (2) However, a person whose driver licence is subject to an interlock condition or a non-Queensland interlock requirement is not eligible to apply for the grant or renewal of driver authorisation until 2 years after the relevant day for the interlock condition or non-Queensland interlock requirement.

*Note—*

See the *Transport Operations (Road Use Management) Act 1995*, section 91K (Interlock condition).

- (3) An application for the grant or renewal of driver authorisation must be—
- (a) made in the approved form; and
  - (b) accompanied by evidence that satisfies the chief executive that the person is—
    - (i) an Australian citizen; or
    - (ii) a permanent resident; or
    - (iii) a New Zealand citizen who is the holder of a special category visa as defined by the *Migration Act 1958* (Cwlth), section 32; or
    - (iv) entitled, under a visa granted under the *Migration Act 1958* (Cwlth), to work in Australia; and
  - (c) accompanied by the fee stated in schedule 9.
- (4) In this section—

***driver authorisation*** does not include provisional driver authorisation or restricted driver authorisation.

***driver licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***interlock condition*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***interlock period*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***non-Queensland interlock period*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***non-Queensland interlock requirement*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***permanent resident*** means the holder of a permanent visa as defined by the *Migration Act 1958* (Cwlth), section 30(1).

***relevant day*** means—

- (a) for an interlock condition for a person's driver licence—the day on which the interlock period applying to the person starts; or
- (b) for a non-Queensland interlock requirement for a person's driver licence—the day on which the non-Queensland interlock period applying to the person starts.

## **20A Requirements for operating relevant vehicles that are motorbikes**

- (1) An applicant for driver authorisation for the operation of a relevant vehicle that is a motorbike must hold a prescribed licence of the appropriate class.
- (2) The applicant must also, subject to subsection (3)—
  - (a) have held continuously for at least 5 years—
    - (i) an open or provisional licence for a motorbike; or
    - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
    - (iii) a foreign driver licence for a motorbike; or
    - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or
  - (b) have passed a competence test, approved by the chief executive, for the operation of a motorbike with a pillion

[s 20B]

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passenger and have held continuously for at least 3 years—

- (i) an open or provisional licence for a motorbike; or
  - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
  - (iii) a foreign driver licence for a motorbike; or
  - (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii).
- (3) Also, for at least 2 years of the continuous 5 or 3 year period mentioned in subsection (2), the applicant must have held continuously—
- (a) an open or provisional licence for a motorbike; or
  - (b) a corresponding licence to an open or provisional licence for a motorbike; or
  - (c) a series of any of the licences mentioned in paragraph (a) or (b).

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 6.

## **20B Requirements for driving relevant vehicles other than motorbikes**

- (1) An applicant for driver authorisation to drive a relevant vehicle, other than a motorbike, must hold a prescribed licence of the appropriate class.
- (2) The applicant must also, subject to subsection (3)—
  - (a) have held continuously for at least 3 years—
    - (i) an open or provisional licence for a car, truck or bus; or
    - (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or
    - (iii) a foreign driver licence for a car, truck or bus; or

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- (iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or
  - (b) if the application is for driver authorisation to drive a relevant vehicle other than a booked hire vehicle, limousine or taxi—have passed a competence test, approved by the chief executive, to drive the type of vehicle the person intends to drive under the driver authorisation.
- (3) Also, for at least 2 years of the continuous 3 year period mentioned in subsection (2)(a) or for at least 2 years for an application under subsection (2)(b), the applicant must have held continuously—
- (a) an open or provisional licence for a car, truck or bus; or
  - (b) a corresponding licence to an open or provisional licence for a car, truck or bus; or
  - (c) a series of any of the licences mentioned in paragraph (a) or (b).
- (4) However, subsection (3) does not apply if the driver authorisation applied for is for a general route service, school service, booked hire service, taxi service, community transport service or courtesy transport service.
- (5) This section does not apply to a person seeking a restricted driver authorisation.

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 6.

## **20C Additional requirement to drive a booked hire vehicle, limousine or taxi**

- (1) An applicant for driver authorisation to drive a relevant vehicle that is a booked hire vehicle, limousine or taxi must have held a relevant driver licence for at least 1 year.
- (2) Subsection (1) does not apply if the chief executive is satisfied that the applicant has held a licence that is at least equivalent to a relevant driver licence for at least 1 year.

(3) In this section—

***Australian driver licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***relevant driver licence*** means an Australian driver licence of the appropriate class that is an open licence, provisional licence or probationary licence.

## 21 Deciding application

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

- (a) if the applicant complies with the requirements under the Act about granting or renewing driver authorisation—to grant or renew driver authorisation; or
- (b) if paragraph (a) does not apply but, under section 22, the chief executive may grant the applicant provisional driver authorisation—to grant provisional driver authorisation; or
- (c) otherwise—to refuse, under section 24, to grant or renew driver authorisation.

*Note—*

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) (which deals with taking digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

### 21A Form of authorising document

- (1) This section applies if the chief executive—
  - (a) grants a person's application for driver authorisation or the renewal of driver authorisation and gives the person an authorising document; or
  - (b) gives the person a replacement authorising document.
- (2) The authorising document may be in the form of a smartcard driver authorisation or an interim transport authority.

- (3) Subsection (2) does not limit the form of an authorising document.
- (4) A smartcard driver authorisation given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.
- (5) In this section—  
*transport authority* see the *Transport Planning and Coordination Act 1994*, section 36G(3).

## **21B General provisions about authorising documents**

- (1) An authorising document may—
  - (a) indicate by way of a code, expression or otherwise that the person holds driver authorisation, and whether the driver authorisation is subject to a condition; and
  - (b) contain information about—
    - (i) the driver authorisation; and
    - (ii) the person’s personal particulars.
- (2) A code or expression mentioned in subsection (1) may be—
  - (a) stated on an authorising document; or
  - (b) stored electronically on a smartcard driver authorisation.
- (3) Subsection (1) does not limit the information that an authorising document may contain.

## **21C Expressions on authorising documents**

- (1) The expression ‘BHTX’, ‘Limo’ or ‘Taxi’ on an authorising document indicates that the authorised driver is authorised to drive a vehicle providing a booked hire service or taxi service.
- (2) The expression ‘Genr’ on an authorising document indicates that the authorised driver is authorised to drive a vehicle providing any of the following—

[s 21D]

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- (a) accommodation transfer service;
  - (b) charter bus service;
  - (c) scheduled passenger service, other than a general route service or a school service;
  - (d) tourist service;
  - (e) tourist transfer service;
  - (f) unscheduled long distance passenger service.
- (3) The expression ‘Sche’ on an authorising document indicates that the authorised driver is authorised to drive a vehicle providing a general route service or school service.
- (4) The expression ‘TrMc’ on an authorising document indicates that the authorised driver is authorised to drive any of the following vehicles to provide a tourist service—
- (a) a motor cycle;
  - (b) a motor cycle and sidecar;
  - (c) a motor tricycle.
- (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.

## 21D Codes on authorising documents

The following codes may be used on an authorising document—



- ‘N’ stated on the authorising document to show that the driver authorisation is not subject to a condition
- ‘Y’ stated on the authorising document to show that the driver authorisation is subject to a condition
- ‘TEXT’ stored on a smartcard driver authorisation to show that the driver authorisation is subject to a condition.

## **22 Provisional driver authorisation—Act, s 30**

- (1) The chief executive may grant driver authorisation to the person on a provisional basis (*provisional driver authorisation*) if the person meets some but not all of either or both of the following—
  - (a) the requirements under section 20A, 20B or 20C;
  - (b) the standards applying to driver authorisation.
- (2) A grant under subsection (1) may be subject to a condition about the person meeting all the requirements under section 20A, 20B or 20C and all the standards applying to driver authorisation within a specified time.
- (3) If, before the end of the term stated in the provisional driver authorisation as its term, the chief executive is satisfied the applicant complies with the requirements under the Act about granting or renewing driver authorisation, the chief executive may grant driver authorisation to the person.
- (4) Despite subsection (1), the chief executive may grant provisional driver authorisation to a person without a formal application being made to ensure a public passenger service can continue to be provided in an emergency.
- (5) A grant under subsection (4) is subject to the condition the person will make a formal application for driver authorisation as soon as practicable after the grant.

## **23 Conditions on driver authorisation—Act, s 32**

- (1) If the chief executive decides to grant or renew driver authorisation, the chief executive may impose a condition on the authorisation that the chief executive considers necessary.
- (2) If the chief executive imposes a condition on a person's driver authorisation under subsection (1), the chief executive must give the person a regulation notice about the decision.

*Note—*

Schedule 2 of the Act provides a refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

- (3) Subsection (1) is in addition to, and does not limit, sections 22, 28 and 30 under which the chief executive may impose a condition on a person's driver authorisation.
- (4) In this section—  
*driver authorisation* includes provisional driver authorisation.

## **24 Refusal of driver authorisation—Act, s 29**

- (1) The chief executive may refuse to grant driver authorisation to a person, or to renew a person's driver authorisation, if—
  - (a) the person does not comply with section 20A, 20B or 20C or a standard applying to the driver authorisation; or
  - (b) a driver authorisation granted to the person has been cancelled or suspended; or
  - (c) the person has been convicted of a category C driver disqualifying offence; or
  - (d) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or

*Note—*

See sections 28A and 28B of the Act for provisions relating to category A and category B driver disqualifying offences.

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- (e) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (f) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history; or
  - (g) the chief executive is not satisfied with the person's identification for driver authorisation.
- (2) If, under this section, the chief executive refuses the application for the grant or renewal of driver authorisation in relation to a person (even if the chief executive grants the person provisional driver authorisation), the chief executive must give the person a regulation notice about the decision.

*Note—*

Schedule 2 of the Act provides a refusal to grant or renew driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

- (3) In this section—  
*driver authorisation* includes provisional driver authorisation.

## 25 Term of driver authorisation

- (1) A driver authorisation is for a term, stated in the authorisation, of not longer than 5 years.
- (2) However, driver authorisation may be renewed for successive terms of not longer than 5 years.
- (3) In this section—  
*driver authorisation* includes provisional driver authorisation but does not include restricted driver authorisation.

## **26 Renewal notices**

- (1) This section applies if the chief executive does not send, or an authorised driver does not receive, a renewal notice for the person's driver authorisation.
- (2) The failure to send, or the non-receipt of, the renewal notice does not affect—
  - (a) the expiry of the driver authorisation; or
  - (b) the obligation of the authorised driver to renew the authorisation before it expires.
- (3) In this section—  
*driver authorisation* includes provisional driver authorisation.

## **27 Restricted driver authorisation—Act, s 29A**

- (1) A prescribed operator may, for the chief executive, grant a restricted driver authorisation to a person authorising the person to drive a public passenger vehicle while, and only while, it is being used by the prescribed operator to provide the service.
- (1AA) A prescribed operator must not grant a restricted driver authorisation if the applicant is not eligible to be granted the restricted driver authorisation.
- (1A) An application for a restricted driver authorisation must be made in the approved form.
- (2) A restricted driver authorisation may only be granted on the prescribed operator's initiative.
- (3) However, a prescribed operator must not grant a restricted driver authorisation to a person unless—
  - (a) the operator is satisfied the person complies with all standards applying to restricted driver authorisation; and
  - (b) the person gives the operator the following information about the person, and the operator has no reason to suspect the information is false—

- (i) the chief executive has not refused to grant or renew the person's driver authorisation and has not cancelled or suspended any driver authorisation held by the person;
- (ii) the person has not been convicted of a driver disqualifying offence;

*Note—*

See the Act, schedule 3, definition *driver disqualifying offence*.

- (iii) there is no charge for a driver disqualifying offence against the person that has not been finally disposed of.

Maximum penalty—20 penalty units.

- (4) A person's restricted driver authorisation—
  - (a) is for the term stated in the authorisation of not longer than 1 year; and
  - (b) is not renewable; and

*Note—*

Even though a restricted driver authorisation is not renewable, a new restricted driver authorisation may be granted after the expiry of the restricted driver authorisation.

- (c) is automatically cancelled when the person stops being employed by the prescribed operator or when the person stops driving a public passenger vehicle for the prescribed operator.

*Note—*

A restricted driver authorisation may be amended, suspended or cancelled by the chief executive. See sections 28 and 30.

- (5) A prescribed operator must give a person whose restricted driver authorisation is automatically cancelled under subsection (4)(c) a written notice advising the person of the cancellation within 3 days after the cancellation.

Maximum penalty—10 penalty units.

[s 27A]

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- (6) A prescribed operator may, by written notice, amend a restricted driver authorisation granted to a person by the prescribed operator—
  - (a) for a formal or clerical reason, including, for example, a change of address; or
  - (b) in another way that does not adversely affect the person.
- (7) As soon as practicable after a person is given a written notice under subsection (5) or (6) about an automatic cancellation or amendment, the person must return to the prescribed operator any document evidencing the restricted driver authorisation.
- (8) A restricted driver authorisation granted under subsection (1) must be in the approved form.

## **27A Eligibility for restricted driver authorisation**

A person is not eligible to be granted a restricted driver authorisation by an operator unless the person—

- (a) holds a prescribed licence of the appropriate class; and
- (b) has held continuously for at least 3 years—
  - (i) an open or provisional licence for a car, truck or bus; or
  - (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or
  - (iii) a series of any of the licences mentioned in subparagraph (i) or (ii).

*Note—*

See also the *Transport Operations (Passenger Transport) Standard 2010*, section 7.

## **28 Amendment, suspension and cancellation of driver authorisation—Act, s 32**

- (1) The chief executive may amend a person's driver authorisation, including by altering the term of the

authorisation or by imposing a condition on the authorisation, if—

- (a) the person has been convicted of a category B or category C driver disqualifying offence; or
  - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
  - (c) the person does not comply with a standard applying to the driver authorisation; or
  - (d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (e) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history.
- (2) The chief executive may suspend or cancel a person's driver authorisation if—
- (a) the person has been convicted of a category C driver disqualifying offence; or
  - (b) the person does not comply with a standard applying to the driver authorisation; or
  - (c) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or
  - (d) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history; or
  - (e) in relation to the person's application for the driver authorisation, the person produced a document, or gave other information, to the chief executive that is false or misleading in a material particular; or

[s 29]

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- (f) the driver authorisation was issued in error; or
  - (g) the chief executive is no longer satisfied with the person's identification for driver authorisation; or
  - (h) the chief executive is no longer satisfied that the person holds a prescribed licence of the appropriate class for the driver authorisation.
- (3) Action under this section—
- (a) to amend a person's driver authorisation if section 34(1) applies must be as required by section 34; or
  - (b) to otherwise amend, suspend or cancel driver authorisation must be as required by section 29.

- (4) In this section—

***driver authorisation*** includes provisional driver authorisation and restricted driver authorisation.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

## **29 Notice about amendment, suspension and cancellation of driver authorisation**

- (1) This section applies if the chief executive considers—
- (a) a ground exists under section 28(1) to amend a person's driver authorisation; or
  - (b) a ground exists under section 28(2) to suspend or cancel a person's driver authorisation.
- (2) However, this section does not apply if section 33 or 34 applies.
- (3) Before taking the action mentioned in subsection (1)(a) or (b) (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 amendment of the driver authorisation—stating the proposed amendment; and
  - (e) if the proposed action is suspension of the driver 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.
- (4) 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 driver authorisation—
    - (i) amend the driver authorisation in the way stated in the regulation notice; or
    - (ii) amend the driver authorisation in another way, having regard to the representations; or
  - (b) if the proposed action was to suspend the driver authorisation—
    - (i) suspend the driver authorisation for no longer than the period stated in the regulation notice; or
    - (ii) amend the authorisation having regard to the representations; or
  - (c) if the proposed action was to cancel the driver authorisation—
    - (i) cancel the driver authorisation; or
    - (ii) suspend the driver authorisation for a period; or
    - (iii) amend the driver authorisation having regard to the representations.

(5) In this section—

*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

### **30 Immediate amendment and suspension of driver authorisation—Act, s 32**

- (1) The chief executive may immediately amend a person's driver authorisation by imposing a condition on the authorisation if—
  - (a) the person has been convicted of a category B or category C driver disqualifying offence; or
  - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
  - (c) the chief executive considers it necessary having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act.
- (2) The chief executive may immediately suspend a person's driver authorisation if—
  - (a) the person has been convicted of a category B or category C driver disqualifying offence; or
  - (b) the person has been charged with a driver disqualifying offence and the charge has not been finally disposed of; or
  - (c) the person does not comply with a notice given to the person under section 41; or
  - (d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act, including taking into consideration matters mentioned in section 23(4) of the Act; or

- (e) the chief executive is no longer satisfied with the person's identification for driver authorisation; or
- (f) the chief executive is no longer satisfied that the person holds a prescribed licence of the appropriate class for the driver authorisation.

(3) In this section—

***driver authorisation*** includes provisional driver authorisation and restricted driver authorisation.

*Note—*

Schedule 2 of the Act provides an amendment, suspension or cancellation of driver authorisation or the imposition of a condition on driver authorisation is a reviewable decision.

### **31 Notice about immediate amendment or suspension**

- (1) This section applies if the chief executive considers—
  - (a) a ground exists under section 30(1) to immediately amend a person's driver authorisation by imposing a condition on the authorisation; or
  - (b) a ground exists under section 30(2) to immediately suspend a person's driver authorisation.
- (2) This section applies even if the chief executive takes exclusion action under section 28B of the Act in relation to the person.
- (3) Despite section 29, the chief executive may, by giving a regulation notice to the person—
  - (a) immediately amend the person's driver authorisation by imposing a condition on the authorisation; or
  - (b) immediately suspend the person's driver authorisation.
- (4) The immediate amendment or suspension has effect until—
  - (a) if the ground is that the person has been convicted of a category B driver disqualifying offence, the earlier of the following—

[s 32]

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- (i) the chief executive gives the person a regulation notice about the chief executive's decision under section 33(2) or 34(2);
  - (ii) the end of 56 days after the regulation notice mentioned in subsection (3) is given to the person;  
or
- (b) if the ground is that the person has been charged with a driver disqualifying offence, the earlier of the following—
  - (i) the charge is finally disposed of;
  - (ii) the person's driver authorisation expires without being renewed; or
- (c) in any other case, the earlier of the following—
  - (i) the chief executive gives the person a regulation notice under section 29(4);
  - (ii) the end of 56 days after the regulation notice mentioned in subsection (3) is given to the person.

## **32 Further action after immediate amendment or suspension**

- (1) This section applies if—
  - (a) under section 31, the chief executive immediately amends or immediately suspends a person's driver authorisation; and
  - (b) the chief executive also proposes, under section 29, to amend, suspend or cancel the driver authorisation.
- (2) The regulation notice under section 31(3) must also state the information mentioned in section 29(3) in relation to the action the chief executive proposes to take.
- (3) Section 29(4) applies to the proposed action as if the regulation notice given under section 31(3) were a notice given under section 29(3).

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**33 Category B driver disqualifying offences—exclusion action**

- (1) This section applies if the chief executive takes exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence.
- (2) The chief executive must give the person a regulation notice about the decision to take the exclusion action.

