

Queensland



Subordinate Legislation 1994 No. 379

Transport Operations (Passenger Transport) Act 1994

**TRANSPORT OPERATIONS (PASSENGER
TRANSPORT) REGULATION 1994**

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 1994*.

Commencement

2. This regulation commences on the commencement of the Act.

Definitions

3. In this regulation—

“**de facto relationship**” means the relationship between 2 persons who, although not married to each other, live in a relationship like the relationship between a married couple.

“**exempted taxi**” means a taxi not required to have a taximeter installed.

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

“**taximeter**” means an instrument that—

- (a) is able to record fares for individual and multiple hiring of a taxi;
and
- (b) is designed to show the fare for each hiring.

PART 2—APPROACH

Approach

4. This regulation reflects an approach consistent with the objectives of the Act and based on—

- (a) allowing operators scope to meet emerging identified needs; and
- (b) holding operators accountable for their performance; and
- (c) placing the onus for compliance on industry rather than specifying in detail how industry is intended to act in all situations; and
- (d) a desire to ensure high levels of safety and the efficient meeting of user needs.

PART 3—OPERATOR ACCREDITATION AND DRIVER AUTHORISATION

Definition

5. In this Part—

“**authority**” means operator accreditation or driver authorisation.

Granting operator accreditation or driver authorisation—Act, ss 18 and 30

6. The chief executive may grant an authority to a person if the person complies with the Act and this regulation and also the standards applying to the authority.

Term of operator accreditation or driver authorisation—Act, ss 18 and 30

7.(1) An authority is for a term, stated in the authority, of not longer than 5 years.

(2) However, an authority may be renewed for successive terms of not longer than 5 years.

Provisional operator accreditation or driver authorisation—Act, ss 19 and 31

8.(1) The chief executive may grant an authority to a person on a provisional basis—

- (a) for any authority—if the person meets some but not all the standards applying to the authority; or
- (b) for operator accreditation—while the person’s criminal history 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 the authority within a specified time.

(3) Despite subsection (1), the chief executive may grant driver authorisation to a person on a provisional basis without a formal application being made to ensure a public passenger service can continue to be provided in an emergency.

(4) A grant under subsection (3) is subject to the condition that the person will make a formal application for driver authorisation as soon as practicable after the grant.

(5) Operator accreditation granted on a provisional basis may be refused, amended, suspended or cancelled on the same basis as operator accreditation.

(6) Driver authorisation granted on a provisional basis may be refused, amended, suspended or cancelled on the same basis as driver authorisation.

Refusal of operator accreditation—Act, s 18

9.(1) The chief executive may refuse to grant operator accreditation to a person, or to renew operator accreditation for a person, 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 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.

(2) The chief executive may also refuse to grant operator accreditation to a person, or to renew operator accreditation for a person, 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 person has repeatedly engaged in conduct that, in the chief executive's opinion, is damaging to the reputation of public passenger transport.

(3) Action under this section to refuse to grant or renew operator accreditation must be in accordance with section 59¹.

Refusal of driver authorisation—Act, s 30

10.(1) The chief executive may refuse to grant driver authorisation to a person, or to renew driver authorisation for a person, if 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.

(2) The chief executive may also refuse to grant driver authorisation to a person, or to renew driver authorisation for a person, if—

- (a) the person does not comply with a standard applying to the driver authorisation; or
- (b) a driver authorisation granted to the person has been cancelled or suspended; or
- (c) the chief executive considers the person's driving history renders the person unsuitable to hold driver authorisation; or
- (d) the person has repeatedly engaged in conduct that, in the chief

¹ Procedure to be followed—refusal to grant or renew

executive's opinion, is damaging to the reputation of public passenger transport.

(3) Action under this section to refuse to grant or renew driver authorisation must be in accordance with section 59².

Amendment, suspension and cancellation of authorities—Act, s 21

11.(1) The chief executive may amend, suspend or cancel operator accreditation granted to a person if—

- (a) for an individual—the person has been convicted of a disqualifying offence; or
- (b) for a member of a partnership—the person or another member of the partnership has been convicted of a disqualifying offence; or
- (c) for a corporation—the person, or an executive officer of the person, has been convicted of a disqualifying offence.

(2) The chief executive may amend, suspend or cancel driver authorisation granted to a person if the person has been convicted of a disqualifying offence, or the chief executive considers it necessary because of the person's driving history.

(3) The chief executive may amend, suspend or cancel an authority granted to a person, or refuse to renew an authority granted to a person, if—

- (a) for an individual—the person does not comply with a standard applying to the authority 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 does not comply with a standard applying to the authority 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, does not comply with a standard applying to the authority or the chief executive otherwise considers it necessary in the public interest; or

² Procedure to be followed—refusal to grant or renew

- (d) in any case—fees payable for the issue or renewal of the authority remain unpaid after the day payment is required to be made.

(4) The chief executive may immediately suspend an authority granted to a 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.

(5) Action under this section—

- (a) to amend, suspend or cancel an authority must be in accordance with section 58³; or
- (b) to refuse to renew an authority must be in accordance with section 59⁴.

