



Queensland

Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2010

Subordinate Legislation 2010 No. 373

made under the

Transport Operations (Passenger Transport) Act 1994

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1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 2010*.

2 Commencement

This regulation commences on 27 June 2011.

3 Regulation amended

This regulation amends the *Transport Operations (Passenger Transport) Regulation 2005*.

4 Insertion of new pt 6, div 6

After section 96AN—

insert—

‘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.

Maximum penalty—20 penalty units.

[s 4]

Note—

A taxi driver display card is an authorising document.

Editor's note—

Taxi service areas are described on the department's website at <www.tmr.qld.gov.au>.

- (2) However, the driver of a taxi does not commit an offence under subsection (1) if the driver—
- (a) is driving a NSW taxi to provide a cross-border taxi service; or
 - (b) is displaying an interim taxi driver display card for the driver under section 96AU; or
 - (c) is driving a taxi for a passenger journey originating 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 accredited operator of a taxi service who provides a taxi service in a prescribed area to enable the accredited 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 accredited operator of a taxi service

- ‘(1) An accredited 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 accredited 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.

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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—
 - (a) is driving a NSW taxi to provide a cross-border taxi service; or
 - (b) is driving a taxi for a passenger journey originating 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 accredited 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 accredited 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 accredited 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 accredited 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 accredited operator of a taxi service who assigned the card to the person—

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- (a) within 2 weeks after the term of the assignment ends; or
- (b) if requested by the accredited operator—
 - (i) immediately after the request is made; or
 - (ii) within the period stated by the accredited 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 accredited 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 accredited 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 accredited operator of a taxi service under section 96AR; and

(b) damaged, lost or stolen;

the accredited 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 accredited 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.’.

5 Insertion of new sch 2B

After schedule 2A—

insert—

‘Schedule 2B Prescribed areas

schedule 11, definition *prescribed area*

Toowoomba’.

6 Amendment of sch 11 (Dictionary)

Schedule 11—

insert—

‘*interim taxi driver display card* means a card that—

(a) is headed ‘Authorised Queensland Taxi Driver’; and

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- (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.

prescribed area means a taxi service area mentioned in schedule 2B.

taxi driver display card, for a driver, means a card that—

- (a) is headed ‘Authorised Queensland Taxi Driver’; and
- (b) states the first name of the driver; and
- (c) states the driver’s driver authorisation number; and
- (d) states an expiry date; and
- (e) contains a digital photo of the driver; and
- (f) indicates that the card is issued by the Queensland Government.’.

ENDNOTES

- 1 Made by the Governor in Council on 9 December 2010.
- 2 Notified in the gazette on 10 December 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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