**34 Category B driver disqualifying offences—exceptional case**

- (1) This section applies if the chief executive—
  - (a) decides not to take exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence because the chief executive is satisfied an exceptional case exists; but
  - (b) decides it is necessary in the particular case to impose a condition on the person's driver authorisation.
- (2) The chief executive may, by giving a regulation notice to the person—
  - (a) for an applicant for driver authorisation—impose a condition when granting driver authorisation to the person; or
  - (b) for a person who holds driver authorisation—amend the person's driver authorisation by imposing a condition on the authorisation.

**35 Chief executive may require authorising document to be replaced**

- (1) This section applies if—
  - (a) information stated on an authorising document is incorrect and the chief executive reasonably believes the error was caused by the chief executive; or

[s 35A]

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- (b) the chief executive has amended the person's driver authorisation and the person's authorising document requires replacement.
- (2) The chief executive may, by written notice, require the holder of the driver authorisation to return the holder's authorising document to the chief executive within a stated time and in a stated way for replacement.
- (3) If subsection (1)(a) applies, the notice must include a statement identifying the information that is incorrect and the correct information.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (5) After receiving the authorising document, the chief executive must give the holder a replacement authorising document.
- (6) If subsection (1)(a) applies, the replacement authorising document must state the correct information.
- (7) In this section—

*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

*written notice* includes a regulation notice under section 29(4) or 31(3).

### **35A Voluntary surrender of driver authorisation**

- (1) An authorised driver may surrender the person's driver authorisation by giving the chief executive a written notice of surrender.
- (2) To be effective, the notice of surrender must be accompanied by the person's authorising document, unless the person has a reasonable excuse for not returning it.
- (3) Subject to subsection (2), the surrender takes effect on the day the notice is given to the chief executive.

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**36 Return of authorising document if authorisation cancelled or suspended**

- (1) This section applies if a person is given a regulation notice—
  - (a) cancelling the person’s driver authorisation; or
  - (b) suspending the person’s driver authorisation; or
  - (c) immediately suspending the person’s driver authorisation for any period.
- (2) As soon as practicable after the person is given the regulation notice (but within 14 days), the person must, if the regulation notice requires the authorising document to be returned, return the authorising document to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) Even if the person does not return the authorising document, the action stated in the regulation notice has effect from the date stated in the notice.
- (4) In this section—

*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

**37 Relationship between driver licence and driver authorisation**

- (1) If the driver licence of a person who holds driver authorisation is suspended, the person’s driver authorisation is suspended during the suspension of the person’s driver licence.
- (2) If the driver licence of a person who holds driver authorisation is cancelled, the person’s driver authorisation is cancelled.
- (3) If, on cancellation of a person’s driver licence, the person is disqualified from holding or obtaining a driver licence for a period, the person is disqualified from holding or obtaining driver authorisation during the period.
- (4) In this section—

*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

### **37A Notification of damage, loss or theft of authorising document**

- (1) This section applies if an authorised driver is required under section 34A of the Act to notify the chief executive that the driver's authorising document has been damaged, lost or stolen.

*Note—*

Section 34A of the Act provides for an offence for failing to notify of the damage, lost or theft of an authorising document.

- (2) The notification—
  - (a) is sufficiently given if an application for a replacement authorising document is made under section 37B; or
  - (b) if paragraph (a) does not apply—must be written notification.

### **37B Application for replacement authorising document**

- (1) This section applies if—
  - (a) information stated on an authorising document is incorrect; or
  - (b) an authorised driver becomes aware, or reasonably suspects, his or her authorising document has been damaged, lost or stolen.
- (2) The authorised driver may apply to the chief executive for the issue of a replacement authorising document.
- (3) An application under this section, other than an exempt application, must be—
  - (a) made in the approved form; and
  - (b) accompanied by the authorising document, unless it has been, or the authorised driver reasonably suspects it has been, destroyed, lost or stolen.



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- (4) After receiving the application, the chief executive must give the authorised driver a replacement authorising document if the chief executive is satisfied—
    - (a) if subsection (1)(a) applies—the information on the authorising document was incorrect; or
    - (b) if subsection (1)(b) applies—the authorising document has been damaged, lost or stolen.
  - (5) If the authorising document that has been replaced (the *original document*) comes into, or returns to, the authorised driver's possession after a replacement authorising document has been issued to the holder, the authorised driver must destroy the original document.

Maximum penalty—20 penalty units.

- (6) In this section—

*exempt application* means an application for the replacement of an authorising document if the chief executive is satisfied the authorising document was not received by the authorised driver because it has been lost or stolen.

### **37C Upgrading to smartcard driver authorisation**

- (1) This section applies to the holder of an authorising document that is not a smartcard driver authorisation.
- (2) The holder may apply to the chief executive to replace the authorising document with a smartcard driver authorisation.
- (3) The application must be made in the approved form.
- (4) The chief executive may replace the authorising document with a smartcard driver authorisation for the same period as the unexpired period of the authorising document.

### **38 Other amendments of driver authorisation**

- (1) This section applies if the chief executive proposes to amend a person's driver authorisation—
  - (a) for a formal or clerical reason; or

[s 39]

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- (b) in another way that does not adversely affect the person's interests; or
  - (c) if the person asks for the amendment.
- (2) This section does not apply if section 35 applies.
  - (3) The chief executive may, by written notice, require the person to return the person's authorising document to the chief executive within a stated time and in a stated way.
  - (4) If subsection (1)(a) or (b) applies, the notice must include a statement identifying how the chief executive proposes to amend the person's driver authorisation.
  - (5) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

- (6) If the chief executive amends a person's driver authorisation under this section and the person's authorising document requires replacement, the chief executive must give the authorised driver a replacement authorising document.
- (7) In this section—  
*driver authorisation* includes provisional driver authorisation.

### **39 Notifying operator of amendment, suspension or cancellation of driver authorisation**

- (1) This section applies if—
  - (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
  - (b) the chief executive amends, suspends or cancels the person's driver authorisation.
- (2) The chief executive may—

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- (a) advise the operator or person who provides booking services that the person's driver authorisation has been amended, suspended or cancelled; and
  - (b) if the chief executive has amended the person's authorisation by imposing a condition on the authorisation, advise the operator or person who provides booking services of the condition.

## **Division 3                      Miscellaneous matters relevant to driver authorisation**

### **39A      Disclosure of driver authorisation information**

- (1) The chief executive may disclose the following information about a person's driver authorisation to another person—
  - (a) the person's driver authorisation number;
  - (b) the kind of public passenger service for which the person is an authorised driver.
- (2) A disclosure under this section may be made in any way the chief executive considers appropriate, including, for example, by publication on the department's website.
- (3) However, a disclosure under this section may only be made if the chief executive reasonably believes that the authorised driver would not be identified because of the disclosure.

### **40      Notifying or informing—Act, s 31, 33 or 34**

If a person, under section 31, 33 or 34 of the Act, must notify or inform the chief executive about a matter, the notice or information must be written.

### **40A     Medical fitness for driver authorisation**

- (1) A person is not eligible to be granted driver authorisation unless the person gives the chief executive a prescribed medical certificate for the person.

[s 40B]

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- (2) An authorised driver must—
- (a) notify the chief executive if there is a change in the driver's medical condition that makes the driver continuously unfit to safely drive a motor vehicle for more than 1 month; and
  - (b) within 5 years after the issue of the last prescribed medical certificate for the driver given to the chief executive under subsection (1) or this paragraph, give the chief executive a fresh prescribed medical certificate for the driver.
- (3) However, if a prescribed medical certificate for a person given under subsection (1) or (2) indicates it is for a period of less than 5 years, the person must give the chief executive the next prescribed medical certificate for the person within the period.
- Examples of indications that a prescribed medical certificate is for a period of less than 5 years—*
- The certificate states it lasts or applies for 2 years.
  - The certificate states it should be renewed or reviewed after 2 years.
  - The certificate states the person's condition should be reviewed, or the person should be re-examined, within 2 years.
- (4) If a prescribed medical certificate for a person given under subsection (1) or (2) contains a limitation on driving a motor vehicle, the person must not drive a motor vehicle, under driver authorisation, contrary to the limitation.
- (5) This section does not apply to a person seeking a restricted driver authorisation.

*Note—*

For the effect of noncompliance with subsection (2) or (4), see section 28(1)(d) and (2)(c).

## **40B Medical fitness for restricted driver authorisation**

- (1) A person is not eligible to be granted a restricted driver authorisation by an operator unless the person gives the operator—

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- (a) a statement signed by the person stating that, as far as the person knows, the person does not suffer from any of the medical conditions stated on the approved form given by the person under section 27(1A); and
  - (b) if the person suffers or has suffered from a medical condition that may make the person unfit to hold a restricted driver authorisation—a prescribed medical certificate for the person.
- (2) A driver who holds a restricted driver authorisation must notify the operator who granted the restricted driver authorisation and the chief executive each time there is a change in the driver's medical condition that makes the driver continuously unfit to safely drive a motor vehicle for more than 1 month.
  - (3) If a prescribed medical certificate for a person given under subsection (1)(b) contains a limitation on driving a motor vehicle, the person must not drive a motor vehicle, under restricted driver authorisation, contrary to the limitation.

*Note—*

For the effect of noncompliance with subsection (2) or (3), see section 28(1)(d) and (2)(c).

## 41 Requirement to prove fitness

- (1) This section applies if the chief executive suspects a person who holds driver authorisation is no longer medically fit to drive a public passenger vehicle under the driver authorisation.
- (2) The chief executive may, by written notice, require the person to provide evidence of the person's medical fitness to drive a public passenger vehicle under the driver authorisation.
- (3) In this section—  
*driver authorisation* includes provisional driver authorisation and restricted driver authorisation.

**42 Requirement for driver authorisation—public passenger services to which the Act, s 24 does not apply**

Section 24 of the Act does not apply to—

- (a) a ferry service; or
- (b) a community transport service or courtesy transport service, but only if—
  - (i) no more than 2 vehicles are available, at any time, to provide the service, and 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
  - (ii) the service is not available to the general community; or
  - (iii) the service is a locally significant event service; or
- (c) a locally significant event service other than the service mentioned in paragraph (b)(iii); or
- (d) a cableway service; or
- (e) a monorail service.

**43A Damaging authorising document**

A person must not wilfully damage an authorising document.

Maximum penalty—20 penalty units.

**43B Chief executive may direct superseded authorising document to be destroyed**

- (1) The chief executive may direct a person to destroy the person's superseded authorising document.
- (2) The person must comply with the direction.  
Maximum penalty—20 penalty units.
- (3) In this section—

*superseded authorising document* includes a superseded smartcard transport authority.

*Note—*

See the *Transport Planning and Coordination Regulation 2017*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

#### **43C Driver authorisation may only be held in the driver's name**

An authorised driver must not hold driver authorisation other than under the driver's name.

Maximum penalty—40 penalty units.

#### **43D Possessing another person's authorising document**

- (1) A person must not possess another person's authorising document, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) A person must not give the person's authorising document to another person if the person knows, or ought reasonably to know, the other person intends to use the authorising document to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

#### **43E Document purporting to be authorising document**

- (1) A person must not possess a document that resembles an authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (2) A person must not give another person a document that resembles an authorising document and is calculated to deceive someone.

Maximum penalty—40 penalty units.

- (3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

#### **43F Notifiable events under other Acts**

- (1) This section applies if an authorised driver—
- (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
  - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
  - (c) complies with the obligation under the prescribed smartcard Act.
- (2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.

- (3) In this section—

***notifiable event***, for an authorised driver, means any of the following—

- (a) a change of the authorised driver's name;
- (b) a change of the authorised driver's address;
- (c) if there is a current postal address for the authorised driver—a change of the postal address;
- (d) the damage, loss or theft of an authorising document.

***prescribed smartcard Act*** means any of the following Acts—

- (a) the *Adult Proof of Age Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;



- (d) the *Transport Operations (Road Use Management) Act 1995*.

## **Part 4 Market entry restrictions**

### **44 Purpose of pt 4**

The purpose of this part is to declare that public passenger services are, as mentioned in section 36 of the Act, to be provided with market entry restrictions.

### **45 Market entry restrictions—Act, s 36**

A public passenger service mentioned in schedule 1, column 1 is to be provided with market entry restrictions in the area or over the route listed opposite the service in column 2.

*Note—*

Sections 42 and 91ZT of the Act apply to a public passenger service to which a regulation under section 36 of the Act applies. If a regulation has been made, the chief executive may, under each of those sections, make a declaration by public notice or gazette notice.

## **Part 5 Service contracts**

### **46 Purpose of pt 5**

The purpose of this part is to provide for matters in relation to service contracts as required by, or otherwise for, chapter 6 of the Act.

*Note—*

Section 37 of the Act sets out the purpose of service contracts.

### **46A Classes of persons—Act, s 51(3)**

- (1) The following classes of persons are prescribed for the Act, section 51(3)—

[s 47]

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- (a) infants;
  - (b) children;
  - (c) school students;
  - (d) a person who accompanies the holder of a companion card to provide care and support to the companion card holder.
- (2) In this section—
- companion card*** means a companion card issued by a State in accordance with the National Companion Card Scheme.

**47 Matters to be considered—Act, s 59(2)(e)**

The following matters are prescribed for section 59(2)(e) of the Act—

- (a) evidence that proposed minimum service levels will be achieved;
- (b) evidence of financial viability;
- (c) overall suitability of vehicles, having regard to vehicle age and accessibility;
- (d) plans to increase patronage through marketing of services and public passenger transport.

**48 Matters to be considered or not considered by arbitrator in deciding amount of compensation**

- (1) This section prescribes, for sections 61(4) and 62AAH(4) of the Act, matters to be considered, or not considered, by an arbitrator in deciding an amount of compensation.
- (2) An arbitrator must consider—
  - (a) for deciding compensation under section 61(3) of the Act—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new service contract that were previously

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- provided by an existing operator or service contract holder who is a party to the arbitration; and
- (b) for deciding compensation under 62AAH(3) of the Act—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new integrated mass transit service contract that were previously provided by an affected operator who is a party to the arbitration; and
  - (c) the capitalisation of future maintainable profits or the discounting of future cash flows as the principal valuation methodology; and
  - (d) the definition *future cash flows* in subsection (4) when selecting the appropriate discount rate to apply to the future cash flows; and
  - (e) the definition *future maintainable profits* in subsection (4) when selecting the appropriate capitalisation rate to apply to the future maintainable profits; and
  - (f) relevant risk factors including the life of the contract; and
  - (g) the value of the services derived using implied revenue multiples or other customary industry benchmarks.
- (3) An arbitrator must not consider—
- (a) capital gains tax; and
  - (b) additional costs incurred by the existing or affected operator or service contract holder that are not related to the services acquired by the new operator; and
  - (c) income and expenses from activities, including, for example, tourist and charter bus services, that are outside the scope of the new service contract, or the services provided for in the invitation to offer for an integrated mass transit service contract; and
  - (d) economies of scale and operating efficiencies available to a new operator but not able to be achieved or accrued

[s 48A]

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by the existing or affected operator or service contract holder.

(4) In this section—

*future cash flows* means future maintainable profits adjusted for depreciation and capital expenditure.

*future maintainable profits* means earnings before financial leases, interest and tax determined on the basis of past profits adjusted for the following—

- (a) abnormal or exceptional revenue or expense items;
- (b) owner's remuneration;
- (c) variations in accounting standards application;
- (d) future changes to revenues and costs resulting from announced changes to government policy including, for example, changes in policy about—
  - (i) school payment rates; and
  - (ii) subsidy arrangements; and
  - (iii) average vehicle age.

**48A Service contract route prescribed—Act, s 62AAA(1), definition *integrated mass transit area***

For section 62AAA(1)(b) of the Act, the service contract route called the Southern Bay Islands Group service contract route is prescribed.

**49 Matters to be considered—Act, s 62AAE(2)(d)**

The following matters are prescribed for section 62AAE(2)(d) of the Act—

- (a) evidence that proposed minimum service levels will be achieved;
- (b) evidence of financial viability;

- (c) overall suitability of vehicles, having regard to vehicle age and accessibility.

## **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

[s 55]

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- (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 booking 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 or taxi service provided using a taxi 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.

[s 58]

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- (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.



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- (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.

[s 60]

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- (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;

[s 63]

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*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 windcreens 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) The sign must be a reproduction of the sign approved by the chief executive for identifying the authorised booking entity providing booking services for the booked hire service.
- (4) The chief executive may refuse to approve a sign for subsection (3) only if the chief executive is satisfied the sign—
  - (a) is not a square of at least 146mm by 146mm; or
  - (b) is not retroreflective; or
  - (c) is likely to offend a reasonable person; or

(d) does not accurately identify the authorised booking entity or the booking services for the booked hire service provided by the entity.

(5) 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 days and times the hiring started and ended; 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*.

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**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 2A Record keeping and reporting requirements

### Subdivision 1 Preliminary

#### 71A Definitions for division

In this division—

*approved method*, for providing information, means—

- (a) providing the information to the chief executive electronically and in the approved form; or
- (b) using an electronic system approved by the chief executive to provide the information.

*quarter*, for a financial year, means the following periods in the financial year—

- (a) 1 July to 30 September;
- (b) 1 October to 31 December;
- (c) 1 January to 31 March;
- (d) 1 April to 30 June.

## **Subdivision 2      Fatigue management information**

### **71B      Application of subdivision—Act, s 91C**

For section 91C(1) of the Act, this subdivision—

- (a) applies to—
  - (i) an authorised booking entity that provides booking services for a booked hire service; and
  - (ii) an operator of a booked hire service provided using a taxi or a taxi service; and
- (b) states the requirements for the entity and operator to monitor, record and report particular information relevant to managing driver fatigue.

### **71C      Recording fatigue management information**

- (1) The authorised booking entity and operator must keep a record of the following information about each driver of a relevant vehicle used to provide a relevant service for the period mentioned in subsection (2)—
  - (a) the driver authorisation number of the driver;
  - (b) the days and times the driver is driving, or is available to drive, the vehicle to provide the service.

Maximum penalty—80 penalty units.

*Examples of a driver being available to drive—*

- a driver of a taxi starts a work shift and is on duty to drive the taxi
  - a driver of a booked hire vehicle is on duty to accept or receive bookings for a booked hire service, including, for example, by being connected to a booking service or app to accept bookings
  - a driver of a limousine is travelling to pick up a passenger for a journey
- (2) The record must be kept for 2 years after the day on which the driver drove the relevant vehicle, or was available to drive the vehicle.
  - (3) In this section—

**relevant service** means—

- (a) for the authorised booking entity—
  - (i) the booked hire service; or
  - (ii) another public passenger service for which the entity arranges bookings using a relevant vehicle;  
or
- (b) for the operator—the booked hire service provided using the taxi or the taxi service.

**relevant vehicle** means a booked hire vehicle, limousine or taxi.

#### **71D Reporting fatigue management information**

- (1) The chief executive may give a written notice to the authorised booking entity or operator requiring the entity or operator to provide the information recorded under section 71C for a stated period to the chief executive.
- (2) The authorised booking entity or operator must comply with a requirement made under subsection (1) within 28 days after the notice is given.