Notifying disqualifying offences

12.(1) A notification under any of the following provisions of the Act must be made in writing and must state details of the charge (including the day when the charge will be heard)—

- section 20(1) (Applicant to notify charge for disqualifying offence etc.)
- section 22(1) (Accredited operator to notify charge for disqualifying offence etc.)
- section 23(1) and (3) (Member of partnership must inform

³ Procedure to be followed—amending, suspending or cancelling

⁴ Procedure to be followed—refusal to grant or renew

another partner of charge for disqualifying offence etc.)

- section 32(1) (Applicant to notify charge for disqualifying offence etc.)
- section 34(1) (Authorised driver must notify charge for disqualifying offence etc.).

(2) A notification under section 20(2), 22(2), 23(2) or (4), 32(2) or 34(2) of the Act must be in writing.

Notifying suspension or cancellation

13. A notification under section 35⁵ or 36⁶ of the Act must be in writing.

Return of evidence of operator accreditation or driver authorisation

14. If a person's operator accreditation or driver authorisation is cancelled, or suspended for longer than 1 week, the person must, as soon as practicable (but within 14 days), return the certificate evidencing the operator accreditation or driver authorisation to the chief executive, unless the person has a reasonable excuse for not returning it.

Maximum penalty—10 penalty units.

Exemption from scope of operator accreditation and driver authorisation—Act, ss 14(2)(c) and 26(2)(c)

15. The following public passenger services are exempted from the requirements for operator accreditation and driver authorisation—

- (a) ferry services;
- (b) community transport services provided for community support or home care using a vehicle with a gross vehicle mass limit of not more than 5 t.

5 Authorised driver must notify suspension or cancellation of licence etc.

6 Obligation to notify accredited operator of suspension or cancellation of licence etc.

Delegation of powers relating to operator accreditation and driver authorisation

16.(1) Section 17(2)⁷ of the Act applies to the delegation of powers under sections 18⁸ and 19⁹ of the Act to—

- (a) the Taxi Council of Queensland Inc.; or
- (b) the Bus and Coach Association of Queensland Inc.; or
- (c) the Bus Operators Association (Queensland) Inc.; or
- (d) the Limousine Association Queensland Inc.

(2) Section 29(2)¹⁰ of the Act applies to the delegation of powers under sections 30¹¹ and 31¹² of the Act to—

- (a) the Taxi Council of Queensland Inc.; or
- (b) the Bus and Coach Association of Queensland Inc.; or
- (c) the Bus Operators Association (Queensland) Inc.; or
- (d) the Limousine Association Queensland Inc.; or
- (e) the Brisbane City Council.

(3) A person who is, or has been, involved in the administration of driver authorisation or operator accreditation under a delegation mentioned in this section must not make a record of, or directly or indirectly disclose, information about an applicant including, for example, information about the applicant's criminal history and medical history.

⁷ Responsibility for system of operator accreditation

⁸ Granting, renewing or refusing operator accreditation

⁹ Provisional operator accreditation

¹⁰ Responsibility for system of driver authorisation

¹¹ Granting, renewing or refusing driver authorisation

¹² Provisional driver authorisation

(4) Subsection (3) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.

PART 4—MARKET ENTRY RESTRICTIONS

Market entry restrictions—Act, s 37

17. For Chapter 5¹³ of the Act, 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 to the service in column 2.

PART 5—SERVICE CONTRACTS

Matters to be considered—Act, s 60(2)(e)

18. In deciding between 2 or more offers for a service contract, the chief executive must have regard to the extent to which the offers provide—

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

Service contracts required for administration of taxi services—Act, s 67

19. On and from a day to be fixed by the chief executive by Gazette

¹³ Market entry restrictions

notice, the administration of taxi services in a taxi service area declared under Chapter 5¹⁴ must be performed under a service contract.

PART 6—TAXI SERVICES AND LIMOUSINE SERVICES

Division 1—General

Safety requirements

20. The operator of a taxi or a limousine must ensure that the vehicle adequately provides for the safety and comfort of passengers.

Maximum penalty—10 penalty units.

Amendment of service licence conditions—Act, ss 76(1) and 89(1)

21. The chief executive may amend the conditions of a taxi service licence or a limousine service licence if the chief executive is satisfied the amendment will result in a higher quality of service or will better meet the needs of users.

Transfer, lease or surrender of taxi or limousine service licences—Act, ss 77 and 90

22.(1) The holder of a taxi service licence or limousine service licence may—

- (a) transfer or lease the licence to another person who is accredited to provide the service; or
- (b) enter into other operating arrangements about the licence with another person who is accredited to provide the service.

(2) A person who transfers or leases a licence to someone else must

¹⁴ Market entry restrictions

notify the chief executive in writing of the transfer or lease as soon as practicable (but within 14 days) after the transfer or lease takes effect.

Maximum penalty—20 penalty units.

(3) The holder of a taxi service licence or limousine service licence may surrender the licence by written notice given to the chief executive.

(4) A surrender takes effect from the day the notice is received or a later day stated in the notice.

Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 80 and 92

23.(1) The chief executive may suspend or cancel a person's taxi service licence or limousine service licence if—

- (a) the person is convicted of a disqualifying offence; or
- (b) the person contravenes a condition of the licence; or
- (c) fees payable for the licence remain unpaid after the day payment is required to be made.

(2) Action under this section must be in accordance with section 58¹⁵.

Limitation on number of taxi service licences—Act, s 79

24.(1) If there are more than 10 but not more than 20 taxi service licences for a taxi service area, a person must not hold more than 10 of the licences.

