

# Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025

## Human Rights Certificate

**Prepared in accordance with Part 3 of the *Human Rights Act 2019***

In accordance with section 41 of the *Human Rights Act 2019*, I, Brent Andrew Mickelberg MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025* (the Amendment Regulation) made under the *Tow Truck Act 2023*, the *Transport Operations (Passenger Transport) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

The Amendment Regulation is made under the *Tow Truck Act 2023*, the *Transport Operations (Passenger Transport) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*. Its objectives are:

- to enable the Department of Transport and Main Roads (TMR) to waive replacement fees for particular smartcards (physical cards that reflect information stored electronically with TMR) and number plates, where they require replacement due to theft, crimes or misdemeanours;
- to enable TMR to waive replacement fees for driver licences, where they require replacement due to unauthorised access to, or disclosure of, confidential information; and
- to clarify a taxi driver's obligations to ensure pre-booked trips for wheelchair users and Taxi Subsidy Scheme members are completed as agreed.

### Waiving replacement fees

On 20 October 2024, the Crisafulli Government made an election commitment to deliver cost-of-living relief by waiving replacement costs of stolen driver licences and number plates for victims of crime. Additionally, a recommendation made by the former Legal Affairs and Safety Committee (the Committee) in March 2023 was that the Queensland Government consider waiving fees for state government issued identification documents and number plates requiring replacement by victims as a result of a crime. The Committee considered that waiving replacement fees would assist victims that are simultaneously reorganising their affairs while going through the criminal justice process and would assist victims of crime in matters that are not directly part of the criminal justice system.

A person may require a replacement smartcard or number plate where the original was stolen, damaged, destroyed or lost, due to a crime or misdemeanour committed by another person. A person may also wish to replace a driver licence if confidential information about the licence has been accessed by, or disclosed to, an unauthorised person. The Amendment Regulation inserts fee waiving powers for these circumstances, into the following legislative instruments:

- the *Tow Truck Regulation 2024*– for driver accreditation and assistant accreditation smartcards;
- the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*– for accreditation (accredited person) smartcards;
- the *Transport Operations (Road Use Management – Driver Licensing) Regulation 2021*– for driver licences; and
- the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*– for vehicle number plates.

The ability to waive fees will not extend to the replacement of customised or personalised plates (special plates) with another set of identical special plates. This is because the risk of the special plate combination being used for further crime is not addressed through this type of replacement. Instead, TMR may waive the fee for a standard set of plates with a new combination, as replacement for the special plates.

#### Clarifying taxi driver obligations

Section 81 of the *Transport Operations (Passenger Transport) Regulation 2018* (the Passenger Transport Regulation) provides a taxi driver must not refuse to provide:

- a hailed down service, or a journey commencing from a taxi rank, to any person, or
- a pre-booked trip to a prescribed person,

except in limited circumstances or if the driver has a reasonable excuse. A ‘prescribed person’ means any person who uses a wheelchair or a member of the Taxi Subsidy Scheme<sup>1</sup>.

This provision is intended to ensure access to personalised transport services for all passengers, particularly those who have accessibility needs and have difficulty using other forms of public and private transport. It is also intended to support equitable access by ensuring that trips that are considered by some drivers to be less-financially-lucrative are still completed as agreed.

This requirement was first introduced to the now repealed *Transport Operations (Passenger Transport) Regulation 2005* in 2017 as part of the reforms in *Queensland’s Personalised Transport Horizon – Five Year Strategic Plan for Personalised Transport Services 2016-2021*, and was carried over into the current Passenger Transport Regulation.

---

<sup>1</sup> Referred to as an ‘approved relevant person’

Prior to this:

- taxi service providers were required to have a service contract with TMR, which set minimum service levels and defined relevant terms. Under the former service contracts, 'refusal' was explicitly defined to include a cancellation of a pre-booked trip, and
- a condition was attached to a wheelchair-accessible taxi service licence that required the operator and driver to give preference to the carriage of wheelchair users.

While it was intended to include cancellations under the term 'refusal', the definition was not transitioned over into the new legislative requirement in 2017, which has resulted in a lack of clarity around what constitutes a refusal of service.

Concerns about service levels for Wheelchair Accessible Taxis (WAT) have been the subject of regular complaints to TMR and of media reporting, with examples of long wait times or taxis not arriving to deliver a booked service. TMR takes enforcement action when investigations identify that drivers have failed to comply with the requirement of section 81 of the Passenger Transport Regulation, but ambiguity in that provision makes it more difficult for TMR to effectively enforce this requirement in circumstances when taxi drivers cancel bookings for prescribed persons. In particular, there have been examples of taxi drivers who operate a WAT cancelling trips requested by a wheelchair user, in favour of high occupancy jobs that are considered more lucrative by some drivers.

To ensure fair and equitable access to personalised transport for all Queenslanders, the Amendment Regulation clarifies that section 81 of the Passenger Transport Regulation applies where a taxi driver fails to provide a pre-booked service. For example, the driver cancels the booking or does not arrive. This will provide greater certainty to drivers about their legislative obligations and address a cause of poor service to passengers who use a wheelchair.

## Human Rights Issues

**Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

The Amendment Regulation does not limit any human rights.

## Conclusion

I consider that the *Transport Legislation (Waiving Fees and Other Matters) Amendment Regulation 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**BRENT MICKELBERG MP**  
Minister for Transport and Main Roads