Maximum penalty—80 penalty units.

#### **71E False or misleading information**

A person must not give information to the authorised booking entity or operator for section 71C if the person knows the information is false, misleading or incomplete in a material particular.

Maximum penalty—80 penalty units.

## **Subdivision 3      Taxi services information**

### **71F      Application of subdivision**

This subdivision applies to an operator of a taxi service in relation to each taxi service for a journey provided using a taxi.

### **71G      Recording taxi services information**

The operator must keep a record of the following information for 2 years after the taxi service was provided—

- (a) the vehicle registration number and taxi service licence number for the taxi;
- (b) the name and driver authorisation number of the driver of the taxi;
- (c) the days and times the journey started and ended;
- (d) the locations where the journey started and ended;
- (e) the fare and any payment surcharge for the service;
- (f) if applicable, that the service was provided to an approved relevant person.

Maximum penalty—40 penalty units.

### **71H      Reporting taxi services information**

- (1) Within 28 days after the end of each financial year, the operator must provide the chief executive with a report that complies with subsection (2).

Maximum penalty—40 penalty units.

- (2) The report must—
  - (a) state the total number of taxi service journeys provided by the operator for the financial year; and
  - (b) be provided using an approved method; and

- (c) be about the information mentioned in section 71G.
  - (3) Also, the chief executive may, at any time, give a written notice to the operator requiring the operator to provide the chief executive with—
    - (a) stated information mentioned in section 71G for a stated period; or
    - (b) another type of report about the information mentioned in section 71G.
  - (4) The operator must comply with a requirement made under subsection (3) within 28 days after the notice is given.
- Maximum penalty—40 penalty units.

## **Subdivision 4 Booked hire services information**

### **71I Application of subdivision—Act, s 91ZG**

This subdivision prescribes—

- (a) for section 91ZG(1) of the Act, the information an authorised booking entity must keep and the period for which the information must be kept; and
- (b) for section 91ZG(2) of the Act, the way and times the information must be provided to the chief executive.

*Note—*

The maximum penalty for failing to comply with section 91ZG(1) or (2) of the Act is 150 penalty units.

### **71J Driver information**

- (1) This section applies in relation to—
  - (a) a person (a *driver*) who—
    - (i) is the authorised booking entity; and
    - (ii) drives or has driven a motor vehicle used to provide booked hire services; and

[s 71K]

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- (iii) under the driver's booking entity authorisation, provides or has provided booking services for the booked hire services; or
  - (b) a person (also a *driver*) who has or had an arrangement with the authorised booking entity under which the entity provides or has provided booking services for the driver to drive a motor vehicle to provide booked hire services.
- (2) The information is—
  - (a) the name and driver authorisation number of the driver; and
  - (b) the start and end of the period the driver is on-the-books.
- (3) The period for keeping the information is 2 years after the driver is no longer on-the-books.
- (4) The information must be provided for each quarter in a financial year to the chief executive within 28 days after the end of the quarter, using an approved method.
- (5) Subsection (4) does not apply if the driver was not on-the-books during a quarter.
- (6) A driver is *on-the-books* for the authorised booking entity—
  - (a) for a driver mentioned in subsection (1)(a)—when the driver is providing booking services for the booked hire services; or
  - (b) for a driver mentioned in subsection (1)(b)—when the driver has an arrangement in force to provide the booked hire services.

## 71K Vehicle information

- (1) This section applies in relation to a vehicle that is a booked hire vehicle, limousine or taxi that is, or was, available to be used to provide booked hire services.
- (2) The information is—
  - (a) the registration number of the vehicle; and

- 
- (b) the licence number for the vehicle; and
  - (c) the start and end of the period the vehicle is on-the-books.
- (3) The period for keeping the information is 2 years after the vehicle is no longer on-the-books.
  - (4) The information for each quarter in a financial year must be provided to the chief executive within 28 days after the end of the quarter, using an approved method.
  - (5) Subsection (4) does not apply if the vehicle was not on-the-books during a quarter.
  - (6) The vehicle is *on-the-books* when the vehicle is available to be used to provide the booked hire services.

## 71L Journey information

- (1) This section applies to each booked hire service provided, or requested to be provided, by hiring a motor vehicle for a journey.
- (2) The information is—
  - (a) the day and time the booking for the service was made; and
  - (b) the locations where the journey started and ended; and
  - (c) the days and times the journey started and ended; and
  - (d) the vehicle registration number and booked hire service licence or taxi service licence number for the vehicle; and
  - (e) if the hirer booked the vehicle to arrive at a particular time—the time; and
  - (f) information given by the hirer that is sufficient to identify the hirer; and

*Examples—*

name, mobile number, username, name of an organisation

[s 71L]

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- (g) the name and driver authorisation number of the driver of the vehicle; and
  - (h) the fare and any payment surcharge for the journey; and
  - (i) if a fare estimate was given to the hirer under section 61—the estimated amount of the fare; and
  - (j) if applicable, that the service was provided to an approved relevant person; and
  - (k) if applicable, that a service was requested and not provided.
- (3) The period for keeping the information is 2 years—
- (a) if the booked hire service was not provided—after the service was requested; or
  - (b) otherwise—after the service was provided.
- (4) The information mentioned in subsection (2)(a) to (e) and (2)(j) for each quarter in a financial year must be provided to the chief executive within 28 days after the end of the quarter, using an approved method.
- (5) Also, a report about journey information for a financial year must be provided to the chief executive within 28 days after the end of the financial year, using an approved method.
- (6) In addition, the chief executive may, at any time, give a written notice to the authorised booking entity requiring the entity to provide the chief executive with—
- (a) stated journey information for a stated period; or
  - (b) another type of report about journey information.
- (7) The authorised booking entity must comply with a requirement made under subsection (6) within 28 days after the notice is given.
- (8) In this section—
- journey information*** means information mentioned in subsection (2), other than information mentioned in subsection (2)(f).



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## Subdivision 5      **Miscellaneous**

### **71M    Sharing information—Act, s 148C**

- (1) For section 148C(2)(b)(i) of the Act, a person who receives information under this division may disclose the information to another entity if the information—
- (a) does not contain confidential information about a person to whom the information relates; and
  - (b) is disclosed for a purpose relating to traffic management, town planning or infrastructure development.
- (2) In this section—

*confidential information* means information, other than information that is publicly available—

- (a) that is personal information under the *Information Privacy Act 2009*, section 12; or
- (b) that would be likely to identify the person to whom the information relates or damage the commercial activities of any person to whom the information relates.

## 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

[s 73]

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- (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.

[s 78]

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- (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.

## **Division 5            Taxi subsidy scheme**

### **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 using taxis.
- (2) Under the taxi subsidy scheme, the State pays part of the fares for booked hire services and taxi services provided using taxis 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.

#### **94        Definitions for division**

In this division—

*approved card reader* means an electronic device, of a type approved by the chief executive, for use in a taxi to—

- (a) verify that a membership card is current; and
- (b) verify that the driver of a taxi holds driver authorisation; and

- (c) enable the automatic calculation of a benefit under the taxi subsidy scheme for a journey; and
- (d) facilitate payments under the taxi subsidy scheme.

***approved relevant person*** means a person whose application under section 95 has been approved.

***authorised purpose***, in relation to taxi subsidy scheme information, means any of the following purposes—

- (a) for, or in connection with, the prosecution of, or the issue of an infringement notice for, an offence committed in or about the taxi to which the taxi subsidy scheme information relates;
- (b) a purpose relating to a police officer's performance of duties as a police officer, other than a purpose mentioned in paragraph (a);
- (c) the administration of the taxi subsidy scheme, including—
  - (i) planning for the scheme; and
  - (ii) the performance of a service, for the administration of the scheme, under a contract with the State; and
  - (iii) payments to operators and drivers under the scheme;
- (d) the carrying out of work by a manufacturer or supplier of an approved card reader, or equipment used in connection with an approved card reader, to maintain, or address a failure in, the equipment;
- (e) the disclosure or use of taxi subsidy scheme information as required or authorised under an Act.

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

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

***manual card reader*** means a device capable of taking an imprint from a membership card.

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**membership card** means an electronic card that—

- (a) is or has been issued by the chief executive in relation to an approved relevant person's membership of the taxi subsidy scheme, for use with an approved card reader or a manual card reader; and
- (b) includes a photograph of the approved relevant person.

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

**NDIS participant** means—

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

**relevant person** means a person, other than an NDIS participant, who—

- (a) has a physical disability making the person dependant on a wheelchair for mobility outside the person's residence; or
- (b) has a physical disability or other medical condition that restricts the person from walking, unassisted and without a rest, 50m or less and—
  - (i) makes the person permanently dependant on a walking aid; or
  - (ii) prevents the person from ascending or descending 3 steps without assistance; or
  - (iii) has resulted in a history of frequent falls; or

[s 94]

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- (iv) is a condition that is an advanced cardiovascular, respiratory or neurological disorder; or
- (v) causes severe pain limiting ambulation, verifiable by appropriate clinical investigations; or
- (c) has a physical disability or other medical condition requiring—
  - (i) the person to ordinarily carry treatment equipment which, when carried, restricts the person from walking, unassisted and without rest, 50m or less; or
  - (ii) someone else to ordinarily carry or administer treatment equipment for the person; or
- (d) has a severe emotional or behavioural disorder with a level of disorganisation resulting in the need to be always accompanied by another person for travel on public transport; or
- (e) has a total loss of vision or severe permanent visual impairment; or
- (f) has severe and uncontrollable epilepsy; or
- (g) has an intellectual disability causing behavioural problems—
  - (i) resulting in socially unacceptable behaviour; and
  - (ii) requiring the constant assistance of someone else for travel on public transport; or
- (h) has a clinical condition resulting in a disability mentioned in paragraphs (a) to (g) of a temporary nature, and is undergoing medical, surgical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

***taxi subsidy scheme*** see section 93.

***taxi subsidy scheme information*** means—



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- (a) information, whether or not in electronic form, on a membership card; or
  - (b) information generated or transmitted under the taxi subsidy scheme by an approved card reader; or
  - (c) a record, or other information, derived from information generated or transmitted under the taxi subsidy scheme by an approved card reader.

## **Subdivision 2      Membership of taxi subsidy scheme**

### **95      Application for, and grant or refusal of, assistance under taxi subsidy scheme**

- (1) A person may apply to the chief executive for membership of the taxi subsidy scheme as a relevant person.
- (2) The application must be in the approved form.
- (3) The chief executive must consider the application and decide—
  - (a) to approve the application; or
  - (b) under subsection (4), to refuse to approve the application.
- (4) The chief executive may refuse to approve the application, by giving the person a decision notice, if—
  - (a) the chief executive is not satisfied the person is a relevant person; or
  - (b) the person has been convicted of an offence against section 149(3) of the Act in relation to a taxi subsidy scheme.

### **96      Chief executive may cancel assistance under taxi subsidy scheme**

- (1) The chief executive may cancel a person's approval as an approved relevant person if—

- (a) the chief executive is no longer satisfied the person is a relevant person; or
  - (b) the person has been convicted of an offence against section 149(3) of the Act in relation to a taxi subsidy scheme.
- (2) Before cancelling the approval, the chief executive must give the approved relevant person a written notice—
  - (a) stating the chief executive is considering cancelling the approval; 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 person to show, within a stated time of at least 28 days, why the cancellation should not be taken.
- (3) If, after considering all written representations made within the stated time, the chief executive is not satisfied the person is a relevant person as mentioned in subsection (1)(a), or is satisfied the person has been convicted as mentioned in subsection (1)(b), the chief executive may cancel the approval by giving the person a decision notice.
- (4) However, if the chief executive is no longer satisfied the person is a relevant person because the person is an NDIS participant, the chief executive—
  - (a) need not comply with subsection (2); and
  - (b) may cancel the approval by giving the person a decision notice.
- (5) Unless the person has a reasonable excuse, as soon as practicable after the decision notice is given to the approved relevant person (but within 14 days), the person must return to the chief executive—
  - (a) the person's membership card evidencing the person's membership of the taxi subsidy scheme; and
  - (b) any unused taxi vouchers given under the taxi subsidy scheme.

Maximum penalty—10 penalty units.

- (6) Even if the person does not return the membership card or any unused taxi vouchers given under the taxi subsidy scheme, the cancellation has effect from the date stated in the decision notice.

### **96AA Production of membership card to receive benefit**

An approved relevant person can not receive a benefit under the taxi subsidy scheme for a journey by the person unless the person produces his or her membership card to the driver of the taxi for the journey that is to be subsidised.

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

### **96AAA Chief executive may disclose or use relevant information**

- (1) This section applies to—
  - (a) the use of relevant information for a TSS related person by the chief executive; and
  - (b) the disclosure of relevant information for a TSS related person, by the chief executive, to the following—
    - (i) a public service employee;
    - (ii) an entity established by an Act for a public purpose;
    - (iii) the Commonwealth, or an entity of the Commonwealth.
- (2) The chief executive may use or disclose the relevant information for administering the taxi subsidy scheme.
- (3) Without limiting subsection (2), the chief executive may use or disclose the relevant information—
  - (a) to decide whether the person is an NDIS participant; or

[s 96AAA]

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- (b) to assist the transition of the person from the taxi subsidy scheme to the National Disability Insurance Scheme, whether or not the person becomes a participant in the National Disability Insurance Scheme;  
or

*Example of paragraph (b)—*

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

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

- (4) In this section—

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

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

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

*Examples of other information—*

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

***TSS related person*** means—

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

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

### **Subdivision 3      Obligations on all persons**

#### **96AB Disclosure or use of taxi subsidy scheme information**

A person must not disclose or use taxi subsidy scheme information other than for an authorised purpose.

Maximum penalty—80 penalty units.

#### **96AC Misusing, or tampering with, membership card or approved card reader**

A person must not misuse, or tamper with, a membership card or approved card reader.

Maximum penalty—40 penalty units.

#### **96ACA 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 scheme payment on behalf of another person who is entitled to the payment.
- (2) The payee must ensure the scheme payment is given to the person entitled to the payment within a reasonable time, unless the payee has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) In this section—

*scheme payment* means an amount paid by the State under the taxi subsidy scheme for part of a fare for a booked hire service or a taxi service.

[s 96AD]

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## **Subdivision 4      Obligations on holder of taxi service licence or substitute vehicle authority**

### **96AD Ensuring approved card reader is fitted**

- (1) The holder of a taxi service licence must ensure a taxi operated under the licence is fitted with an approved card reader if the taxi is not an exempted taxi.

Maximum penalty—40 penalty units.

- (2) The holder of a substitute vehicle authority must ensure a substitute vehicle for a taxi service licence used under the authority is fitted with an approved card reader.

Maximum penalty—40 penalty units.

### **96AE Ensuring approved card reader appears to be working when making taxi or substitute vehicle available under lease or contract**

- (1) This section applies if—
- (a) the holder of—
    - (i) a taxi service licence for a taxi leases the licence; or
    - (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
  - (b) the holder makes the taxi or substitute vehicle available to another person under the lease, contract or arrangement; and
  - (c) the taxi or substitute vehicle is fitted with an approved card reader; and
  - (d) for the taxi—the taxi is not an exempted taxi.

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- (2) The holder must ensure the approved card reader appears to be working when the holder makes the taxi or substitute vehicle available to the other person.

Maximum penalty—40 penalty units.

## **Subdivision 5      Obligations on operator**

### **96AF Ensuring approved card reader appears to be working when taxi is made available to driver**

- (1) This section applies if—
- (a) the operator of a booked hire service or taxi service makes available to a driver a taxi used to provide the service; and
  - (b) the taxi is fitted with an approved card reader; and
  - (c) the taxi is not an exempted taxi.
- (2) The operator must ensure the approved card reader appears to be working when the operator makes the taxi available to the driver.

Maximum penalty—40 penalty units.

### **96AG Ensuring approved card reader interfaces with taximeter and is kept connected**

- (1) This section applies if—
- (a) a taxi used to provide a booked hire service or taxi service is fitted with an approved card reader; and
  - (b) the taxi is fitted with a taximeter; and
  - (c) the taxi is not an exempted taxi.
- (2) The operator of the service must ensure the approved card reader interfaces with the taximeter to enable the automatic calculation of the benefit under the taxi subsidy scheme for a journey.

[s 96AH]

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Maximum penalty—20 penalty units.

- (3) The operator of the service must ensure a connection for the electronic transmission of information is kept between the taximeter and the approved card reader while the taxi is in use.

Maximum penalty—20 penalty units.

- (4) The operator of the service does not commit an offence against subsection (2) or (3) if—
- (a) a defect in, or damage to, the approved card reader or the taximeter prevents compliance with the subsection; and
  - (b) arrangements have been made to repair the approved card reader.

#### **96AH Manual card reader and restricted use slips to be carried in taxi**

- (1) The operator of a booked hire service or taxi service must ensure that, while a taxi used to provide the service is available for hire, both of the following are carried in the taxi—
- (a) a manual card reader;
  - (b) a sufficient number of restricted use slips for the period of time that the taxi is available for hire.

Maximum penalty—20 penalty units.

- (2) In this section—

*restricted use slip* means a document that is used in association with a manual card reader to facilitate payments of fares under a taxi subsidy scheme.

### **Subdivision 6 Obligations on taxi driver**

#### **96AI Driver authorisation number to be entered**

- (1) This section applies if—



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- (a) a taxi is fitted with an approved card reader; and
  - (b) the taxi is not an exempted taxi.
- (2) The driver of the taxi must—
- (a) enter his or her driver authorisation number into the approved card reader at the start of each shift to validate the currency of his or her driver authorisation; and
  - (b) sight the response from the approved card reader.
- Maximum penalty—40 penalty units.
- (3) The driver does not commit an offence against subsection (2) if—
- (a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and
  - (b) arrangements have been made to repair the approved card reader.

### **96AJ How approved card reader must be used**

- (1) This section applies if—
- (a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a booked hire service or taxi service, for the journey that is to be subsidised; and
  - (b) the taxi is fitted with an approved card reader; and
  - (c) the taxi is not an exempted taxi.
- (2) The driver must—
- (a) use the membership card with the approved card reader—
    - (i) to validate the currency of the approved relevant person's membership of the taxi subsidy scheme; and
    - (ii) to facilitate the payment, under the scheme, in relation to the fare for the journey; and

[s 96AK]

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(b) sight the response for paragraph (a)(i) from the approved card reader.

Maximum penalty—40 penalty units.

(3) The driver does not commit an offence against subsection (2) if—

(a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and

(b) arrangements have been made to repair the approved card reader.

### **96AK When manual card reader must be used**

(1) This section applies if—

(a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a booked hire service or taxi service, for the journey that is to be subsidised; and

(b) the taxi is not an exempted taxi; and

(c) the taxi is fitted with an approved card reader; and

(d) the approved card reader is not working properly or at all; and

(e) a manual card reader is carried in the taxi.