(2) If there are more than 20 taxi service licences for a taxi service area, a person must not hold more than 50% of the licences.

(3) For this section, a taxi service licence held by an associate of a person is taken to be held by the person.

(4) In this section—

“**hold**” includes lease.

¹⁵ Procedure to be followed—amending, suspending or cancelling

Associates—Act, s 79

25. For licences, a person is an associate of another if 1 or more of the following relationships exists between them—

- (a) marriage or de facto relationship;
- (b) the relationship of ascendant or descendant, or the relationship of persons who have a parent or grandparent in common;
- (c) partnership;
- (d) the relationship of employer and employee;
- (e) a fiduciary relationship;
- (f) the relationship of persons 1 of whom is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the other;
- (g) the relationship of corporation and director or executive officer of the corporation;
- (h) the relationship of corporation and a person who is in a position of control or has substantial influence over the corporation's conduct.

Division 2—Taxis**Operations of taxis**

26.(1) The driver of a taxi available for hire must not refuse a hiring for a destination—

- (a) in the taxi service area for which the taxi is licensed; or
- (b) within 40 km of the pick up point.

Maximum penalty—5 penalty units.

(2) Subsection (1) is subject to section 45¹⁶.

¹⁶ Passengers causing nuisance etc.

Charging by taxis—Act, s 75(2)(c)

27.(1) The operator of a taxi service must not charge more than the maximum fares and charges set out in Schedule 2.

Maximum penalty—40 penalty units.

(2) However, subsection (1) does not apply to a taxi provided for a customer who requests a luxury standard of vehicle and service when booking a taxi and who agrees an amount for the hiring at the time of booking if the taxi is of a type mentioned in Schedule 3.

(3) The driver of a taxi mentioned in subsection (2) must not demand more than the agreed amount.

Maximum penalty—10 penalty units.

(4) The driver of a taxi must not drive the vehicle to the destination specified by the hirer in a way that involves excessive charging.

Maximum penalty—10 penalty units.

(5) The driver of a taxi may charge a hirer who soils the taxi an additional amount (not more than 1 penalty unit) for cleaning the taxi.

(6) If the driver of a taxi is of the opinion that he or she will not be able to obtain the fare at the destination, the driver may, before starting the hiring, require the payment of the estimated fare or agreed amount for the hiring as a deposit.

Requirements for taximeters

28.(1) The operator of a taxi must have a taximeter fitted to the taxi unless the taxi service licence for the taxi exempts the operator from the requirement.

Maximum penalty—40 penalty units.

(2) The operator of a taxi to which a taximeter is fitted must ensure that the taximeter records fares in a way that ensures the maximum fares specified in Schedule 2 are not exceeded.

Maximum penalty—40 penalty units.

Operation of taximeter by taxi driver

29.(1) The driver of a taxi that has a taximeter must only activate it—

- (a) for a hail or rank hiring—when the hirer enters the taxi; or
- (b) for a booking—when the hirer is notified of the taxi's arrival; or
- (c) for a booking for a specific time—at that time or the time when the hirer enters the taxi, whichever is earlier.

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

(3) Before receiving payment or a voucher for a hiring, the driver of a taxi that has a taximeter must deactivate the taximeter on arrival at the destination.

Maximum penalty—5 penalty units.

Multiple hiring

30.(1) The driver of a taxi may carry out at the same time 2 or more individual hirings if—

- (a) all of the hirers agree to the driver of the taxi accepting the other hirings; and
- (b) the hirers are travelling to—
 - (i) destinations in the same locality; or
 - (ii) destinations the furthest of which is in the general direction of the nearest; and
- (c) the fare payable by each hirer is less than the maximum metered 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 commences; and
- (e) the hirings are not provided to a timetable.

(2) A driver of a taxi must not carry out at the same time 2 or more

individual hirings otherwise than under subsection (1).

Maximum penalty for subsection (2)—10 penalty units.

Age of taxis

31. The operator of a taxi must ensure the taxi is not older than the appropriate age limit mentioned in Schedule 4.

Maximum penalty—10 penalty units.

Appearance of licensed taxi

32. A person must not place, or cause or permit to be placed, any printing or sign on a vehicle that implies the vehicle is a licensed taxi unless it is a vehicle for which a taxi service licence is in force.

Maximum penalty—20 penalty units.

Taxi subsidy scheme—Act, s 81

33.(1) This section applies to a person who, in the chief executive's opinion (based on medical advice)—

- (a) is permanently unable to walk; or
- (b) is permanently dependent on a wheel chair; or
- (c) has severe and permanent problems in walking that require—
 - (i) the permanent use of large and complex walking aids; or
 - (ii) constant assistance from someone else for mobility; or
- (d) has a total loss of vision or severe permanent vision impairment;
or
- (e) has severe and uncontrollable epilepsy; or
- (f) 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

(g) has a disability of a type mentioned in this subsection of a temporary nature, and is undergoing medical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

(2) A person who has been convicted of an offence against section 138(3)¹⁷ of the Act in relation to the taxi subsidy scheme may be excluded from the scheme by the chief executive.

(3) The chief executive is to administer a scheme under which 50% of the cost of taxi travel specified in the scheme by a person to whom this section applies is funded by the State.