(2) The driver of the taxi must use the manual card reader to take an imprint of the membership card.

Maximum penalty—40 penalty units.

### **96AL When manual card reader must not be used**

The driver of a taxi must not use a manual card reader unless—

(a) the taxi is an exempted taxi; or

(b) the approved card reader is not working properly or at all.

Maximum penalty—40 penalty units.

**96AM Driver to compare photograph and not to hire taxi to particular person**

- (1) If, for a journey, a hirer of a taxi produces a membership card to the driver of the taxi, the driver must make a visual comparison between the person and the photograph on the membership card.

Maximum penalty—40 penalty units.

- (2) The driver of a taxi must not hire the taxi to a person for a journey if the driver reasonably believes that—
- (a) the person is not an approved relevant person; and
  - (b) the person intends to obtain a benefit under the taxi subsidy scheme in relation to the fare for the journey.

Maximum penalty—40 penalty units.

**Division 6 Taxi driver display cards and interim taxi driver display cards**

**Subdivision 1 Taxi driver display cards**

**96AO Issue of taxi driver display card**

The chief executive may issue a taxi driver display card to a holder of driver authorisation for a taxi.

**96AP Taxi driver display card to be displayed**

- (1) The driver of a taxi must not drive the taxi in a prescribed area while the taxi is available for hire unless the taxi driver displays the taxi driver display card for the driver in a prominent position inside the taxi so that information on the card is readily visible to all passengers in the taxi.

[s 96AQ]

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Maximum penalty—20 penalty units.

*Note—*

A taxi driver display card is an authorising document.

*Editor's note—*

Taxi service areas are described on the department's website.

- (2) However, the driver of a taxi does not commit an offence under subsection (1) if the driver—
- (a) is displaying an interim taxi driver display card for the driver under section 96AU; or
  - (b) is driving a taxi for a journey that starts in a taxi service area other than a prescribed area.

### **96AQ Person not to display taxi driver display card unless person holds driver authorisation for a taxi**

A person issued a taxi driver display card under section 96AO who is driving a taxi while the taxi is available for hire must not display the card in the taxi unless the person holds driver authorisation for a taxi.

Maximum penalty—60 penalty units.

## **Subdivision 2 Interim taxi driver display cards**

### **96AR Issue of interim taxi driver display card**

The chief executive may issue an interim taxi driver display card to an operator of a taxi service who provides a taxi service in a prescribed area to enable the operator to assign the card to a person if—

- (a) the person holds driver authorisation for a taxi; and
- (b) either—
  - (i) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or

- (ii) the person has not been issued a taxi driver display card.

**96AS Temporary assignment of interim taxi driver display card by operator of a taxi service**

- (1) An operator of a taxi service who has been issued an interim taxi driver display card under section 96AR may assign the card to a person for a term of 2 weeks if—
  - (a) either—
    - (i) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
    - (ii) a taxi driver display card has not been issued to the person; and
  - (b) the person gives the operator the following information about the person, and the operator has no reason to suspect the information is false—
    - (i) evidence that the person holds driver authorisation for a taxi;
    - (ii) written notice that—
      - (A) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
      - (B) the person has not been issued a taxi driver display card.

*Note—*

An interim taxi driver display card is an authorising document.

- (2) An operator of a taxi service must not assign an interim driver display card to a person unless the person holds driver authorisation for a taxi.

Maximum penalty for subsection (2)—40 penalty units.

[s 96AT]

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### **96AT Temporary issue of interim taxi driver display card by chief executive**

The chief executive may issue an interim taxi driver display card to a person who drives a taxi in a prescribed area for a term of 2 weeks if—

- (a) the person holds driver authorisation for a taxi; and
- (b) either—
  - (i) the most recent taxi driver display card issued to the person has been damaged, lost or stolen; or
  - (ii) a taxi driver display card has not been issued to the person.

### **96AU When interim taxi driver display card must, or must not, be displayed**

- (1) This section applies if the driver of a taxi holds an interim taxi driver display card.
- (2) The driver must not drive the taxi in a prescribed area while the taxi is available for hire unless the taxi driver displays the interim taxi driver display card in a prominent position inside the taxi so that information on the card is readily visible to all passengers in the taxi.

Maximum penalty—20 penalty units.

*Note—*

An interim taxi driver display card is an authorising document.

- (3) However, the driver of a taxi does not commit an offence under subsection (2) if the driver is driving a taxi for a journey that starts in a taxi service area other than a prescribed area.
- (4) A person assigned or issued an interim taxi driver display card under section 96AS or 96AT who is driving a taxi in a prescribed area while the taxi is available for hire must not display the card in the taxi—
  - (a) other than during the term for which the card was issued or the term of the assignment; or

(b) if the person has been issued a taxi driver display card.

Maximum penalty—20 penalty units.

*Note—*

See also section 96AZ.

### **96AV False or misleading information relating to assignment**

A person must not give an operator of a taxi service information the person knows is false or misleading in a material particular relating to the assignment of an interim taxi driver display card to the person.

Maximum penalty—40 penalty units.

### **96AW Record to be kept about assignment**

An operator of a taxi service who assigns an interim taxi driver display card to a person under section 96AS must keep a written record of the following for at least 5 years after the assignment at a place of business of the operator—

- (a) the name and driver authorisation number of the person to whom the card is assigned;
- (b) the reason for the assignment;
- (c) the date of the assignment;
- (d) the date the card is returned to the operator;

Maximum penalty—20 penalty units.

### **96AX Return of interim taxi driver display card**

(1) A person who is assigned an interim taxi driver display card under section 96AS must, unless the person has a reasonable excuse, return the card to the operator of a taxi service who assigned the card to the person—

- (a) within 2 weeks after the term of the assignment ends; or
- (b) if requested by the operator—

[s 96AY]

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- (i) immediately after the request is made; or
- (ii) within the period stated by the operator; or
- (c) within 2 weeks after the person's driver authorisation for a taxi is suspended or cancelled.

Maximum penalty—20 penalty units.

- (2) Subsection (1) applies despite the assignment of the card to the person for a term of 2 weeks.
- (3) A person who is issued an interim taxi driver display card under section 96AT must, unless the person has a reasonable excuse, return the card to the chief executive—
  - (a) within 2 weeks after the term for which the card was issued ends; or
  - (b) within 2 weeks after the person's driver authorisation for a taxi is suspended or cancelled.

Maximum penalty—20 penalty units.

### **96AY Duty to notify damage, loss or theft of interim taxi driver display card**

- (1) If an interim taxi driver display card is—
  - (a) issued to an operator of a taxi service under section 96AR; and
  - (b) assigned to a person under section 96AS; and
  - (c) damaged, lost or stolen;

the person must give the operator written notice of the damage, loss or theft, as soon as possible, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If an interim taxi driver display card is—
  - (a) issued to an operator of a taxi service under section 96AR; and
  - (b) damaged, lost or stolen;



the operator must give the chief executive written notice of the damage, loss or theft no later than 5p.m. on the next business day after becoming aware of the damage, loss or theft, unless the operator has a reasonable excuse.

Maximum penalty—20 penalty units.

**96AZ Person not to display interim taxi driver display card unless person holds driver authorisation for a taxi**

A person assigned or issued an interim taxi display card under section 96AS or 96AT who is driving a taxi while the taxi is available for hire must not display the card in the taxi unless the person holds driver authorisation for a taxi.

Maximum penalty—60 penalty units.

## **Part 6A Cross-border taxi services**

**96B Requirement to carry licence for NSW taxi**

- (1) The operator of a cross-border taxi service must ensure the licence for the NSW taxi used to provide the service is kept inside the NSW taxi and is readily available to the driver of the NSW taxi.

Maximum penalty—40 penalty units.

- (2) A person driving a NSW taxi in Queensland must, if asked by an authorised person, make the licence for the NSW taxi available for inspection by the authorised person.

Maximum penalty—40 penalty units.

- (3) In this section—

*licence*, for a NSW taxi, means—

- (a) the licence under the *Passenger Transport Act 1990* (NSW), part 4, division 4 relating to the NSW taxi; or
- (b) a copy of the licence mentioned in paragraph (a).

## **96C Cross-border taxi ranks**

(1) The chief executive may erect or place a sign at a taxi rank in the Queensland–NSW border area identifying the taxi rank as a taxi rank where a NSW taxi can ply or stand for hire by a person intending to make a journey to New South Wales.

(2) In this section—

*Queensland–NSW border area* means the part of Queensland bound by the following—

- (a) Currumbin Creek;
- (b) Tomewin Mountain Road;
- (c) the border between Queensland and New South Wales;
- (d) the Queensland shoreline.

# **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.

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## **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 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 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) Subsection (1)(c) 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.

- (4) In this section—

***relevant person***, in relation to issuing a booked hire service licence to a person, means each of the following persons—

  - (a) the person;

- (b) if the person is a corporation—an executive officer of the corporation;
- (c) a related body corporate of the person and each executive officer of the body corporate.

## **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—Act, s 91R**

- (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 an application to be made 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) For section 91R(3)(b) of the Act, 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 third business day after the notice is given.

[s 106]

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- (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 entity of the proposed transferee, 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) a booked hire service licence, limousine licence or taxi service licence held by the proposed transferee, or a



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related entity of the proposed transferee, was suspended or cancelled within the previous year; or

- (c) it is necessary in the public interest.
- (5) Subsection (4)(a) 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.

- (6) 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.
- (7) 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 (7)—20 penalty units.

- (8) In this section—

***related entity***, of a proposed transferee, means each of the following persons—

- (a) if the transferee is a corporation—an executive officer of the corporation;

- (b) a related body corporate of the transferee and each executive officer of the body corporate.

## **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 entity of the proposed lessee, 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) a booked hire service licence, limousine licence or taxi service licence held by the proposed lessee, or a related entity of the proposed lessee, was suspended or cancelled within the previous year; or
  - (c) 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; or

- (d) it is necessary in the public interest.
- (5) Subsection (4)(a) 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.

- (6) 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.
- (7) 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 (7)—20 penalty units.

- (8) 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.

***related entity***, of a proposed lessee, means each of the following persons—

- (a) if the lessee is a corporation—an executive officer of the corporation;
- (b) a related body corporate of the lessee and each executive officer of the body corporate.

## **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) a relevant person 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) a relevant 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 a relevant person has been suspended or cancelled; or
  - (e) a fee, or the taxi industry security levy under section 91ZW of the Act, payable for the licence remains unpaid after the day payment is required to be made; or
  - (f) 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) Subsection (2)(b) 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.

- (4) In this section—

***relevant person***, in relation to suspending or cancelling a person's licence, means each of the following persons—

- (a) the person;
- (b) if the person is a corporation—an executive officer of the corporation;
- (c) a related body corporate of the person and each executive officer of the body corporate.

## **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

[s 111]

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- (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.

[s 114]

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- (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

[s 117DB]

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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

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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.

[s 117DE]

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- (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 1A   Preliminary**

#### **117DFA Definitions for division**

In this division—

*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* means—

- (a) for a person's application for a booking entity authorisation, each of the following persons—
- (i) the person;
  - (ii) if the person is a foreign person—the person's proposed local nominee;
  - (iii) if the person or person's proposed local nominee is a corporation—each executive officer of the corporation;
  - (iv) a related body corporate of the person or the person's proposed local nominee and each executive officer of the body corporate; or
- (b) for a person's booking entity authorisation, each of the following persons—
- (i) the person;
  - (ii) if the person is a foreign person—the person's local nominee;

- (iii) if the person or person's local nominee is a corporation—each executive officer of the corporation;
- (iv) a related body corporate of the person or the person's local nominee and each executive officer of the body corporate.

## **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 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 a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—
    - (i) a booked hire service; or
    - (ii) a booking service for a booked hire service; or
    - (iii) a taxi service; or
  - (f) the chief executive is satisfied it is necessary in the public interest to do so.
- (2) Subsection (1)(c) 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.

## **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) a relevant person 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 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

[s 117DM]

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- (e) a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—
  - (i) a booked hire service; or
  - (ii) a booking service for a booked hire service; or
  - (iii) a taxi service; or
- (f) a fee payable for the authorisation remains unpaid after the day payment is required to be made; or
- (g) 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) Subsection (2)(c) 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.

### **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

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- (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

[s 117DO]

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- (ii) the person does not have a local nominee; or
  - (b) a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—
    - (i) a booked hire service; or
    - (ii) a booking service for a booked hire service; or
    - (iii) a taxi service; 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.

### **117DRA Notice about increased fleet**

- (1) This section applies if—
  - (a) a person has paid a fee based on a fleet category (the *previous fleet category*) for a booking entity authorisation; and
  - (b) during the term of the authorisation, the number of available vehicles for the authorisation changes and is more than the upper limit of vehicles in the previous fleet category.
- (2) The person must give the chief executive a written notice about the change within 14 days after the change happens.



Maximum penalty—40 penalty units.

(3) In this section—

*fleet category*, for a booking entity authorisation, means each of the following groupings of numbers of vehicles—

- (a) 1 to 5 vehicles;
- (b) 6 to 20 vehicles;
- (c) 21 to 50 vehicles.

### **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.

## Part 7B                      Vehicle security camera systems

### Division 1                      Preliminary

#### 117E Definitions for part

In this part—

*approved security camera system* means a vehicle security camera system approved by the chief executive under section 117P.

*approved security camera system sign* means a sign approved under section 117Q.

*authorised purpose*, for a security recording, means—

- (a) examining a complaint about the vehicle, or an event that happened in or about the vehicle, carried out by—
  - (i) the operator of a booked hire service or taxi service provided using the vehicle or, if the operator is a corporation, an executive officer of the corporation; or
  - (ii) an employee of the operator of the service, acting under the direct and immediate supervision of the operator or the executive officer; or

*Examples of matters that may be the subject of a complaint—*

- fare evasion
  - lost property
  - disorderly conduct
  - offensive behaviour
  - theft of property
  - physical assaults not causing injury
- (b) prosecuting, or issuing an infringement notice for, an offence committed in or about the vehicle; or

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- (c) another purpose relating to a police officer performing the officer's duties; or
  - (d) another purpose relating to a public service officer employed in the department performing the officer's duties relating to the administration of vehicle security camera systems fitted in vehicles; or
  - (e) a manufacturer or supplier of the approved security camera system carrying out work to maintain, or address a failure in, the approved security camera system; or
  - (f) another purpose required or permitted by law.

***front or rear camera system*** means a device or system that—

- (a) records images, or images and audible sounds, in front of or behind a vehicle but not of any person inside the vehicle; and
- (b) stores, or transmits and stores, the images, or images and audible sounds, recorded by the device or system.

***fully operational***, for an approved security camera system, means—

- (a) the visual indicator on the camera system, designed to show whether the camera system is operating, shows the camera system is operating; and
- (b) the view from a lens of the camera system is not altered or obstructed in a way that would adversely affect the use of an image recording for an authorised purpose; and

*Examples of ways the view from a lens of a camera system may be altered or obstructed—*

- an object covers, or partially covers, the lens
  - the lens is marked or scratched
- (c) if relevant for the camera system—the reception of audible sound by the camera system is not altered or obstructed in a way that would adversely affect the use of a sound recording for an authorised purpose.

*Example of ways reception may be altered or obstructed—*

an object covers, or partially covers, a microphone of the camera system

***image recording*** includes—

- (a) any electronic information from which a recorded image is capable of being generated or a copy of the information; and
- (b) a reproduction of a recorded image or a copy of the reproduction.

***properly fitted***, for an approved security camera system, means the camera system is fitted and aligned in accordance with the specifications approved under section 117O for the camera system.

***relevant place***, for an approved security camera system sign in or on a vehicle, means—

- (a) on all doors of the vehicle, in a place on each door that is approved by the chief executive and published on the department's website; and
- (b) at least 1 other conspicuous place inside the vehicle that allows passengers of the vehicle to readily see the sign.

***relevant security camera area*** means the geographic area that corresponds with a taxi service area mentioned in schedule 3.

***security recording*** means an image recording or sound recording made by an approved security camera system fitted in a booked hire vehicle, taxi or limousine.

***sound recording*** includes—

- (a) any electronic information from which a recorded audible sound is capable of being generated or a copy of the information; and
- (b) a reproduction of a recorded audible sound or a copy of the reproduction.

***vehicle security camera system*** means a device or system, other than a front or rear camera system, that—

- (a) records images, or images and audible sounds, of persons in or about a vehicle; and
- (b) stores, or transmits and stores, images, or images and audible sounds, recorded by the device or system.

## **Division 2                    General obligations**

### **117F    Application of division**

This division applies to any of the following—

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

### **117G    Obligation on operator of service**

- (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.
- (2) The operator of a booked hire service or taxi service that is provided using the vehicle must ensure the vehicle is fitted with an approved security camera system.

Maximum penalty—40 penalty units.

[s 117H]

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**117H Vehicle not to be fitted with vehicle security camera system that has not been approved**

A person must not fit, or cause to be fitted, a vehicle security camera system in a vehicle unless it is an approved security camera system.

Maximum penalty—40 penalty units.

**117I Operation of camera systems**

A person must not drive a vehicle to provide a booked hire service or taxi service while a vehicle security camera system, other than the following, is operating—

- (a) an approved security camera system;
- (b) a device operated by a passenger.

Maximum penalty—40 penalty units.

**Division 3 Vehicles fitted with approved security camera systems**

**117J Application of division**

This division applies if a booked hire vehicle, limousine or taxi is fitted with an approved security camera system, whether or not the camera system was fitted because of the requirement under section 117G.

**117K Properly fitted and fully operational approved security camera system**

When an operator of a booked hire service or taxi service makes the vehicle available to a person to drive to provide the service, the operator must ensure—

- (a) the approved security camera system is—
  - (i) properly fitted; and
  - (ii) fully operational; and

- (b) an approved security camera system sign is displayed at each relevant place in or on the vehicle.

Maximum penalty—40 penalty units.

### **117L Obligation on person who drives a vehicle**

A person must not drive the vehicle unless—

- (a) the approved security camera system is fully operational; and
- (b) an approved security camera system sign is displayed at each relevant place in or on the vehicle.

Maximum penalty—40 penalty units.

### **117M Notice that approved security camera system not properly fitted or fully operational**

- (1) This section applies if an operator of a booked hire service or taxi service provided using the vehicle—
  - (a) gives the chief executive written notice that the approved security camera system is not, or will not be, properly fitted or fully operational during a stated period because it is undergoing maintenance or repair; and
  - (b) ensures a copy of the notice is kept in the vehicle during the notice period.
- (2) The operator does not commit an offence against section 117G(2) or 117K for providing the service using the vehicle, or making the vehicle available to a person to drive to provide the service, during the notice period—
  - (a) if the notice states the approved security camera system is not, or will not be, properly fitted during the notice period—without a properly fitted camera system; or
  - (b) if the notice states that the camera system is not, or will not be, fully operational during the notice period—without a fully operational approved security camera system.

[s 117N]

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- (3) Also, if the notice states that the approved security camera system is not, or will not be, fully operational during the notice period, a person who drives the vehicle does not commit an offence against section 117L by driving the vehicle without a fully operational approved security camera system during the notice period.
- (4) In this section—  
*notice period*, for a notice given under subsection (1)(a), means the period—
  - (a) starting on the later of the following days—
    - (i) the day the notice is given to the chief executive;
    - (ii) the day stated in the notice as the first day of the period; and
  - (b) ending on the day stated in the notice as the last day of the period that must be not more than 4 days after the day the period starts.

### **117N Person must not tamper with an approved security camera system**

- (1) A person must not tamper with the approved security camera system fitted in the vehicle unless the person has lawful authority or excuse.  
Maximum penalty—40 penalty units.
- (2) In this section—  
*tamper* includes attempt to tamper.



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## **Division 4                    Chief executive functions**

### **117O Chief executive may approve specifications for vehicle security camera system**

- (1) The chief executive may, by notice published on the department's website, approve specifications for a vehicle security camera system.
- (2) Without limiting subsection (1), the notice must include the following specifications for the vehicle security camera system—
  - (a) whether the camera system may be turned off by a person;
  - (b) when the camera system must operate, including a period (if any) when the vehicle in which it is fitted is not providing a booked hire service or taxi service;
  - (c) that the camera system must ensure that a security recording made by the camera system is deleted, destroyed or overwritten within the period stated in the notice;
  - (d) that the camera system must make a record of when a security recording made by the camera system is downloaded.

### **117P Chief executive may approve vehicle security camera system**

- (1) The chief executive may, by notice published on the department's website—
  - (a) approve a vehicle security camera system that complies with the specifications approved under section 117O for use in vehicles; or
  - (b) cancel an approval for a vehicle security camera system.
- (2) An approval under subsection (1)(a) may be subject to conditions.

[s 117Q]

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- (3) Without limiting subsection (2), a condition may relate to any of the following matters—
  - (a) the technical and functional specifications of the vehicle security camera system;
  - (b) the requirements for support services to be provided by the manufacturer or supplier of the vehicle security camera system;
  - (c) the maintenance of the vehicle security camera system;
  - (d) security controls for the vehicle security camera system.
- (4) The chief executive may, under subsection (1)(b), cancel an approval only if—
  - (a) the chief executive reasonably believes—
    - (i) the vehicle security camera system no longer complies with the specifications approved under section 117O; or
    - (ii) the vehicle security camera system no longer complies with the approval; or
    - (iii) the manufacturer or supplier of the vehicle security camera system has breached a condition of the approval; or
    - (iv) the manufacturer or supplier no longer intends to fully support the vehicle security camera system; or
  - (b) the chief executive receives a request from the manufacturer or supplier to cancel the approval.
- (5) A cancellation of an approval for a vehicle security camera system takes effect 6 months after notice of the cancellation is published under subsection (1)(b).

### **117Q Approval of signs**

- (1) The chief executive may approve a sign for display in or on a vehicle fitted with an approved security camera system that states a security camera is fitted and operating in the vehicle.

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- (2) An approval under subsection (1) must be notified by publication on the department's website.

## **Division 5                      Security recordings**

### **117R Use of security recordings from approved security camera system**

- (1) A person must not sell a security recording.  
Maximum penalty—80 penalty units.
- (2) A person must not download, otherwise disclose or use a security recording made in a vehicle when the vehicle was not being used to provide a booked hire service or taxi service unless the person has lawful authority.  
Maximum penalty—80 penalty units.
- (3) A person must only download, otherwise disclose or use a security recording made in a vehicle when the vehicle was being used to provide a booked hire service or taxi service for an authorised purpose.  
Maximum penalty—80 penalty units.
- (4) For subsections (2) and (3), a vehicle is used to provide a booked hire service or taxi service when the vehicle—
- (a) is about to be used for the service; or
  - (b) is being used for the service; or
  - (c) has just been used for the service.

### **117S Requirement to keep record of download of security recording**

- (1) A person who downloads a security recording must keep a record of the following—
- (a) the VIN of the vehicle in which the security recording was made;

[s 117T]

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- (b) the date, time and location of the download;
- (c) the person's name;
- (d) the reason for the download;
- (e) the name and contact details of—
  - (i) the person asking for the downloaded security recording; and
  - (ii) the person (if any) to whom the downloaded security recording is to be given;
- (f) the date and time the security recording was made;
- (g) the filename of the security recording.

Maximum penalty—80 penalty units.

- (2) A person who makes a record under subsection (1) must give a copy of the record to the chief executive within 1 business day after downloading the security recording.

Maximum penalty—80 penalty units.

- (3) In this section—

*VIN* see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

### **117T Security measures for protecting against unauthorised use of security recording**

- (1) A relevant person must take all reasonable security measures to ensure a security recording is protected against being—
  - (a) lost; or
  - (b) downloaded, otherwise disclosed or used other than under section 117R(2) or (3).

Maximum penalty—80 penalty units.

- (2) A relevant person does not commit an offence against this section if, because an approved security camera system operates in the way required under a specification mentioned

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in section 117O(2)(c), the security recording is deleted, destroyed or overwritten.

(3) In this section—

*relevant person*, for a security recording for a vehicle, means—

- (a) the operator of a booked hire service or taxi service provided using the vehicle; or
- (b) a person who arranges a booking for a booked hire service using the vehicle; or
- (c) if an operator or person mentioned in paragraph (a) or (b) is a corporation—an executive officer of the corporation; or
- (d) when the vehicle is being used to provide a booked hire service or taxi service—the person driving the vehicle; or
- (e) a person who receives, downloads, discloses or otherwise uses the security recording under section 117R.

### **117U Disposal of copied security recordings**

- (1) This section applies if a person has made or received a copy of all or part of a security recording.
- (2) The person must delete or otherwise destroy the copy of the security recording on a day not less than 60 days, but not more than 90 days, after the security recording is made or received, unless the copy is required for an enforcement purpose.

Maximum penalty—80 penalty units.

(3) In this section—

*enforcement purpose* means prosecuting, or issuing an infringement notice for, an offence.

## **Part 8                      Obligations of operators**

### **118      Equipment for vehicles**

An operator of a public passenger vehicle mentioned in schedule 5 must ensure the vehicle complies with the schedule.

Maximum penalty—20 penalty units.

### **119      Advertising on public passenger vehicles**

An operator of a public passenger vehicle must ensure the vehicle is not driven on a road if an advertisement or other marking displayed on the vehicle—

- (a) is or may be a danger to a person; or
- (b) conceals or obliterates a sign, writing or number required under an Act to be placed on the vehicle or makes the sign, writing or number difficult to read.

Maximum penalty—20 penalty units.

### **120      Accreditation evidence and accreditation certificates**

- (1) An operator of a public passenger service for which operator accreditation is required must display or keep, in the way set out in schedule 6, evidence of the operator's accreditation number on or in each vehicle used to provide the service, including, for example, a vehicle borrowed, leased or hired from someone else, unless the operator has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person driving a vehicle in which evidence of an operator's accreditation number is kept under subsection (1) must, if asked by an authorised person, make the evidence available for inspection by the authorised person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

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- (3) An operator of a public passenger service for which operator accreditation is required must remove, from a vehicle being used to provide the service, any accreditation evidence displayed on the vehicle and any accreditation certificate kept in the vehicle if—
- (a) the operator's accreditation is cancelled; or
  - (b) the operator's accreditation expires and the vehicle is no longer to be used to provide a public passenger service for which operator accreditation is required; or
  - (c) the vehicle is to be sold or otherwise disposed of.

Maximum penalty—20 penalty units.

- (4) Unless the person has a reasonable excuse, a person must not operate a public passenger service using a public passenger vehicle displaying accreditation evidence, or in which an accreditation certificate is kept, if the person—
- (a) does not hold operator accreditation; or
  - (b) holds provisional operator accreditation only and the accreditation evidence, or accreditation certificate, relates to operator accreditation other than provisional operator accreditation.

Maximum penalty—20 penalty units.

- (5) For subsections (1) and (4), it is a reasonable excuse for an accredited person if—
- (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
  - (b) the accredited person uses the vehicle to provide the service because of an exceptional circumstance; and

*Example for paragraph (b)—*

A replacement bus is used because of a vehicle breakdown.

- (c) the accredited person does not use the vehicle to provide the service for a period of more than 5 days, whether or not consecutively, within in any period of 3 months.

(6) In this section—

*accreditation certificate* means a certificate evidencing an operator's operator accreditation.

*accreditation evidence* means—

- (a) an operator's accreditation number; or
- (b) a vehicle identification sign displaying the words 'accredited operator' issued by the department.

*accredited person* means a person who holds operator accreditation, including provisional operator accreditation.

## **121 Presenting vehicles for inspection**

- (1) The chief executive may, by written notice, require the operator of a public passenger vehicle to take the vehicle to a specified place and at a specified time, for inspection and testing.
- (2) The operator must comply with the requirement.

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

## **122 Providing safe vehicles**

An operator of a public passenger vehicle must ensure the vehicle is in a safe condition when it is being used to provide a public passenger service.

Maximum penalty—20 penalty units.

## **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



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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.

## **123 Requirement for authority to enter**

An operator of a public passenger service must not allow the service to be provided to any of the following places unless the operator has the authority of the person who owns, controls or operates the place—

- (a) a place on private property;
- (b) an airport;
- (c) a protected area under the *Nature Conservation Act 1992*;
- (d) a State forest;

[s 124]

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- (e) a place controlled, administered or owned by Aborigines or Torres Strait Islanders.

Maximum penalty—20 penalty units.

#### **124 Record to be kept of each use of vehicle to provide public passenger service**

- (1) This section applies to an operator of a public passenger service for which operator accreditation is required.
- (2) The operator must keep a written record stating the following particulars for each use of a public passenger vehicle used to provide the service—
  - (a) the vehicle used;
  - (b) the registration number of the vehicle;
  - (c) the date and time of the use of the vehicle;
  - (d) the name of each driver who used the vehicle;
  - (e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.

Maximum penalty—20 penalty units.

#### **125 Records prescribed operators must keep about drivers**

A prescribed operator who grants a restricted driver authorisation to a person must keep a written record of the following particulars—

- (a) the name of the person granted restricted driver authorisation;
- (b) the date of the grant of the restricted driver authorisation;
- (c) the date of expiry of the restricted driver authorisation;
- (d) any amendment of the restricted driver authorisation and date of the amendment;

- (e) any automatic cancellation of the restricted driver authorisation under section 27(4)(c), reasons for the automatic cancellation and details about a notice given under section 27(5);
- (f) the number of the driver licence held by the person that, under the *Transport Operations (Passenger Transport) Standard 2010*, the person must hold and the State or foreign country where that driver licence was issued.

Maximum penalty—20 penalty units.

**126 Prescribed operator must notify chief executive if restricted driver authorisation granted, amended or cancelled**

- (1) A prescribed operator must, within 3 working days after granting, amending or cancelling a restricted driver authorisation, give the chief executive notice about the grant, amendment or cancellation.

Maximum penalty—10 penalty units.

- (2) The notice must be in the approved form.

**126A Air conditioning in buses—obligations of operator**

- (1) If the operator of a bus fitted with an air conditioner uses the bus to provide a general route service or school service, the operator must—
  - (a) ensure the air conditioner is fully operational and in good repair; and
  - (b) if the maximum daily air temperature forecast by the Bureau of Meteorology for the area where the general route service or school service operates is at least 28°C—instruct the driver to turn the air conditioner on.

Maximum penalty—20 penalty units.

- (2) The operator does not commit an offence against subsection (1)(a) in relation to the use of a bus fitted with an air conditioner that is not fully operational because it requires

[s 126B]

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maintenance or repair if, after first becoming aware that the air conditioner is not fully operational—

- (a) the operator has taken reasonable steps to have the air conditioner maintained or repaired as quickly as possible; and
- (b) the operator has a written record of—
  - (i) the date the air conditioner stopped being fully operational or in good repair; and
  - (ii) the steps taken to have the air conditioner maintained or repaired as quickly as possible; and
- (c) the operator displays a sign in a conspicuous position near the entry to the bus that informs the passengers that the air conditioner is not fully operational because it requires maintenance or repair.

### **126B Particular public passenger service not to be provided using particular vehicle**

An operator of a public passenger service for which operator accreditation is required must not provide the service using a nominated vehicle fitted with a prescribed interlock.

Maximum penalty—40 penalty units.

## **Part 9 Rights and obligations of passengers and drivers**

### **127 Application of pt 9**

This part does not apply to a public passenger vehicle that is rolling stock under the *Transport Infrastructure Act 1994*.

### **128 Smoking, and consumption of food or beverages, on public passenger vehicle**

- (1) A person must not smoke in a public passenger vehicle.

Maximum penalty—20 penalty units.

- (2) A person must not consume food or beverages in a public passenger vehicle without the permission of the operator or driver of the vehicle.

Maximum penalty—20 penalty units.

## **129 Carrying animals on public passenger vehicles**

- (1) A person must not take an animal on a public passenger vehicle unless—
- (a) the person has control of the animal; and
  - (b) either—
    - (i) the person has the permission of the operator or driver of the vehicle; or
    - (ii) the animal is an assistance animal.

Maximum penalty—20 penalty units.

- (2) The driver of a public passenger vehicle must allow a person to take an assistance animal on the vehicle if the person has control of the animal.

Maximum penalty—20 penalty units

## **130 Identification of drivers**

- (1) A person must not drive a public passenger vehicle for which driver authorisation is required, unless the person carries the document evidencing the person's driver authorisation.

Maximum penalty—20 penalty units.

- (2) If the chief executive has imposed a condition on the person's driver authorisation, the person must also carry the document evidencing the imposed condition.

Maximum penalty—20 penalty units.

### **131 Dress of drivers**

- (1) This section applies to a driver of a public passenger vehicle, other than a booked hire vehicle, taxi or limousine.
- (2) The driver must be neatly dressed while driving the vehicle.

Maximum penalty—10 penalty units.

### **132 Help to passengers**

If a passenger of, or intending passenger for, a public passenger vehicle asks for help to board or leave the vehicle, or asks for help with luggage, the driver of the vehicle must give the help to the extent that it is reasonable for the driver to do so.

Maximum penalty—10 penalty units.

### **133 Drivers of motorbikes**

The driver of a motorbike, motor tricycle or motorbike with a sidecar, used to provide a public passenger service, must not allow a person to ride as a passenger unless the driver is satisfied that the safety of the driver, the passenger and other passengers is not unreasonably put at risk by allowing the person to ride as a passenger.

Maximum penalty—20 penalty units.

### **133A Air conditioning in buses—obligations of driver**

- (1) This section applies in relation to the use of a bus to provide a general route service or school service if the bus is fitted with an air conditioner.
- (2) However, this section applies only while the bus is being used to provide a general route service or school service.
- (3) If the driver of the bus is instructed by the operator of the bus to turn the air conditioner on, the driver must comply with the request unless the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

*Example of a reasonable excuse—*

The air conditioner requires maintenance or repair.

### **133B Particular vehicle not to be driven to provide public passenger service**

A person must not drive a nominated vehicle fitted with a prescribed interlock to provide a public passenger service for which driver authorisation is required.

Maximum penalty—40 penalty units.

## **Part 9A Rights and obligations of persons on regulated areas**

### **Division 1 Preliminary**

#### **133C Definition for pt 9A**

In this part—

*regulated area* means a busway, busway transport infrastructure or light rail platform.

### **Division 2 Access**

#### **133D Driving and parking vehicles**

(1) A person must not drive a vehicle on a busway or busway transport infrastructure at more than—

(a) the speed indicated on a sign displayed by the chief executive on the infrastructure; or

(b) if no sign is displayed, 10km/h.

Maximum penalty—20 penalty units.

[s 133E]

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- (2) A person must not drive a vehicle, other than a pram or wheelchair, on an area of—
- (a) a busway or busway transport infrastructure designed for pedestrian use; or
  - (b) a light rail platform.

Maximum penalty—20 penalty units.

- (3) Subsections (1) and (2) do not apply to a person driving in the course of the person's duty as an employee or member of an emergency service in an emergency situation.
- (4) A person must not park a vehicle on a busway or busway transport infrastructure except in a place the chief executive has authorised parking.

Maximum penalty—20 penalty units.

- (5) A person driving a vehicle on a busway or busway transport infrastructure must obey a direction indicated on a sign displayed by the chief executive on the infrastructure about driving or parking the vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (6) In this section—

*emergency service* means—

- (a) the Queensland Ambulance Service; or
- (b) the Queensland Fire and Rescue Service; or
- (c) the Queensland Police Service; or
- (d) the State Emergency Services.

### **133E Entering or leaving regulated area**

- (1) This section applies to a regulated area with a designated entry or exit.
- (2) A person must not—



- (a) enter the regulated area other than through the designated entry; or
- (b) leave the regulated area other than through the designated exit.

Maximum penalty—20 penalty units.

### **133F Person not to enter route unless authorised**

A person who is not on a bus being driven on a busway must not enter a route designed and constructed for, or dedicated to, the priority movement of buses for passenger transport purposes, unless the person is authorised by the chief executive to enter the route.

Maximum penalty—20 penalty units.

## **Division 3 Persons on regulated area**

### **133G Application of division**

This division applies to a person on a regulated area, other than a person on a public passenger vehicle being driven on the regulated area.

*Note—*

See parts 9 and 9B for other provisions about the rights and obligations of passengers or persons on public transport infrastructure.

### **133H Animals on regulated area**

- (1) A person must not take an animal on, or allow an animal to stray onto, a regulated area.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person if the animal is an assistance animal and the person has control of the animal.

### **133I Litter**

A person must not leave litter on a regulated area except in a container provided for depositing litter.

Maximum penalty—10 penalty units.

### **133J Alcohol**

A person must not drink alcohol on a regulated area.

Maximum penalty—20 penalty units.

### **133K Smoking**

(1) This section applies to an area of a regulated area if a sign is displayed indicating that smoking is not allowed in the area.

(2) A person must not smoke in the area.

Maximum penalty—20 penalty units.

### **133L Selling, seeking business or conducting survey**

(1) A person on a regulated area must not publicly and personally—

(a) sell anything; or

(b) seek business; or

(c) conduct a survey.

Maximum penalty—10 penalty units.

(2) Subsection (1) does not apply if the person has the permission of a responsible person.

### **133M Playing musical instrument or operating sound equipment**

(1) A person on a regulated area must not—

(a) play a musical instrument; or

(b) operate sound equipment.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply if—
- (a) earphones are attached to the musical instrument or sound equipment and the sound level from the earphones is not likely to be a nuisance; or
  - (b) the person has the permission of a responsible person.
- (3) In this section—

***attached***, for earphones in relation to a musical instrument or sound equipment, means the earphones are connected to the instrument or equipment in a way that diverts all sounds emitted by the instrument or equipment through the earphones only.