Division 3—Limousines

Luxury motor vehicles—Act, Sch 5, def “luxury motor vehicle”

34. A luxury motor vehicle is—

- (a) a motor vehicle of a type mentioned in Schedule 3 and of an age not more than the age mentioned in the Schedule for vehicles of the type; or
- (b) a motor vehicle at least 40 years old that is registered and safe;

but does not include a taxi.

Issue of limousine service licences

35. The chief executive is to decide the price at which limousine service licences are to be issued.

Limousine hiring

36.(1) A person must not ply or stand a limousine for hire at a place other than the limousine owner’s premises unless the place is approved in writing by the chief executive.

Maximum penalty—10 penalty units.

¹⁷ Offences of dishonesty

(2) The driver of a limousine must not hire the vehicle unless either—

- (a) an earlier booking has been made for the vehicle and the amount that will be charged for the hiring is agreed with the prospective hirer before the vehicle is hired; or
- (b) the vehicle is hired at a place approved in writing by the chief executive under subsection (1) as a place where the vehicle may stand for hire to set destinations for set fares.

Maximum penalty—10 penalty units.

(3) The driver of a limousine who is at a place mentioned in section (2)(b) must not—

- (a) provide or offer to provide a service to a destination that is not displayed on a notice approved by the chief executive at the place; or
- (b) charge a fare for a service to a destination displayed on the notice that is different to the fare for that destination displayed on the notice.

Maximum penalty—10 penalty units.

(4) The driver of a limousine must not demand a fare that is more than the agreed amount or set fare.

Maximum penalty—10 penalty units.

(5) If the driver of a limousine is of the opinion that he or she will not be able to obtain the fare at the destination, the driver may, before starting the hiring, require the payment of the agreed amount or set fare for the hiring as a deposit.

PART 7—OBLIGATIONS OF OPERATORS

Equipment for vehicles

37. The operator of a public passenger vehicle must ensure that the

vehicle complies with Schedule 5.

Maximum penalty—10 penalty units.

Advertisements etc.

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

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

Maximum penalty—10 penalty units.

Display of evidence of operator accreditation etc.

39. The operator of a public passenger service for which operator accreditation is required must display on each vehicle used to provide the service, in a way approved by the chief executive, evidence of the person's accreditation.

Maximum penalty—5 penalty units.

Obligation to present vehicles for inspection

40.(1) The chief executive may direct the operator of a public passenger vehicle to take the vehicle to a specified place within a reasonable distance for inspection and testing.

(2) A person must comply with the direction as soon as practicable (but within 7 days) after the direction is given.

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

Requirement for authority to enter

41. The 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 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;
- (e) a place controlled by Aborigines or Torres Strait Islanders.

Maximum penalty—10 penalty units.

PART 8—RIGHTS AND OBLIGATIONS OF PASSENGERS AND DRIVERS

Smoking

42. A person must not smoke in a public passenger vehicle.

Maximum penalty—2 penalty units.

Consumption of food and beverages on public passenger vehicles

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

Maximum penalty—2 penalty units.

Carrying animals

44.(1) The driver of a public passenger vehicle may refuse to carry an animal.

(2) However, subsection (1) does not apply to an animal—

- (a) accompanying a person who has a disability; and
- (b) that is specifically trained to give assistance to the person in relation to the disability.

Passengers causing nuisance etc.

45.(1) If the driver of a public passenger vehicle or an authorised person believes, on reasonable grounds that, a person who is on, or about to enter, a public passenger vehicle is causing, or is likely to cause—

- (a) a nuisance or annoyance to the driver or passengers on the vehicle; or
- (b) danger to themselves or others;

the driver or authorised person may direct the person to leave, or not to enter, the public passenger vehicle.

(2) A person must not contravene the direction, unless the person has a reasonable excuse.

Maximum penalty—2 penalty units.

(3) A person who contravenes, without reasonable excuse, a direction under this section to leave a public passenger vehicle may be removed from the public passenger vehicle by a police officer.

(4) A direction cannot be given under this section if—

- (a) complying with the direction could endanger the safety of a person; or
- (b) for school children—alternative procedures approved by the chief executive of the department in which the *Education (General Provisions) Act 1989* is administered exist for the effective disciplining of the children.

Fares

46. A passenger in a public passenger vehicle who has not paid the required fare must pay it on demand by the driver of the vehicle.

Maximum penalty—40 penalty units.

Identification of drivers

47.(1) A person must not drive a public passenger vehicle for which driver authorisation is required unless the person—

- (a) carries evidence of his or her driver authorisation; and
- (b) displays it to passengers.

Maximum penalty—5 penalty units.

(2) Subsection (1) does not apply to a driver unless the chief executive has notified the driver that the subsection applies.

(3) Subsection (2) and this subsection expire 2 years after the commencement.

Dress of drivers

48. The driver of a public passenger vehicle must be neatly dressed.

Maximum penalty—2 penalty units.

Help to passengers

49. If a passenger or intending passenger on a public passenger vehicle asks for reasonable help to board or leave the vehicle, or with luggage, the driver of the vehicle must, if reasonable, give the help.

Maximum penalty—5 penalty units.

Drivers of motorcycles

50. The driver of a motorcycle or motor tricycle that is used to provide a public passenger service must ensure each passenger who uses the service is in appropriate condition to ride as a passenger.