***sound equipment*** means an amplifier, radio, tape recorder or other device that emits sound.

## Division 4                      Signs referred to in part may be official traffic sign

### 133N Official traffic signs

- (1) A sign displayed by the chief executive on a busway or busway transport infrastructure under this part may be in the form of an official traffic sign and, if it is, it is taken to contain the indication given by the corresponding official traffic sign.
- (2) In this section—

***indication*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***official traffic sign*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

## **Part 9B**

# **Rights and obligations of persons on public transport infrastructure and vehicles**

### **133O Spitting**

A person must not spit while on or in any of the following—

- (a) a public passenger vehicle;
- (b) a busway;
- (c) busway transport infrastructure;
- (d) a light rail platform.

Maximum penalty—20 penalty units.

### **133P Creating disturbance or nuisance on or in public transport infrastructure or vehicle**

- (1) A person must not create a disturbance or nuisance while on or in public transport infrastructure or a public passenger vehicle, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

- (2) Subsection (1) does not apply to conduct that is otherwise prohibited under part 9 or 9A or section 133O.
- (3) This section is prescribed for the Act, section 143AHA(4), definition *relevant provision*, paragraph (c).

## **Part 9C**

# **Dealing with vehicles or other property on busway, busway transport infrastructure or light rail**

### **133Q Moving abandoned, parked or left property**

- (1) This section applies if a vehicle or other property is—
  - (a) abandoned on a busway, busway transport infrastructure or light rail; or
  - (b) parked or left on a busway, busway transport infrastructure or light rail except in a place—
    - (i) authorised as a place for parking; or
    - (ii) authorised or designated as a place for leaving or keeping the property.
- (2) The responsible person or an authorised person may take steps that are reasonable and necessary to move the property to another place.

### **133R Notifying owner that property moved**

- (1) Within 14 days after moving the property, the responsible person must give its owner a written notice stating—
  - (a) the property has been moved; and
  - (b) how the property may be recovered; and
  - (c) if the responsible person considers, on reasonable grounds, the property has been abandoned on a busway, busway transport infrastructure or light rail—
    - (i) the property is abandoned property; and
    - (ii) if the property is not recovered within 2 months, the property may be sold.

- (2) If the owner can not be identified or located within the 14 days, the notice may be given by publishing it in a newspaper circulating generally in the State.
- (3) The responsible person need not give the notice if—
  - (a) the property has insufficient value to justify giving the notice; or
  - (b) it is otherwise impracticable to give the notice.

### **133S Moving expenses**

The responsible person may recover the reasonable expenses of moving the property, securely storing it and publishing any newspaper notice for it (the *moving expenses*) from—

- (a) the person who was in charge of the property immediately before it was moved; or
- (b) if the person in charge can not be identified—the property’s owner, unless the property was being used on the busway, busway transport infrastructure or light rail without the owner’s consent.

### **133T Releasing property when expenses paid**

The responsible person must release the property to its owner or in accordance with its owner’s written directions if the moving expenses are paid.

### **133U Disposing of property**

- (1) The responsible person may dispose of property the responsible person considers, on reasonable grounds, to have been abandoned on a busway, busway transport infrastructure or light rail if—
  - (a) the moving expenses are not paid within 2 months of giving notice under section 133R to the owner of the property; or

- (b) if the responsible person decides not to give a notice under section 133R, at least 2 months have passed since the decision.
- (2) The responsible person may dispose of the property—
    - (a) by selling it; or
    - (b) if the proceeds of its sale are not likely to cover the reasonable expenses that would be incurred by the responsible person in selling it—in the way the responsible person considers appropriate.
  - (3) If the property is sold, the sale proceeds must be applied in making payments in the following order—
    - (a) the expenses reasonably incurred by the responsible person in selling the property (the *sale expenses*);
    - (b) the moving expenses;
    - (c) any balance to the owner.
  - (4) If the sale proceeds are less than the sale and moving expenses, the difference between the expenses and the proceeds—
    - (a) is a debt payable to the responsible person by the person who is liable for the moving expenses; and
    - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
  - (5) If the property is not sold, the moving expenses and the expenses reasonably incurred by the responsible person in disposing of the property—
    - (a) are a debt payable to the responsible person by the person who is liable for the moving expenses; and
    - (b) may be recovered as a debt by action against the person in a court of competent jurisdiction.
  - (6) The responsible person may waive part or all of the expenses.

## **Part 10**                      **Review of decisions not provided for under Act, chapter 10**

### **134**    **Review of decisions**

Sections 102 and 103 of the Act apply to a decision described in schedule 7 as if the decision were described in schedule 2 of the Act.

## **Part 10A**                      **Authorised person for Gold Coast light rail**

### **134A**    **Appointment**

For section 111(2)(f) of the Act, the following persons are prescribed to be persons the chief executive may appoint to be an authorised person for the Gold Coast light rail for relevant transport legislation—

- (a) an employee of, or a contractor for, a light rail manager for the Gold Coast light rail;
- (b) an employee of a contractor mentioned in paragraph (a);
- (c) an employee of, or a contractor for, a light rail operator for the Gold Coast light rail;
- (d) an employee of a contractor mentioned in paragraph (c).

### **134B**    **Powers**

(1) For section 114(2) of the Act, the powers of an authorised person for the Gold Coast light rail given under relevant transport legislation are limited to the powers given under—

- (a) the following provisions of the Act—
  - (i) section 127;



- (ii) section 143ADA;
  - (iii) section 143ADB;
  - (iv) section 143AG;
  - (v) section 143AH;
  - (vi) section 143AHA(1);
  - (vii) section 143AHB(1) and (4);
  - (viii) section 143AHC;
  - (ix) section 143AHD; and
- (b) section 133Q(2) of this regulation.
- (2) However, the powers given under section 127 of the Act are limited to being exercised for serving an infringement notice against—
- (a) the following provisions of the Act—
    - (i) section 143AC;
    - (ii) section 143ADA;
    - (iii) section 143ADB;
    - (iv) section 143AE;
    - (v) section 143AK; or
  - (b) the following provisions of this regulation—
    - (i) section 128;
    - (ii) section 129(1);
    - (iii) sections 133D(2) and 133E;
    - (iv) sections 133H to 133M;
    - (v) sections 133O and 133P.
- (3) Also, the power given under section 143AHA(1) of the Act is limited to being exercised for giving a direction under the section for an offence against the following relevant provisions for that section—
- (a) section 143AC of the Act;

[s 135]

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- (b) section 143AE of the Act;
- (c) section 133P of this regulation;

*Note—*

Section 133P(2) prescribes section 133P as a relevant provision under the Act, section 143AHA(4), definition *relevant provision*, paragraph (c).

- (d) section 377 of the *Transport Infrastructure Act 1994*.
- (4) In addition, the powers are limited to being exercised only for the Gold Coast light rail.

## Part 11                      General

### 135      **Disqualifying offences—Act, sch 3, def *disqualifying offence*, para (e)**

An offence against this regulation, or the repealed *Transport Operations (Passenger Transport) Regulation 1994*, for which the maximum penalty is or was at least 20 penalty units is a disqualifying offence.

### 135A    **Scheduled passenger services that are not general route services—Act, sch 3, def *general route service***

- (1) The following are not general route services—
- (a) a scheduled passenger service that is restricted to use for 1 specific purpose;  
*Examples—*
    - a scheduled passenger service that is restricted to use by—
      - spectators travelling to or from a football game
      - tourists travelling to or from a common tourist attraction
  - (b) a scheduled passenger service that—
    - (i) is provided for 1 specific purpose; and

- (ii) is subject to a condition that prevents a person from using the service primarily for another purpose.

*Example—*

a hop-on hop-off style tour service that is intended to be used by tourists who want to travel to multiple tourist attractions and, because of the fare, effectively prevents a person from using the service to go to work

- (2) However, subsection (1) does not apply to a scheduled passenger service to or from a serviced airport unless the service is—
  - (a) an accommodation transfer service; or
  - (b) a tourist service; or
  - (c) a tourist transfer service; or
  - (d) a service that may only be used by a person who has booked the service—
    - (i) for a service from a place to a serviced airport—before the vehicle used to provide the service arrives at the place; or
    - (ii) for a service from a serviced airport to a place—before the person arrives at the airport to use the service.

- (3) In this section—

*serviced airport* means the Brisbane airport, the Cairns airport, the Gold Coast airport, the Sunshine Coast airport and the Townsville airport.

**136 Services excluded from passenger services—Act, sch 3, def public passenger service**

- (1) The following services involving the carriage of persons are excluded from the Act—
  - (a) a service provided by the Australian Defence Force, the Queensland Fire and Rescue Service or the Queensland Police Service;

[s 136]

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- (b) a service provided by an ambulance service;
  - (c) a service provided with a human- or animal-powered vehicle;
  - (d) a service provided for amusement other than on a road;
  - (e) a car pooling arrangement;
  - (f) a service provided as part of a funeral;
  - (g) a service provided as part of a street parade authorised under a law.
- (2) A vehicle breakdown service, including a towing service, to the extent it provides the driver or passengers of a broken-down vehicle with transport, is also a service excluded from the Act.

*Example of a towing service—*

a service that tows a vehicle, or transports a vehicle on a truck or trailer, from the place where the vehicle broke down

*Examples of a broken-down vehicle—*

- an inoperable vehicle
- a vehicle damaged to the extent that it can not be driven or driven safely
- a vehicle that the driver stops driving as a precaution against mechanical failure or greater mechanical failure

- (3) However, subsection (2) applies only if—
- (a) the broken-down vehicle is not at the vehicle's base of operations; and
  - (b) either—
    - (i) there is no reasonable alternative transport; or
    - (ii) the driver of the vehicle providing the transport believes the health or safety of the driver of the broken-down vehicle, or any of its passengers, is placed in unreasonable danger because of the breakdown.

- (4) In this section—

***ambulance service*** means—

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- (a) the Queensland Ambulance Service established under the *Ambulance Service Act 1991*; or
  - (b) the Ambulance Service of NSW established under the *Health Services Act 1997 (NSW)*; or
  - (c) the SA Ambulance Service Inc established under the *Health Care Act 2008 (SA)*; or
  - (d) an approved ambulance service within the meaning of the *Mental Health and Related Services Act (NT)*.

### **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 operate the public passenger service using a motor vehicle 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.

### **137A Requirements for road-based public passenger vehicle**

- (1) A person must not operate a public passenger service using a road-based public passenger vehicle that does not have a right-hand drive.

Maximum penalty—20 penalty units.

- (2) For subsection (1), a road-based public passenger vehicle has a right-hand drive if the centre of the steering control of the vehicle is either—
  - (a) to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle; or
  - (b) in line with the centre of the vehicle.
- (3) In this section—

***road-based public passenger vehicle*** means a public passenger vehicle used to transport members of the public by road.

### **138 Transport arrangements for students**

- (1) If a student's parent has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements made under section 144 of the Act, the chief executive may exclude the student from free travel under the arrangements.
- (2) Before taking the action mentioned in subsection (1) (the ***proposed action***), the chief executive must give the parent 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) inviting the parent to show, within a stated time of at least 28 days, why the proposed action should not be taken.
- (3) Subsection (4) applies if, after considering all written representations made within the stated time, the chief executive is satisfied that the student's parent has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements made under section 144 of the Act.

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- (4) The chief executive may, by giving a regulation notice to the parent, exclude the student from free travel under the arrangements.

### **139 Code of conduct for school students**

The chief executive may, by gazette notice, approve a code of conduct applying in relation to school students travelling on public passenger vehicles.

### **140 Local conveyance committees**

- (1) The chief executive may refuse to award a school service contract unless—
- (a) parents of eligible school students who will use the service to be provided under the contract have established a local conveyance committee; and
  - (b) the chief executive is satisfied the committee is operating in accordance with local conveyance committee guidelines approved by the chief executive.
- (2) In awarding a school service contract, the chief executive must ensure the views of any relevant local conveyance committee are taken into account.
- (3) A local conveyance committee has an ongoing role in—
- (a) monitoring the performance of the holders of school service contracts; and
  - (b) assisting the holders of school service contracts in the development of timetabling and route design; and
  - (c) assisting school principals and the holders of school service contracts in maintaining discipline of school students.

- (4) In this section—

*local conveyance committee* means a committee elected by, consisting of and representing, parents of eligible school students who use school services.

*school service contract* means a service contract to provide school services.

## **141 Soliciting or touting**

- (1) A person must not solicit or tout for passengers for a public passenger vehicle or for a hiring of a public passenger vehicle.

*Examples of touting for passengers—*

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

Maximum penalty—40 penalty units.

- (2) For subsection (1), arranging for multiple hirers of a taxi at a taxi rank under section 59 is not soliciting or touting for passengers or a hiring.

## **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) However, subsections (2) and (3) do not apply to a public passenger service that is an air service or a ferry service.
- (5) 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.

## **142 Records to be maintained**

- (1) If, under the Act, a person is required to maintain records, the person must—
- (a) maintain the records for at least 5 years; and
  - (b) produce the records if asked by the chief executive or an authorised person.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a record required to be kept under section 81 of the Act.

## **143 Change of name, address or postal address**

- (1) This section applies to the holder of operator accreditation, driver authorisation, a service contract, a taxi service licence, a limousine licence, a booked hire service licence or booking entity authorisation.

[s 144]

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- (2) If any of the following change, the holder must notify the chief executive in writing of the change within 10 business days after the change—
  - (a) the holder's name or address;
  - (b) if there is a current postal address for the holder—the postal address.

Maximum penalty—10 penalty units.

- (3) For a change of address of a holder of driver authorisation, the chief executive may give the holder a change of address label for the holder's authorising document.
- (4) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- (5) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the authorising document in the space provided for a change of details label.

Maximum penalty—20 penalty units.

## **144 Operation of Brisbane Airport Rail Link**

- (1) Employees of a rail government entity are prescribed under section 111(2)(f) of the Act as persons the chief executive may appoint to be authorised persons for BARL.
- (2) To remove doubt, it is declared that the railway operator for BARL may charge a reasonable fare for a person's use of any public passenger service the operator provides on BARL.
- (3) In this section—

***BARL*** means the railway known as the Brisbane Airport Rail Link, linking Brisbane Airport with the railway network operated by a rail government entity.

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#### **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.

#### **145 Fees and levy**

- (1) The fees or levy payable under the Act are stated in schedule 9.
- (2) However, if the chief executive grants provisional operator accreditation to an applicant for operator accreditation, the fee payable by the applicant under schedule 9, item 5(a) must be adjusted in proportion to the number of months for which the provisional operator accreditation is granted.
- (3) For adjusting the fee for subsection (2), the fee payable under schedule 9, item 5(a) is taken to be for 1 year.
- (4) Also, if the term for which operator accreditation is renewed is not 1 year or a number of whole years, the fee for renewal of the operator accreditation must be adjusted in proportion to the number of months in the term.
- (5) The fee for an authority may be paid—
  - (a) in a lump sum before the authority is issued or renewed; or
  - (b) by arrangement with the chief executive—yearly or in some other way approved by the chief executive; or

- (c) if the fee is an additional application fee for driver authorisation or operator accreditation—when the application is made.
- (6) The chief executive may—
  - (a) waive the payment of the whole, or a part, of a fee for a person; or
  - (b) refund the whole, or a part, of a fee paid by a person.
- (7) If a person’s cheque for payment of a fee for an authority is dishonoured, the authority is—
  - (a) for an application for an authority—void from the day the authority was issued; or
  - (b) for an application to renew an authority—suspended from the renewal date until a valid payment is made; or
  - (c) if the payment was made under an arrangement entered into under subsection (5)(b)—suspended from the date the payment was due under the arrangement until a valid payment is made.
- (8) If the State incurs expense because a person’s cheque is dishonoured—
  - (a) the person must reimburse the State for the expense; and
  - (b) the amount of the expense may be recovered as a debt payable by the person to the State.
- (9) In this section—
  - cheque* includes a method of payment other than by cash.
  - dishonoured* includes not honoured on presentation.

### **145AA Adjustment of booking entity authorisation fee for increased fleet**

- (1) This section applies if the chief executive—
  - (a) receives a notice under section 117DRA(2) about a change for a person’s booking entity authorisation; or

- 
- (b) becomes aware of circumstances that require a person to provide the chief executive with a notice under section 117DRA(2) about a change for a person's booking entity authorisation.
- (2) The chief executive may give the person a written notice (a *fee notice*) to pay an amount (an *additional fee*) for the person's booking entity authorisation that is the relevant fee adjusted—
    - (a) in proportion to the term remaining for the authorisation after the change; and
    - (b) to take account of the most recent fee paid for the number of available vehicles under the authorisation.
  - (3) The fee notice must state—
    - (a) the additional fee payable; and
    - (b) a period of at least 14 days in which the additional fee must be paid.
  - (4) The person must pay the additional fee within the period stated in the fee notice.

*Note—*

Under section 117DL, the chief executive may suspend or cancel a person's booking entity authorisation for failure to pay a fee for the authorisation.

- (5) In this section—

*relevant fee*, in relation to available vehicles for a person's booking entity authorisation, means a fee mentioned in schedule 9, item 4B(a)(i), (ii), (iii) or (iv) that would apply for the number of available vehicles if the person were applying for the grant or renewal of the booking entity authorisation.

## **145A Refund of fee for application for particular driver authorisation**

- (1) This section applies if—
  - (a) an application is made for driver authorisation other than to drive a relevant vehicle that is a booked hire vehicle, taxi or limousine; and

[s 145B]

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- (b) the chief executive does not ask the commissioner of the police service for a written report about the applicant's criminal history.
- (2) The fee paid under schedule 9, item 9 for the application must be refunded to the applicant.

### **145B Refund of additional application fee**

- (1) This section applies if the number of persons in relation to whom an additional application fee has been paid under schedule 9, item 10 (the *proposed number*) is more than the number of persons about whom the chief executive asks the commissioner of the police service for a written report about the person's criminal history (the *actual number*).
- (2) The difference between the proposed number and the actual number multiplied by the amount of the fee payable under schedule 9, item 10(a) must be refunded to the applicant.

### **146 Approval of forms**

The chief executive may approve forms for use under this regulation.

### **146A Matters prescribed for operator accreditation standards or driver authorisation standards**

- (1) The following matters are prescribed under section 14(f) of the Act—
  - (a) the maximum allowable age of a type of public passenger vehicle used by an operator of a public passenger service to provide the service;
  - (b) extensions of a maximum allowable age mentioned in paragraph (a);
  - (c) timetables for, or reliability of, a public passenger service.

- (2) Reliability of a public passenger service is prescribed under section 26(d) of the Act.

## Part 12 Transitional provisions

### Division 1 Transitional provisions for Transport Operations (Passenger Transport) Regulation 2005

#### 147 Definitions for div 1

In this division—

***appeal court*** see the *Transport Planning and Coordination Act 1994*, section 29.

***commencement*** means commencement of this section.

***decision notice*** see the *Transport Planning and Coordination Act 1994*, section 34(3).

***original decision*** see the *Transport Planning and Coordination Act 1994*, section 29.

***relevant applicant***, in relation to a relevant application, means the person in relation to whom the relevant application is made.

***relevant application*** means an application under the repealed regulation that was received by the chief executive before the commencement.

***repealed regulation*** means the *Transport Operations (Passenger Transport) Regulation 1994*.

***reviewed decision*** see the *Transport Planning and Coordination Act 1994*, section 34(3).

**148 Reference in relevant notice to disqualifying offence is reference to driver disqualifying offence**

- (1) This section applies to a notice (a *relevant notice*) given by the chief executive—
  - (a) refusing to grant driver authorisation to a person; or
  - (b) refusing to renew a person's driver authorisation; or
  - (c) suspending a person's driver authorisation; or
  - (d) cancelling a person's driver authorisation.
- (2) However, this section applies only if—
  - (a) the relevant notice was given on or after 20 May 2004 but before 19 November 2004; and
  - (b) the facts and circumstances forming the basis for the grounds for the relevant notice involved an offence that was described in the relevant notice as a disqualifying offence.
- (3) If the relevant notice stated that a person had been charged with a disqualifying offence, the reference in the notice to a disqualifying offence is taken to have been a reference to a driver disqualifying offence.
- (4) If—
  - (a) the relevant notice stated that the person had been convicted of a disqualifying offence; and
  - (b) the offence is a category C driver disqualifying offence; the reference in the notice to a disqualifying offence is taken to have been a reference to a category C driver disqualifying offence.

**149 Things done under repealed regulation**

- (1) This section applies if—
  - (a) a provision of the repealed regulation expressly or impliedly authorised or required the doing of a thing; and



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- (b) the thing was done or, as a result of doing the thing, a document existed and was in force immediately before the repeal of the provision; and
- (c) the thing may be done or the document may be made or issued under this regulation.

*Examples for paragraph (a) of things authorised or required under the repealed regulation—*

- a grant or renewal of operator accreditation or driver authorisation
  - a grant of a provisional operator accreditation or restricted driver authorisation
  - a refusal of operator accreditation or driver authorisation
  - an amendment, suspension (including immediate suspension) or cancellation of operator accreditation or driver authorisation
  - fixing of a day, by the chief executive by gazette notice, as a day on and from which the administration of taxi services in a taxi service area must be performed under a service contract
  - an amendment of a taxi service licence or limousine service licence
  - a notice of a transfer or lease of a taxi service licence or limousine service licence
  - a suspension or cancellation of a taxi service licence or limousine service licence
  - an exemption from the requirement to be fitted with a taximeter
  - a notice under part 8A of the repealed regulation
- (2) The thing that was done and had effect, including a document, immediately before the repeal continues to have effect as if the thing had been done under this regulation.
- (3) Without limiting subsection (2), if the thing was—
- (a) subject to an imposed condition immediately before the commencement, the thing continues to be subject to the condition; and

*Example for paragraph (a)—*

If the chief executive had imposed a condition on a person's driver authorisation under section 6(2) of the repealed regulation, the imposed condition continues to be imposed on the driver authorisation as continued under subsection (2).

[s 150]

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- (b) subject to a time limit or a period of time, the thing continues to have effect for the period of time remaining at the commencement.

*Example for paragraph (b)—*

If the chief executive had renewed a person's driver authorisation for 3 years under section 7(1) of the repealed regulation and only 1 year had run at the commencement so 2 years were remaining, the renewed driver authorisation has a term remaining of 2 years under subsection (2).

- (4) This section is subject to a contrary intention stated in another provision of this division.

**150 Circumstances, after commencement, in which repealed regulation applies to outstanding relevant application**

- (1) This section applies to a relevant application and the relevant applicant if a decision under the repealed regulation about the relevant application had not been made before the commencement.
- (2) The repealed regulation applies to the relevant application and the relevant applicant for the purpose of making a decision about the relevant application.
- (3) For subsection (2), if the chief executive had delegated his or her power under the repealed regulation to decide an application that is a relevant application and the delegation was in force immediately before the commencement, the delegation continues to have effect in relation to making a decision about the relevant application.
- (4) If the decision, by application of the repealed regulation, involves granting the relevant application, the relevant applicant is to be issued with the operator accreditation, driver authorisation, taxi service licence, limousine service licence or other appropriate form of approval under this regulation.
- (5) If the decision, by application of the repealed regulation, involves refusing the relevant application, the relevant applicant is to be given the decision, a statement of reasons for the decision and an information notice.

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- (6) On the issuing of operator accreditation, driver authorisation, a taxi service licence, limousine service licence or other appropriate form of approval as mentioned in subsection (4), or an information notice as mentioned in subsection (5), this regulation, and not the repealed regulation, applies.
  - (7) Despite subsection (6), if an information notice is given to the relevant applicant under subsection (5) or before the commencement—
    - (a) the relevant applicant may apply for a review of the decision; and
    - (b) the repealed regulation applies to the application for review, the review and any appeal relating to the decision on review.

## **151 Circumstances where repealed regulation applies to application for review of original decision**

- (1) This section applies if, before the commencement, a person had applied under the *Transport Planning and Coordination Act 1994*, section 29 for a review of an original decision under the repealed regulation.
- (2) If the person had not been given a decision notice, the repealed regulation applies to the application for review, the review and any appeal relating to the reviewed decision.
- (3) If the person had been given a decision notice, the repealed regulation applies to the reviewed decision for the purposes of any appeal relating to the reviewed decision.
- (4) If an appeal court had started to hear an appeal against a reviewed decision, the appeal court must continue to hear the appeal and apply the repealed regulation to the appeal.

## **152 Approved taxi security camera systems in relevant areas**

- (1) This section applies if, immediately before the commencement, the holder of a taxi service licence for a taxi service area that is, on the commencement, a relevant taxi service area had a taxi that had not been fitted with a taxi

[s 152]

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security camera system provided by the department that, on the commencement, is an approved taxi security camera system.

- (2) After the commencement, the chief executive may, by written notice given to the holder, require the holder to take the taxi to a place stated in the notice, on a day stated in the notice, to be fitted with an approved taxi security camera system.
- (3) The day stated in the notice must not be less than 14 days after the day the notice is given to the holder.
- (4) The holder must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

- (5) None of the following persons commits an offence against part 6, division 4 for making the taxi available to another person, or driving the taxi, without an approved taxi security camera system being fitted and fully operational during the relevant period for the taxi—
  - (a) the holder of the taxi service licence for the taxi;
  - (b) the operator of the taxi service that uses the taxi to provide the service;
  - (c) the driver of the taxi.
- (6) In this section—

***approved taxi security camera system*** see section 81.

***fully operational*** see section 81.

***relevant period***, for a taxi, means the period—

- (a) starting on the commencement; and
- (b) ending on the day stated in a notice given under this section as the day on which the holder of the taxi service licence for the taxi must take the taxi to a stated place to be fitted with an approved taxi security camera system.

***relevant taxi service area*** see section 81.

***taxi security camera system*** see section 81.

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### **153 Application of repealed s 33**

- (1) If a person applied under section 33 of the repealed regulation before the commencement and the application had not been finally dealt with before the commencement, the application is to be dealt with under repealed section 33 as if it had not been repealed.
- (2) A person to whom section 33 of the repealed regulation applied immediately before the commencement is taken to be an approved relevant person for the purposes of part 6, division 5.
- (3) If—
  - (a) immediately before the commencement, the chief executive began an action in relation to the person that may result in section 33 of the repealed regulation not applying to the person or the exclusion of the person from the taxi subsidy scheme; and
  - (b) the action begun by the chief executive was not completed at the commencement; and
  - (c) the chief executive wishes to continue the action after the commencement;

the chief executive must continue the action under section 96 having regard to the actions previously taken and the requirements of section 96.

### **157 References to repealed regulation**

It is declared that in a document, a reference to the repealed regulation may, if the context permits, be taken to include a reference to this regulation.

### **158 Application of Acts Interpretation Act 1954**

This division does not limit the operation of the *Acts Interpretation Act 1954*, section 20, except to the extent that an intention contrary to that section is expressed.

[s 158A]

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**Division 2**                      **Transitional provision for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 1) 2007**

**158A Operators of taxi services—obligations about approved card readers**

Section 96AG does not apply to an operator of a taxi service until 1 May 2008.

**Division 3**                      **Transitional provision for Transport Operations (TransLink Transit Authority) Regulation 2008**

**158B Existing contracts for commercial scheduled services**

- (1) This section applies if—
  - (a) immediately before 1 July 2008 a service contract was in force for a public passenger service; and
  - (b) the public passenger service was a commercial scheduled service as defined under this regulation as in force before 1 July 2008.
- (2) On and from 1 July 2008, the service contract is taken to be a service contract for a general route service.
- (3) The chief executive may, by notice to the holder of the service contract, amend or renew the contract in a way that reflects the change under subsection (2).
- (4) If the service contract is renewed, the chief executive may issue the renewed service contract on terms that reflect the change.

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**Division 4**                      **Transitional provisions for  
Transport Operations (Passenger  
Transport) and Another Regulation  
Amendment Regulation (No. 2) 2008**

**158C**    **Definition for div 4**

In this division—

*commencement* means commencement of this section.

**158D**    **Section 137A does not apply in relation to particular  
motor vehicles**

- (1) This section applies in relation to a motor vehicle stated in a limousine service licence, in force at the commencement, that does not have a right-hand drive in the way required under section 137A.
- (2) Section 137A does not apply to the operation of a public passenger service using the vehicle if—
  - (a) the public passenger service is a limousine service operated under a limousine service licence; and
  - (b) the limousine service is operated by a person who was the registered operator of the vehicle immediately before the commencement.
- (3) However, subsection (2) stops having effect when the person sells or otherwise transfers the vehicle to another person.

**158E**    **Particular motor vehicles continue to be luxury motor  
vehicles**

- (1) This section applies if—
  - (a) a motor vehicle of a type that was mentioned in schedule 4, as in force from time to time before the commencement, is stated in a limousine service licence in force at the commencement; and

[s 158F]

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- (b) the maximum age limit that applies to the vehicle under section 105(a) after the commencement is lower than the maximum age limit that applied to the vehicle under section 105(a) before the commencement.
- (2) The vehicle continues to be a luxury motor vehicle until the vehicle reaches the maximum age limit that applied to the vehicle under section 105(a) before the commencement.

## **Division 5                      Transitional provision for Transport and Other Legislation Amendment Regulation (No. 2) 2008**

### **158F    Prescribed medical certificates**

- (1) A certificate given under a repealed provision is taken, for 6 months after the commencement of this section, to be a prescribed medical certificate.
- (2) In this section—  
*repealed provision* means the *Transport Operations (Passenger Transport) Standard 2000*, section 8(1) or 8B(1)(a) as in force immediately before the commencement of this section.

## **Division 6                      Transitional provisions for Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009**

### **158G    Undecided applications for driver authorisation—taxis**

- (1) This section applies if—
  - (a) an application was made before the commencement of this section for driver authorisation for a relevant vehicle that is a taxi; and



- (b) the application has not been decided.
- (2) The application must be decided as if the *Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2009* had not been made.

**158H Application of ss 20A–20C and 27A to particular applications made on or after commencement of this section**

- (1) Section 20A and not the passenger transport standard, section 6 applies in relation to an application for driver authorisation for the operation of a relevant vehicle that is a motorbike made on or after the commencement of this section.
- (2) Section 20B and not the passenger transport standard, section 7 applies in relation to an application for driver authorisation for the operation of a relevant vehicle, other than a motorbike, made on or after the commencement of this section.
- (3) Section 20C and not the passenger transport standard, section 9 applies in relation to an application for, or for renewal of, driver authorisation for the operation of a relevant vehicle that is a taxi, made on or after the commencement of this section.
- (4) Section 27A and not the passenger transport standard, section 8A applies in relation to an application for restricted driver authorisation made on or after the commencement of this section.
- (5) In this section—

*passenger transport standard* means the repealed *Transport Operations (Passenger Transport) Standard 2000*.

## **Division 7**

# **Transitional provisions for Transport and Other Legislation (Hire Services) Amendment Regulation 2016**

### **158I Extended term of operator accreditation for limousine services and taxi services**

- (1) This section applies to an operator accreditation for a limousine service, taxi service or limousine and taxi service if the term of the accreditation ends during the period starting on 5 September 2016 and ending on 30 September 2017.
- (2) The operator accreditation is taken to continue in force from the day that it would, apart from this section, have expired until the end of 30 September 2017.

### **158J Renewal of expired operator accreditation for limousine services and taxi services**

- (1) This section applies to an operator accreditation for a limousine service, taxi service or limousine and taxi service that expired on a day between 1 August 2016 and the commencement.
- (2) The operator accreditation—
  - (a) is taken to have been renewed on the day that it would, apart from this section, have expired (the *initial expiry date*); and
  - (b) continues in force until the end of 30 September 2017.
- (3) To remove any doubt, it is declared that a thing done during the period starting on the initial expiry date and ending on the commencement is taken to have been as validly done as it would have been if the operator accreditation had been renewed immediately before the initial expiry date.

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**158K Application of s 42A to particular authorised drivers**

- (1) This section applies to an authorised driver if, immediately before the commencement, the driver's authorising document states the expression 'Genr'.
- (2) Section 42A does not apply to the driver operating a vehicle providing a booked hire service during the transition period for the driver.
- (3) In this section—

*transition period*, for an authorised driver, means the period starting at the commencement and ending at the end of the earlier of the following days—

- (a) the day the driver's driver authorisation expires or otherwise ends under the Act;
- (b) 14 August 2017.

*Note—*

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

**Division 8**                      **Transitional provisions for  
Transport and Other Legislation  
(Personalised Transport Reform)  
Amendment Regulation 2017**

**158L Existing approved specifications, approved taxi security camera systems and security recordings**

- (1) A specification that was, immediately before the commencement, approved by the chief executive under the repealed provisions is taken to be a specification approved under section 117O until the earlier of the following—
  - (a) 6 months after the commencement;
  - (b) another specification is approved under section 117O.

[s 158M]

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- (2) A taxi security camera system that was, immediately before the commencement, an approved taxi security camera system under the repealed provisions is taken to be an approved security camera system for part 7B.
- (3) A security recording made under the repealed provisions before the commencement by a taxi security camera system is taken to be a security recording for sections 117R, 117T and 117U.
- (4) In this section—  
*approved security camera system* see section 117E.  
*repealed provisions* means repealed part 6, division 4 as in force before the commencement.  
*security recording* see section 117E.  
*taxi security camera system* means a taxi security camera system under the repealed provisions.

#### **158M Transitional period for particular vehicles—s 117G**

- (1) Section 117G does not apply to a booked hire vehicle or limousine during the transitional period.
- (2) In this section—  
*transitional period* means the period starting on the commencement and ending on 30 September 2017.

#### **158N Safety certificate requirement for motor vehicles used for booked hire services**

- (1) This section applies until 14 January 2018.
- (2) An owner of a motor vehicle must not allow the vehicle to be used to provide a booked hire service unless—
  - (a) a safety certificate was issued for the vehicle—
    - (i) before 1 October 2017; and
    - (ii) less than 1 year before the vehicle is used to provide the service; or

(b) the vehicle is the subject of a current certificate of inspection.

Maximum penalty—60 penalty units.

(3) Subsection (4) applies if the vehicle is not the subject of a current certificate of inspection.

(4) A person driving the vehicle must, if asked by an authorised person, make the safety certificate for the vehicle available for inspection by the authorised person unless the person has a reasonable excuse.

Maximum penalty—60 penalty units.

(5) In this section—

*safety certificate* see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, schedule 4.

## **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.

[s 158Q]

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- (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

[s 158U]

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- (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.

## **Division 10 Transitional provision for Transport Operations (Passenger Transport) and Other Legislation (Personalised Transport Reform) Amendment Regulation 2018**

### **158V Particular booked hire service identification signs approved**

- (1) This section applies if, before the commencement, a person advised the chief executive of the person's booked hire service identification sign under section 63(3), as in force immediately before the commencement.
- (2) If the person advised the chief executive of more than 1 sign, this section applies to the latest sign advised to the chief executive.
- (3) The chief executive is taken to have approved the sign under section 63(3), as in force after the commencement.



## **Part 13**                      **Repeal**

### **159**      **Repeal of Transport Operations (Passenger Transport) Regulation 1994**

The Transport Operations (Passenger Transport) Regulation 1994, SL No. 379 is repealed.

## Schedule 1 Market entry restrictions

section 45

Column 1	Column 2
<b>Public passenger service</b>	<b>Area or route</b>
1 general route services, other than air services and ferry services	1 cities and towns having a population more than 7,500 2 routes for distances not more than 40km between cities or towns each having a population more than 7,500 3 routes for distances not more than 40km between a village and a city or town if the village has a population more than 500 and the city or town has a population more than 7,500 4 Airlie Beach, Cannonvale, Proserpine, Shute Harbour, Shute Haven and the routes between them 5 routes between Proserpine and Proserpine Airport
2 school services	routes serving schools
3 taxi services	Queensland
4 air services	a route, other than an excluded route or a route to the extent that it includes an excluded route, serving any of the following places— <ul style="list-style-type: none"> <li>• Barcaldine</li> <li>• Bedourie</li> <li>• Birdsville</li> </ul>

<b>Column 1</b> <b>Public passenger service</b>	<b>Column 2</b> <b>Area or route</b>
	<ul style="list-style-type: none"> <li>• Blackall</li> <li>• Boulia</li> <li>• Burketown</li> <li>• Charleville</li> <li>• Cunnamulla</li> <li>• Doomadgee</li> <li>• Gununa</li> <li>• Hughenden</li> <li>• Julia Creek</li> <li>• Longreach</li> <li>• Mt Isa</li> <li>• Normanton</li> <li>• Quilpie</li> <li>• Richmond</li> <li>• Roma</li> <li>• St George</li> <li>• Thargomindah</li> <li>• Toowoomba</li> <li>• Windorah</li> <li>• Winton</li> </ul>
5 ferry services	<ol style="list-style-type: none"> <li>1 routes between Coochiemudlo Island and Victoria Point</li> <li>2 routes between Karragarra Island, Lamb Island, Macleay Island, Russell Island and Weinam Creek</li> <li>3 routes between Magnetic Island and Townsville</li> </ol>

Schedule 1

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**Column 1**

**Public passenger service**

**Column 2**

**Area or route**

4 routes between Townsville and Palm Island

## **Schedule 2A      Taxi service areas for taxi industry security levy**

section 74

Brisbane

Cairns

Gold Coast

Ipswich

Mackay

Rockhampton

Sunshine Coast

Toowoomba

Townsville Thuringowa

## **Schedule 2B Prescribed areas**

schedule 11, definition *prescribed area*

Bribie Island  
Brisbane  
Bundaberg  
Cairns  
Gladstone  
Gold Coast  
Gympie  
Hervey Bay  
Innisfail  
Ipswich  
Mackay  
Maryborough  
Mt Isa  
Redcliffe  
Rockhampton  
Sunshine Coast  
Toowoomba  
Townsville Thuringowa  
Warwick  
Yeppoon

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## **Schedule 3      Relevant security camera areas for approved security camera systems**

section 117E, definition *relevant security camera area*

Brisbane  
Bundaberg  
Cairns  
Gladstone  
Gold Coast  
Gympie  
Hervey Bay  
Innisfail  
Ipswich  
Mackay  
Maryborough  
Mt Isa  
Redcliffe  
Rockhampton  
Sunshine Coast  
Toowoomba  
Townsville Thuringowa  
Yeppoon

## **Schedule 5      Equipment for vehicles**

section 118

### **1      Off-road passenger vehicles operating tourist services**

- (1) Off-road passenger vehicles operating tourist services must be fitted with—
  - (a) a fire extinguisher that complies with the Australian Standards for fire extinguishers; and
  - (b) a device to prevent a damaged tail shaft from striking the ground.
- (2) If a tourist service is of more than 1 day's duration, the following equipment must also be fitted to the vehicle and in working order—
  - (a) winch;
  - (b) first aid kit;
  - (c) Royal Flying Doctor radio or a telephone that operates in conjunction with a satellite.