Maximum penalty—5 penalty units.

PART 9—REVIEW PANELS AND REVIEW OF DECISIONS

Procedure of review panels—Act, s 106

51.(1) The departmental representative on a review panel is to preside at meetings of the panel.

(2) However, if there is more than 1 departmental representative, the departmental representative nominated by the chief executive is to preside at meetings of the panel.

(3) If the presiding member is not present, the member chosen by the presiding member presides.

(4) A review panel must consider and make a recommendation on an application referred to it by the chief executive as soon as practicable after the referral.

(5) Each member of a review panel may vote on a proposed recommendation, but the presiding member has a casting vote.

(6) A recommendation of a review panel must be in writing and must state the reasons for the recommendation.

(7) Any other procedure to be followed by a review panel is to be as decided by the panel.

(8) Subject to section 106¹⁸ of the Act, the chief executive may give directions about the constitution of a review panel for a particular review.

Conditions of appointment

52. A member of a review panel holds office on the terms decided by the chief executive.

Member of review panel unable to finish review

53.(1) If—

¹⁸ Review panels

- (a) a review panel has started a review; and
- (b) 1 of the members of the panel has ceased to be a member or ceased to be available for the review;

the review may be finished by the remaining members or, if the chief executive directs, the review panel is to be reconstituted in accordance with the direction.

(2) A reconstituted panel may have regard to any record of proceedings of the panel as previously constituted.

Representation before review panel

54. A person appearing before a review panel is entitled to be represented by someone else.

Review of other decisions

55.(1) A person whose interests are affected by a decision specified in Schedule 6 may apply, under Chapter 10¹⁹ of the Act, for a review of the decision as if the decision were specified in Schedule 2 to the Act.

(2) A person who may seek a review of a decision is entitled to receive a statement of reasons for the decision.

(3) An appeal may be made against a decision on reconsideration to the court specified in Schedule 6 opposite to the reference to the decision that was reviewed.

(4) Chapter 10 of the Act applies to a review under this section.

¹⁹ Review of and appeals against decisions

PART 10—GENERAL

Services excluded from passenger services—Act, Sch 5, def “public passenger service”

56. The following services are excluded from the Act—

- (a) a military service;
- (b) an ambulance service;
- (c) a police service;
- (d) a fire service;
- (e) a service provided with a human or animal powered vehicle;
- (f) a service provided for amusement other than on a road;
- (g) car pooling arrangements.

Public passenger vehicles—Act, Sch 5, def “public passenger vehicle”

57. A vehicle mentioned in Schedule 7, column 2 is a public passenger vehicle if it is used to provide the service mentioned in column 1.

Procedure to be followed—amending, suspending or cancelling

58.(1) This section applies if the chief executive considers that grounds exist—

- (a) to amend, suspend or cancel operator accreditation or driver authorisation; or
- (b) to amend the conditions of a taxi service licence or a limousine service licence; or
- (c) to suspend or cancel a taxi service licence or limousine service licence (the “**proposed action**”).

(2) Before taking the proposed action, the chief executive must give the holder of the accreditation, authorisation or licence (the “**authority**”), 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 authority—stating the proposed amendment; and
- (e) if the proposed action is suspension of the authority—stating the proposed suspension period; and
- (f) inviting the holder 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 still considers grounds to take the proposed action exist, the chief executive may—

- (a) if the proposed action was to amend the authority—amend the authority in the way stated in the notice or in another way having regard to the representations; or
- (b) if the proposed action was to suspend the authority—suspend the authority for no longer than the period stated in the notice; or
- (c) if the proposed action was to cancel the authority—cancel the authority or suspend it for a period.

(4) The chief executive must inform the holder of the decision by written notice.

(5) If the chief executive decides to amend, suspend or cancel the authority, the notice must state—

- (a) the reasons for the decision; and
- (b) that the holder may apply within 28 days for review of the decision; and
- (c) how the holder may apply for review of the decision.

(6) Despite subsection (1), if the chief executive considers it necessary in the public interest, the chief executive may by notice under the subsection immediately suspend the authority until—

- (a) the chief executive gives the holder notice of the chief executive's decision; or

(b) 56 days after the notice under subsection (1) is given to the holder.

(7) A notice given under subsection (1) because of subsection (6) must state—

- (a) that the holder may apply within 28 days for review of the decision to immediately suspend the authority; and
- (b) how the holder may apply for review of the decision.

(8) Subsections (1) to (7) do not apply if the chief executive proposes to amend the authority only—

- (a) for a formal or clerical reason; or
- (b) in another way that does not adversely affect the holder's interests; or
- (c) if the holder asks.

(9) The chief executive may make amendments of a type mentioned in subsection (8) by written notice given to the holder.

Procedure to be followed—refusal to grant or renew

59.(1) The chief executive may refuse to grant or renew operator accreditation or driver authorisation for a person by written notice given to the person.

(2) The notice must state—

- (a) the reasons for the decision; and
- (b) that the holder may apply within 28 days for review of the decision; and
- (c) how the holder may apply for review of the decision.

Notifying operators

60. If—

- (a) a person operates a vehicle for an accredited operator; and
- (b) the chief executive suspends or cancels the person's driver

authorisation;

the chief executive may advise the operator of the action.

Disqualifying offences—Act, Sch 5, def “disqualifying offence”, para (d)

61. The following offences are also disqualifying offences—

- (a) an offence against the Act;
- (b) an offence against this regulation for which the maximum penalty is at least 20 penalty units.

Transport arrangements for pupils

62. A child of a parent or guardian who has been convicted of an offence against section 138(3)²⁰ of the Act in relation to transport arrangements made under section 133²¹ of the Act may be excluded from free travel under the arrangements.

Local conveyance committees

63.(1) The chief executive may refuse to award a government funded service contract for transporting eligible school children unless—

- (a) parents and guardians of the eligible school children who will use the service to be provided under the contract have established a local conveyance committee; and
- (b) the chief executive is satisfied that the committee is established, and is operating in accordance with, local conveyance committee guidelines approved by the chief executive.

(2) In awarding government funded service contracts for transporting eligible school children, the chief executive must ensure that the views of any relevant local conveyance committee are taken into account.

²⁰ Offences of dishonesty

²¹ Transport arrangements for pupils

- (3)** Local conveyance committees will have an ongoing role in—
- (a) monitoring the performance of the holders of government funded service contracts; and
 - (b) assisting the holders of government funded service contracts in the development of timetabling and route design; and
 - (c) assisting school principals and the holders of government funded service contracts in maintaining discipline of school children.

Touting etc.

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

Maximum penalty—10 penalty units.

(2) Attempting to arrange a multiple hiring for a taxi at a taxi rank under section 30(1)²² is not soliciting or touting for passengers or a hiring.

Records to be maintained

65. If a standard requires a person 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.

Change of name and address

66.(1) This section applies to the holder of operator accreditation, driver authorisation, a service contract, a taxi service licence or a limousine service licence.

(2) If the holder's name or address changes, the holder must notify the chief executive in writing of the new name or address within 10 business

²² Multiple hiring

days after the change.

Maximum penalty—2 penalty units.

Fees and charges

67.(1) The fees specified in Schedule 8 are payable for the issue or renewal of authorities mentioned in the Schedule for each year for which the authority is in force.

(2) The fees may be paid—

- (a) in a lump sum before the authorities are issued or renewed; or
- (b) by arrangement with the chief executive—yearly or in some other way approved by the chief executive.

(3) The chief executive may waive the payment of a fee for any person.

Transitional

68.(1) If—

- (a) immediately before the commencement, a person held a licence to hire-private hire car for a vehicle; and
- (b) the vehicle is—
 - (i) not of a type mentioned in Schedule 3; or
 - (ii) of a type mentioned in group C in Schedule 3; and
- (c) at the commencement, 7 years have not passed since the date of the vehicle's manufacture;

the person may be granted a limousine service licence for the vehicle until the end of 7 years after the date of the vehicle's manufacture.

(2) If—

- (a) immediately before the commencement, a person held a licence to hire-private hire car for a vehicle; and
- (b) the vehicle is not of a type mentioned in Schedule 3; and
- (c) at the commencement, more than 7 but fewer than 40 years have passed since the date of the vehicle's manufacture;

the person may be granted a limousine service licence for the vehicle until the licence is transferred.

(3) If—

- (a) immediately before the commencement, a person held a licence to hire-meter cab for a vehicle; and
- (b) the vehicle is of a type mentioned in group C in Schedule 3 and more than 5 years have passed since the date of the vehicle's manufacture;

the person may be granted a taxi service licence for the vehicle until the end of 8 years after the date of the vehicle's manufacture.

Amendment of State Transport Regulation 1987

69. Schedule 9 amends the *State Transport Regulation 1987*.

Amendment of Transport Infrastructure (Roads) Regulation 1991

70. Schedule 10 amends the *Transport Infrastructure (Roads) Regulation 1991*.

SCHEDULE 1**MARKET ENTRY RESTRICTIONS**

section 17

Column 1**Public passenger service****Column 2****Area or route**

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Urban commercial scheduled bus services 2. Non-urban commercial scheduled bus services | <p>Cities and towns having a population more than 7 500.</p> |
| <ol style="list-style-type: none"> 1. Routes for distances not more than 40 km between towns each having a population more than 7 500. 2. Routes for distances not more than 40 km between a village and a town if the village has a population more than 500 and the town has a population more than 7 500. | <ol style="list-style-type: none"> 3. School services |

Routes serving schools.

4. Taxi services

Each area that is a taxi service area under section 153 of the Act (Licensed areas for taxi and limousine services).

SCHEDULE 2

MAXIMUM FARES FOR TAXIS

section 27(1)

Journey	Amount
(cents)	
1. For taxis operating in the area south of the Tropic of Capricorn—	
(a) at flag fall, including fare for first 126.5 m or part	180
(b) for every additional 126.5 m or part	10
(c) for holding taxi while waiting for hirer's convenience during a hiring—for every 16 seconds	10
(d) additional amount for each hiring—	110
• between 8 pm on a weekday and 6 am the next day	
• between 1 pm on a Saturday and 6 am on the next Monday	
• on a public holiday	
2. For taxis operating in the area north of the Tropic of Capricorn—	
(a) at flag fall, including fare for first 114.5 m or part	180
(b) for every additional 114.5 m or part	10
(c) for holding taxi while waiting for hirer's convenience during a hiring—for every 16 seconds	10
(d) additional amount for each hiring—	110
• between 8 pm on a weekday and 6 am the next day	
• between 1 pm on a Saturday and 6 am on the next Monday	
• on a public holiday	
3. For exempted taxis in any part of the State—	
(a) for each passenger for the first kilometre or part—between 7 am and 7 pm	170
(b) for each passenger for the first kilometre or part—between 7 pm and 7 am	180