### **2      Taxis**

- (1) Taxis must—
  - (a) be constructed, or have a safety partition or some other equipment fitted, to prevent luggage or other goods being carried in the luggage compartment of the vehicle from entering the passenger compartment; and
  - (b) if luggage is carried in the passenger compartment—be constructed, or have equipment fitted, to secure the luggage.
- (2) Taxis must be fitted with the following—
  - (a) a green distress light;
  - (b) a hail light;
  - (c) a child restraint anchorage bolt.



- (3) However, subsection (2) does not apply to an exempted taxi.

## **Schedule 6      Accreditation evidence**

section 120

### **1      Buses, forward-control passenger vehicles or off-road passenger vehicles**

For a vehicle that is a bus, forward-control passenger vehicle or off-road passenger vehicle (other than a vehicle that is a limousine, taxi or NSW taxi), the operator's accreditation number must be displayed on the vehicle so that the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) securely fixed to the bottom left side of the rear of the vehicle, using, for example, paint, preprinted magnetic strips or adhesive lettering; and
- (c) in block letters and figures that are at least 50mm high; and
- (d) clearly legible from a distance of 4.5m away from the vehicle.

### **2      Taxis and passenger cars**

For a vehicle that is a taxi or passenger car (other than a vehicle that is a limousine or NSW taxi), the operator's accreditation number must be displayed on the vehicle so that it is clearly visible from outside the vehicle and the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) securely fixed to the bottom left side of the rear of the vehicle or the bottom left side of the vehicle's rear window, using, for example, paint, preprinted magnetic strips or adhesive lettering; and
- (c) in block letters and figures that are at least 30mm high; and

- 
- (d) clearly legible from a distance of 5m away from the vehicle.

### **3 Limousines and NSW taxis**

For a vehicle that is a limousine or NSW taxi, a copy of the certificate evidencing the operator's operator accreditation must be kept in the vehicle while the vehicle is being used to provide the public passenger service.

### **4 Motor cycles, motor tricycles and motor cycles with sidecars**

For a vehicle that is a motor cycle, motor tricycle or motor cycle with a sidecar, the operator's accreditation number must be displayed on the vehicle so that it is clearly visible and the accreditation number is—

- (a) preceded by the letter 'Q'; and
- (b) on a card, measuring 110mm by 70mm, in a waterproof case that is securely fixed to the vehicle; and
- (c) in block letters and figures that are at least 20mm high; and
- (d) clearly legible from a distance of 4.5m away from the vehicle.

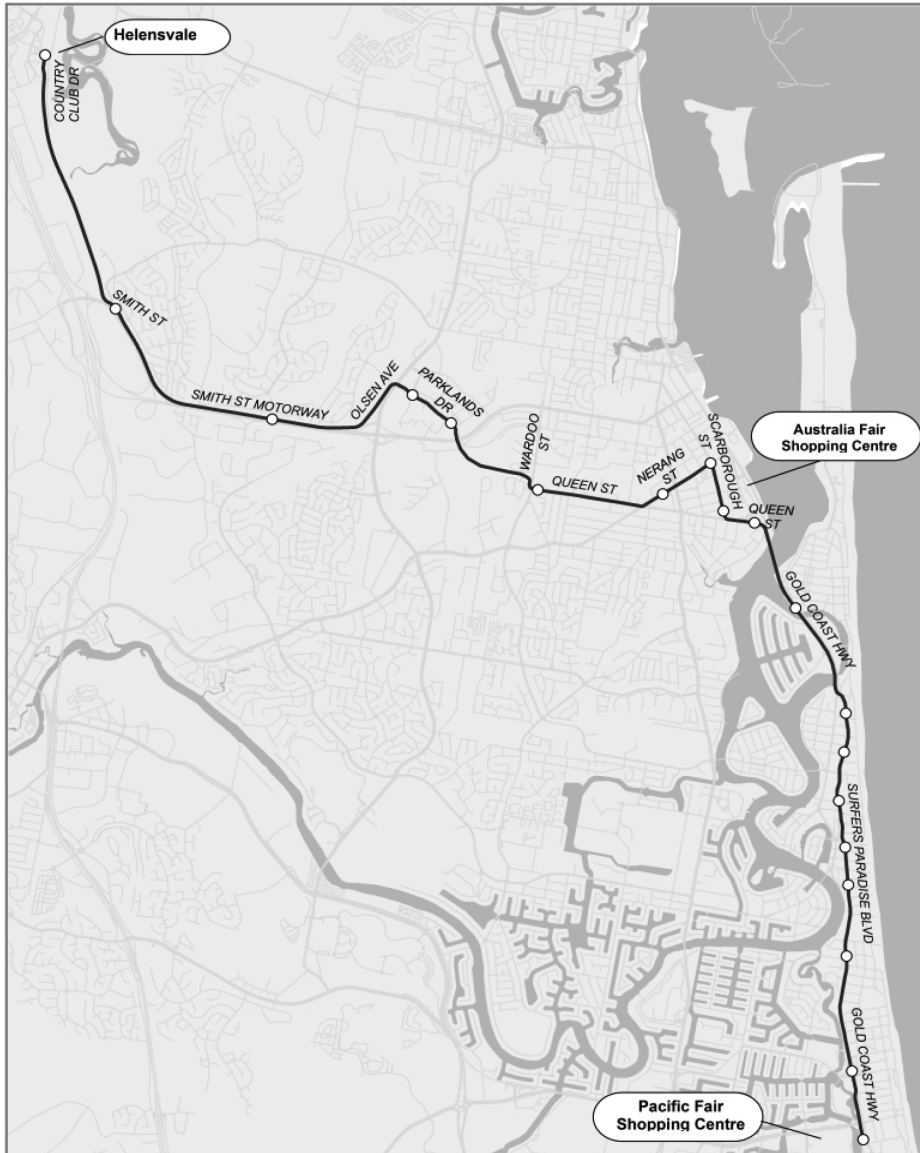
## **Schedule 7      Reviewable decisions**

section 134

<b>Section</b>	<b>Description of decision</b>
34(2)	imposition of condition when granting driver authorisation or amendment of driver authorisation to include a condition
63(4)	refusal to approve a sign
95(4)	refusal of application for membership of a taxi subsidy scheme
96	cancellation of approval under a taxi subsidy scheme
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
117P(1)(a)	refusal to approve a vehicle security camera system
117P(1)(b)	cancellation of approval of vehicle security camera system
138	exclusion from free travel

## Schedule 7A Gold Coast light rail

schedule 11, definition *Gold Coast light rail*, paragraph (a)



## Schedule 9 Fees and levy

section 145

\$

### Fees

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	Taxi service licence, or a renewal of a taxi service licence, for an exempted taxi, for each year of the licence	88.70
3	Taxi service licence, or a renewal of a taxi service licence, other than for an exempted taxi, for each year of the licence	177.40
4	Limousine licence, or a renewal of a limousine licence—	
	(a) if the licence is a special purpose limousine licence	2,567.60
	(b) otherwise, for each year of the licence	177.40
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	
5 Application for grant of operator accreditation to provide a service mentioned in item 6 (s 5)—the total of the following—	
(a) an amount equal to the fee payable under whichever of item 6(a), (b), (c), (d), (e), (f) or (g) mentions the service;	
(b) the additional application fee payable under item 10.	
6 Application for renewal of operator accreditation after the first year's accreditation to provide the following, for each year of accreditation (s 5)—	
(a) 1 or more general route services or school services	176.95
(b) a community transport service	176.95
(c) a courtesy transport service	176.95
(d) a public passenger service for which no fee is provided under paragraphs (a) to (c), for each service—	
(i) accreditation under which 1 to 10 vehicles may be used to provide the service	354.65
(ii) accreditation under which more than 10 vehicles may be used to provide the service	1,775.05
7 Application for grant of driver authorisation for a booked hire vehicle, limousine or taxi (s 20)—the total of the following—	
(a) the fee payable for the term of the authorisation—	
(i) for 1 year	145.60
(ii) for 2 years	226.30

Schedule 9

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	\$
(iii) for 3 years	301.60
(iv) for 4 years	376.95
(v) for 5 years	452.40
(b) the additional application fee payable under item 10	
8 Application for renewal of driver authorisation for a booked hire vehicle, limousine or taxi (s 20)—	
(a) for 1 year	145.60
(b) for 2 years	226.30
(c) for 3 years	301.60
(d) for 4 years	376.95
(e) for 5 years	452.40
9 Application for grant of driver authorisation other than for a booked hire vehicle, limousine or taxi (s 20)	42.45
10 Additional application fee for item 4B(b), 5(b) or 7(b) if the individual, partner, executive officer or representative mentioned in paragraph (a), (b), (c) or (d) is a person about whom the chief executive proposes to ask the commissioner of the police service for a written report about the person’s criminal history for the application (Act, s 148(2))—	
(a) if the applicant is an individual and paragraph (b) does not apply	42.45
(b) if the applicant is a partner—for each partner of the partnership when the application is made	42.45
(c) if the applicant is a corporation—for each executive officer of the corporation when the application is made	42.45
(d) if the applicant is applying for the grant or renewal of booking entity authorisation—	



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- (i) for an applicant who is a foreign person—
  - (A) if the applicant’s local nominee or proposed local nominee is an individual 42.45
  - (B) 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
- (ii) for each executive officer of a related body corporate of the applicant when the application is made 42.45

**Levy**

- 11 Taxi industry security levy (Act, s 91ZW) 385.65

## Schedule 11 Dictionary

### section 2

***accommodation house*** means a place providing lodging or food and lodging to the public.

***accommodation transfer service*** means a public passenger service, other than a booked hire service—

- (a) that—
  - (i) is provided for travellers arriving in or departing from an area; and
  - (ii) operates between an airport, ferry terminal, intercity bus terminal or railway terminal and an accommodation house in the area; and
- (b) that requires journeys on the service to be pre-booked and travel documentation for them to be issued before the travellers arrive in the area.

***approved card reader*** see section 94.

***approved form*** means a form approved under section 146.

***approved method***, for part 6, division 2A, see section 71A.

***approved relevant person*** see section 94.

***approved security camera system***, for part 7B, see section 117E.

***approved security camera system sign***, for part 7B, see section 117E.

***assistance animal*** means an animal that—

- (a) accompanies a person who has a disability; and
- (b) is specifically trained to give help to the person in relation to the disability.

***authorised purpose***—

- (a) for part 6, division 5, see section 94; or

(b) for part 7B, see section 117E.

**available vehicles**, for a booking entity authorisation, means the motor vehicles used, or to be used, to provide booked hire services under the authorisation.

**believes** means reasonably believes.

**busway transport infrastructure** see the *Transport Infrastructure Act 1994*, schedule 6.

**car** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**certificate of inspection** see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, schedule 4.

**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.

**code of conduct** means a code of conduct approved by the chief executive under section 139.

**considers** means reasonably considers.

**corresponding licence** to—

- (a) an open licence, for a requirement relating to restricted driver authorisation—means a document corresponding to the open licence that is issued under a law of another State or a foreign country that provides for the same matter as the provision under which the open licence is issued; or
- (b) an open licence, other than for a requirement relating to restricted driver authorisation—means a document corresponding to the open licence that is issued under a

law of another State that provides for the same matter as the provision under which the open licence is issued; or

- (c) a provisional licence, for a requirement relating to restricted driver authorisation—means a document corresponding to the provisional licence that is issued under a law of another State or a foreign country that provides for the same matter as the provision under which the provisional licence is issued; or
- (d) a provisional licence, other than for a requirement relating to restricted driver authorisation—means a document corresponding to the provisional licence that is issued under a law of another State that provides for the same matter as the provision under which the provisional licence is issued.

***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.

***current postal address***, for a person, means a postal address—

- (a) given by the person to the department for use by the department (whether or not it was given for the purpose of this regulation); and
- (b) for which no written notice from the person, requiring the department to discontinue use of the postal address, has been received by the department.

***damaged***, in relation to an authorising document, other than in sections 37A and 37B—

- (a) means damaged as defined under the Act, section 34A(2); but
- (b) does not include the authorising document being destroyed as required under section 37B(5) or 43B.

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

***eligible school students*** means students whose travel to and from school or another educational establishment is the subject of an arrangement under section 144 of the Act.

***excluded route*** means any of the following routes—

- (a) Brisbane direct to, or from, Mt Isa;
- (b) Brisbane direct to, or from, Toowoomba;
- (c) Cairns direct to, or from, Mt Isa;
- (d) Toowoomba direct to, or from, Roma;
- (e) Townsville direct to, or from, Mt Isa.

***exempted taxi*** means a taxi that is not required under the taxi service licence for the taxi to be fitted with a taximeter.

***fee*** includes charge and tax.

***foreign driver licence*** means a licence to drive a motor vehicle corresponding to an open or provisional licence and issued under the law of another country that provides for the same matter as the provision under which the open or provisional licence is issued.

***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).

***front or rear camera system***, for part 7B, see section 117E.

***fully operational***, for an approved security camera system, for part 7B, see section 117E.

***Gold Coast light rail*** means—

- (a) the light rail, shown on the map depicted in schedule 7A, known as the Gold Coast light rail; and
- (b) any other public transport infrastructure operated by, or under the control of, a light rail manager, or a light rail operator, for the Gold Coast light rail.

***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).

***image recording***, for part 7B, see section 117E.

***interim taxi driver display card*** means a card that—

- (a) is headed ‘Authorised Queensland Taxi Driver’; and
- (b) states ‘interim card only’; and
- (c) states an interim card number; and
- (d) states an expiry date; and
- (e) indicates that the card is issued by the Queensland Government.

***interim transport authority*** means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

***light rail platform*** means—

- (a) a place for the taking on and letting off of light rail vehicle passengers using the light rail route; and
- (b) a place, adjoining a place mentioned in paragraph (a), where a public passenger vehicle other than light rail vehicle takes on or lets off passengers.

***locally significant event service*** means a public passenger service—

- (a) operating in or near a local government area with a population of less than 2,500 people according to the most recent estimated resident population for the area stated on the Australian Bureau of Statistics website; and
- (b) provided, free of charge, for carrying passengers to or from an event that is—
  - (i) held no more than twice a year in or near the area; and

- (ii) open to attendance by the general public, either free of charge or on payment of an entry fee; and

*Example for paragraph (b)—*

an annual show day

- (c) for which no more than 2 motor vehicles are available, at any time, to provide the service.

***manual card reader***, for part 6, division 5, see section 94.

***membership card***, for part 6, division 5, see section 94.

***motorbike*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***motor cycle*** means a 2-wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/h.

***motor cycle and sidecar*** means a motor vehicle with 3 wheels asymmetrically in relation to the longitudinal median axis and with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/h.

***motor tricycle*** means a motor vehicle with 3 wheels symmetrically arranged in relation to the longitudinal median axis with—

- (a) a gross vehicle mass of not more than 1t; and
- (b) either—
  - (i) an engine cylinder capacity of more than 50ml; or
  - (ii) a maximum speed of more than 50km/h.

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

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

***nominated vehicle fitted with a prescribed interlock*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***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).

***open licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***parent***, of a student, means—

- (a) if the student is a child—a person who is the student’s parent as defined under the *Education (General Provisions) Act 2006*, section 10; or
- (b) if the student is an adult—a person who was the student’s parent as defined under the *Education (General Provisions) Act 2006*, section 10, immediately before the student stopped being a child.

***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).

***prescribed area*** means a taxi service area mentioned in schedule 2B.

***prescribed licence*** means—

- (a) an open licence, or a corresponding licence to an open licence; or
- (b) a restricted licence.

***prescribed medical certificate***, for a person, means a certificate in the approved form from a doctor stating that the person meets the medical standards for licensing, commercial



standards, stated in Assessing Fitness to Drive, part B published by Austroads Incorporated.

**prescribed operator** means an operator who holds operator accreditation to operate a community transport service or courtesy transport service.

**probationary licence** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**properly fitted**, for an approved security camera system, for part 7B, see section 117E.

**proposed local nominee**, for part 7, division 4, see section 117DFA.

**provisional driver authorisation** see section 22(1).

**provisional licence** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**provisional operator accreditation** see section 7(1).

**quarter**, for part 6, division 2A, see section 71A.

**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.

**registration number** see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

**regulated area**, for part 9A, see section 133C.

**regulation notice** means a written notice about a decision under this regulation that includes—

- (a) the decision and a statement of reasons for the decision; and
- (b) an information notice for the decision.

*Editor's note—*

*Information notice* is defined in the Act.

***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 of 50% or 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.

***relevant person***—

- (a) for part 6, division 5, see section 94; or
- (b) for part 7, division 4, see section 117DFA.

***relevant place***, for an approved security camera system sign in or on a vehicle, for part 7B, see section 117E.

***relevant security camera area***, for part 7B, see section 117E.

***relevant vehicle*** means a vehicle providing a public passenger service for which driver authorisation is required.

***responsible person*** means—

- (a) for a busway or busway transport infrastructure—the chief executive; or
- (b) for light rail—
  - (i) the chief executive; or
  - (ii) a light rail manager or light rail operator for the light rail; or
  - (iii) a contractor for a light rail manager or light rail operator for the light rail.

***restricted licence*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***satisfied*** means reasonably satisfied.

***school students*** means individuals under 18 years attending—

- (a) a State school within the meaning of the *Education (General Provisions) Act 2006*, schedule 4; or
- (b) an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*.

***security recording***, for part 7B, see section 117E.

***smartcard transport authority*** see the *Transport Planning and Coordination Act 1994*, section 36G(1).

***sound recording***, for part 7B, see section 117E.

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

***substitute vehicle authority*** see section 115.

***taxi driver display card***, for a driver, means a card that—

- (a) is headed ‘Authorised Queensland Taxi Driver’; and
- (b) states the driver’s driver authorisation number; and
- (c) states an expiry date; and
- (d) contains a digital photo of the driver; and
- (e) indicates that the card is issued by the Queensland Government.

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

***taxi subsidy scheme***, for part 6, division 5, see section 93.

***taxi subsidy scheme information*** see section 94.

***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.

***tourist transfer service*** means a public passenger service, other than a booked hire service—

- (a) that operates between—

- (i) an accommodation house; and
- (ii) a tourist attraction or tourist service; and
- (b) for which journeys are pre-booked before the time of travel.

**truck** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**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.

**vehicle security camera system**, for part 7B, see section 117E.

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