SCHEDULE 2 (continued)

(c) for any additional kilometre or part	96
(d) for detention of taxi while waiting for hirer's convenience during a hiring—for every minute	33

Additional charges

1. All tolls and ferry charges incurred during a hiring must be paid by the hirer.

2. A person who makes a booking for a taxi must pay to the driver at the end of the hiring, as well as the fare for the hiring, 60 c or the lesser amount claimed by the driver.

3. If the hiring of a taxi, that is not an exempted taxi, is terminated at a place outside its taxi service area, the hirer may be charged an amount calculated at the rate of 60 c for each kilometre or part of a kilometre from the place of termination of the hiring to the boundary of the taxi service area by the most direct practicable route.

4. If the hiring of an exempted taxi is terminated at a greater distance than 1 km from the place of commencement of hiring, the hirer must pay an extra charge calculated at the rate of 60 c for each kilometre or part of a kilometre from the place of termination of the hiring to the place where the hiring started by the most direct practicable route.

5. If a taxi is licensed to carry more than 5 passengers, the hirer must pay an extra charge calculated at the rate of 3 c per kilometre or part travelled by the taxi while it carries more than 5 passengers.

SCHEDULE 3**LUXURY MOTOR VEHICLES AND TAXIS**

sections 27(2), 34 and 68

Make of vehicle	Maximum age limit for luxury motor vehicles
Group A	
<ul style="list-style-type: none"> • Bentley • Rolls Royce • Other vehicles approved by the chief executive 	25 years
Group B	
<ul style="list-style-type: none"> • BMW 7 Series • Cadillac • Daimler • Jaguar • Mercedes Benz • Toyota Lexus LS 400 • Other vehicles approved by the chief executive 	15 years
Group C	
<ul style="list-style-type: none"> • Ford Fairlane/LTD • Holden Statesman/Caprice • Volvo 960 • Other vehicles approved by the chief executive 	6 years
Group D	
A stretched version of any of the sedans in this Schedule	3 years more than would otherwise apply (if approved by the chief executive)

SCHEDULE 4**AGE LIMITS FOR TAXIS**

section 31

Type of licence	Maximum age limit
Taxi service licence (other than for an exempted taxi)	6 years from the date of manufacture
Taxi service licence (for a type of vehicle mentioned in Schedule 3)	6 years from the date of manufacture
Taxi service licence (Wheelchair accessible)	8 years from the date of manufacture
Taxi service licence for an exempted taxi	age limit stated in the licence

SCHEDULE 5

EQUIPMENT FOR VEHICLES

section 37

Off-road passenger vehicles

1.(1) Off-road passenger vehicles operating tourist services must be fitted with—

- (a) an approved fire extinguisher; and
- (b) a device to prevent a damaged tailshaft from striking the ground.

(2) If a tourist service is of more than 1 days duration, the following equipment must also be fitted to the vehicle and in working order—

- winch
- first aid kit
- Royal Flying Doctor radio.

Taxis

2.(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; or
- (b) if luggage is carried in the passenger compartment—be constructed or have equipment fitted to secure the luggage.

(2) Taxis must also be constructed so that the passengers have control over the opening and shutting of the doors of the vehicle independently of the driver.

(3) Taxis (other than exempted taxis or taxis operating as taxis mentioned in section 27(2)) must be fitted with—

SCHEDULE 5 (continued)

- a green distress light
- a hail light
- a child restraint anchorage bolt.

SCHEDULE 6**APPEALS AGAINST DECISIONS**

section 55

Section	Description of decision	Court
33(2)	Exclusion from taxi subsidy scheme	Magistrates
36(1)	Refusal to approve a place where a limousine may ply or stand for hire	Magistrates
36(3)(a)	Refusal to approve a notice about the hiring of a limousine	Magistrates
62	Exclusion from free travel	Magistrates
Schedule 3	Refusal to approve a vehicle as a luxury motor vehicle or a luxury taxi	Magistrates
	Refusal to approve an age extension for a stretched version of a sedan	Magistrates
Schedule 4	Maximum age limit stated in taxi service licence for an exempted taxi	Magistrates

SCHEDULE 7**VEHICLE TYPES**

section 57

Column 1	Column 2
Service category	Vehicle type
Scheduled passenger service	forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus passenger car for which a taxi service licence or limousine service licence is in force
Long distance scheduled passenger service	forward-control passenger vehicle, off-road passenger vehicle, light bus or a heavy bus
Charter bus service	light bus or heavy bus
Community transport service	motor vehicle
Courtesy transport service	motor vehicle
Taxi service	passenger car, forward-control passenger vehicle or an off-road passenger vehicle light bus having up to 12 seating positions, including the driver's position
Tourist service	off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and side-car, motor tricycle or forward-control passenger vehicle

SCHEDULE 7 (continued)

	passenger car or forward-control passenger vehicle for which a taxi service licence or luxury limousine service licence is in force
Limousine service	passenger car

Vehicle type definitions

In this Schedule—

“forward-control passenger vehicle” means a passenger vehicle, other than an off-road passenger vehicle, having up to 9 seating positions, including the driver’s position, and in which the centre of the steering wheel is in the forward quarter of the vehicle’s total length.

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

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

“motor cycle” means a 2 wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50 ml; or
- (b) a maximum speed of more than 50 km/h.

“motor cycle and side-car” 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 50 ml; or
- (b) a maximum speed of more than 50 km/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 1 t; and
- (b) either—
 - (i) an engine cylinder capacity of more than 50 ml; or
 - (ii) a maximum speed of more than 50 km/h.

“motor vehicle” has the meaning given by section 9 of the *Traffic*

SCHEDULE 7 (continued)

Act 1949.

“off-road passenger vehicle” means a passenger vehicle that has up to 9 seating positions, including the driver’s position, designed with special features for off-road operation as defined by the Australian Design Rules.

“passenger car” means a passenger vehicle, other than an off-road passenger vehicle or a forward-control passenger vehicle, having up to 9 seating positions, including the driver’s position.

“passenger vehicle” means a motor vehicle constructed primarily for the carriage of persons and having at least 4 wheels.

SCHEDULE 8

FEES

section 67

Service Contracts	Annual fee
	\$
Commercial—scheduled bus	
• 1–10 buses	100
• 11–20 buses	250
• 21–50 buses	500
• 50+ buses	1 000
Taxi companies	
• 1–50 vehicles	100
• 51–100 vehicles	250
• 101–200 vehicles	500
• 200+ vehicles	1 000
Service Licences	
	Taxi
100	Exempted taxi
50	Limousines
100	
Operator Accreditation	
Commercial service contract	100
Government-funded service contract	100
Long distance	
• 1–10 buses	200
• 11+ buses	1 000
Tourist	

 SCHEDULE 8 (continued)

• 1–10 buses	200
• 11+ buses	1 000
Charter	
• 1–10 buses	200
• 11+ buses	1 000
Community	100
Courtesy	100
Taxi	100
Exempted taxi	50
Limousines	100
Driver Authorisation	
Taxi	42
Limousines	42

SCHEDULE 9**AMENDMENT OF STATE TRANSPORT
REGULATION 1987**

section 69

1. Section 5—*omit—*

- “cab”
- “carrying vehicle”
- “certificate of approval”
- “driver”
- “driver’s identification card”
- “endorsement”
- “exempted cab”
- “flag fall”
- “guide dog”
- “licensed area”
- “licensed cab”
- “Main Roads Act”
- “metropolitan taxi district”
- “plate”
- “private hire car”
- “public vehicle”
- “taxi licensee’s authority”
- “taxi-meter cab”

SCHEDULE 9 (continued)

- “taxi rank”
- “Traffic Act”

2. Section 6—*omit.***3. Part 2—***omit.***4. Part 3—***omit.***5. Section 83—***omit.***6. Section 84—***omit.***7. Section 85—***omit.***8. Section 86—***omit.***9. Section 87—***omit.*

SCHEDULE 9 (continued)

10. Part 5—*omit.***11. Section 95(1)(d), (f) and (h), (2) and (3)—***omit.***12. Section 98—***omit.***13. Section 99—***omit.***14. Section 101(a) to (d), (g) and (h)—***omit.***15. Schedule 6—***omit, insert—***‘SCHEDULE 6****‘PENALTIES**

section 94A

Column 1 Section	Column 2 First offence (Penalty units)	Column 3 Subsequent offence (Penalty units)
49 of the Act	5	7

SCHEDULE 9 (continued)

49A of the Act	5	7
70(3) of the Act	5	7
71(2) and (3) of the Act	5	7
72(a) of the Act	6	7
72(b) to (h) of the Act	5	7
53	1	2
54	1	2
55(2)(b),(c),(d) and (3)	1	2
59	1	2
61 to 63	1	2
65 to 76	1	2
81(1)	1	2
82 to 83	1	2
91A	2	3
91B(7)	3	3
91D and 91F(1)	2	3
91F(2)	3	3
91F(3)	2	3
91F(4)	3	3
91G(1),(3) and (4)	3	3
91H	1	2

SCHEDULE 9 (continued)

91I	2	3
91J(2),(3) and (4) to (8)	2	3
91K(2) and (3)	2	3
91L(1) to (5)	2	3
91M	2	3
91N(4)	2	3
91R(3)	2	3'.

SCHEDULE 10

AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991

section 70

1. Schedule 1, Part 3, item 1—

insert—

‘(g) limousine number plates \$25.00’.

2. Schedule 1, Part 3, item 1(g)—

renumber as item 1(h).

3. Schedule 1, Part 3, item 2—

insert—

‘(c) limousine number plates \$25.00’.

4. Schedule 1, Part 3, item 2(c)—

renumber as item 2(d).

5. Schedule 2, item 4—

omit, insert—

‘4. Limousine number plate	‘PVH’ preceded or followed by 3 numerals or 5 numerals preceded by ‘L’.’.	Front and rear	30
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ENDNOTES

1. Made by the Governor in Council on 27 October 1994.
2. Notified in the Gazette on 28 October 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.