



Queensland

Transport and Other Legislation (Hire Services) Amendment Regulation 2016

Subordinate Legislation 2016 No. 161

made under the

Nature Conservation Act 1992

Recreation Areas Management Act 2006

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation (Hire Services) Amendment Regulation 2016*.

2 Commencement

- (1) This regulation, other than the provisions mentioned in subsection (2), commences on 5 September 2016.
- (2) The following provisions commence on 1 November 2016—
 - (a) sections 8(3) and (4), 21, 26, 30 and 35(1);
 - (b) part 8.

Part 2 Amendment of Nature Conservation (Protected Areas Management) Regulation 2006

3 Regulation amended

This part amends the *Nature Conservation (Protected Areas Management) Regulation 2006*.

4 Amendment of s 116 (Safe use of vehicles—compliance with transport legislation)

- (1) Section 116(1A), after ‘except a’—

insert—

booked hire vehicle,
- (2) Section 116(4), after ‘(1),’—

insert—

(1A),

10 Amendment of s 17 (Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply)

Section 17—

insert—

- (f) a driver operator booked hire service.

11 Amendment of s 20 (Application for grant or renewal of driver authorisation)

(1) Section 20(2)—

omit.

(2) Section 20(3), ‘Also’—

omit, insert—

However

(3) Section 20(3) to (5)—

renumber as section 20(2) to (4).

12 Amendment of s 20B (Requirements for operating relevant vehicles other than motorbikes)

(1) Section 20B(2)(b), from ‘a relevant’ to ‘taxi,’—

omit, insert—

the operation of a relevant vehicle other than a booked hire vehicle, limousine or taxi—

(2) Section 20B(4), after ‘school service,’—

insert—

booked hire service,

13 Replacement of s 20C (Additional requirements to drive a taxi)

Section 20C—

[s 14]

omit, insert—

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

- (1) An applicant for driver authorisation for the operation of 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.

14 Amendment of s 21C (Expressions on authorising documents)

- (1) Section 21C(1)—

omit, insert—

- (1) The expression ‘BHTX’, ‘Limo’ or ‘Taxi’ on an authorising document indicates that the authorised driver is authorised to operate a vehicle providing a booked hire service, limousine service or taxi service.

- (2) Section 21C(2)—

omit.

- (3) Section 21C(3), ‘provide’—

omit, insert—

operate a vehicle providing

- (4) Section 21C(3), ‘services’—

omit, insert—

service

- (5) Section 21C(4), from ‘provide’—

omit, insert—

operate a vehicle providing a general route service
or school service.

- (6) Section 21C(5), ‘provide tourist services’—

omit, insert—

operate a vehicle providing a tourist service

- (7) Section 21C(5), note—

omit.

- (8) Section 21C(3) to (5)—

renumber as section 21C(2) to (4).

15 Insertion of new s 39A

Part 3, division 3—

insert—

39A Disclosure of driver authorisation numbers

- (1) The chief executive may disclose an authorised driver’s driver authorisation number to another person in the way the chief executive considers appropriate, including, for example, by publication on the department’s website.
- (2) 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.

[s 16]

16 Insertion of new s 42A

After section 42—

insert—

42A Required driver authorisation for particular public passenger services

- (1) An authorised driver must not operate a vehicle providing a relevant service unless the driver's driver authorisation authorises the driver to operate a vehicle providing the service.

Maximum penalty—20 penalty units.

Note—

See section 21C in relation to an authorised driver's authorising document which indicates the relevant vehicles the driver is authorised to operate.

- (2) In this section—

relevant service means a booked hire service, limousine service or taxi service for which driver authorisation is required.

17 Replacement of pt 6, hdg (Taxi services provided under taxi service licence)

Part 6, heading—

omit, insert—

Part 6 Taxi services provided using a taxi

18 Replacement of s 52A (Application of pt 6)

Section 52A—

omit, insert—

52A Taxi services to which s 70 of the Act does not apply

- (1) For section 70(4) of the Act, this section prescribes taxi services to which section 70 of the Act does not apply.
- (2) A taxi service provided in a way other than as a rank and hail service is prescribed.
- (3) However, a taxi service mentioned in subsection (2) is prescribed only if the driver of the motor vehicle providing the service is not over the no alcohol limit under the *Transport Operations (Road Use Management) Act 1995*, section 79A.

52B Application of pt 6

This part, other than section 52A, applies only in relation to taxi services provided using a taxi.

Note—

See part 6A for provisions about cross-border taxi services.

19 Amendment of s 62A (Requirements about access to continuously operating booking service)

- (1) Section 62A(4), ‘the taximeter’—

omit, insert—

a taximeter

- (2) Section 62A(4), note—

omit, insert—

Note—

See section 65 for operating requirements of taximeters.

20 Amendment of s 63 (Fares and charges for taxis)

- (1) Section 63, heading, ‘and charges’—

[s 21]

omit.

- (2) Section 63(3) and (5)—

omit.

- (3) Section 63(4)—

renumber as section 63(3).

21 Omission of s 63A (Requirements for itemised receipts)

Section 63A—

omit.

22 Omission of ss 63B, 64 and 67 to 69

Sections 63B, 64 and 67 to 69—

omit.

23 Amendment of s 70 (Vehicle not to look like taxi unless licensed)

- (1) Section 70(2)—

omit.

- (2) Section 70(3)—

renumber as section 70(2).

24 Amendment of s 80 (When vehicle not used as a substitute taxi)

Section 80(2), '124(b)'—

omit, insert—

124(2)(b)

25 Replacement of pt 6A, hdg (Taxi services provided other than under taxi service licence)

Part 6A, heading—

omit, insert—

Part 6A Cross-border taxi services

26 Insertion of new pt 7A

After part 7—

insert—

Part 7A Booked hire services

117A Fare estimates for booked hire services

- (1) A relevant entity must give a hirer of a booked hire service a fare estimate under this section before the service begins, unless the relevant entity 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 (the *estimated 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

[s 26]

Examples for paragraph (b)—

- 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) This section does not apply to a booked hire service provided using a taxi that is arranged using a device, fixed at a place, that has the primary function of allowing a hirer to arrange for the provision of the service from the place.
- (4) In this section—

relevant entity, for a booked hire service, means—

- (a) if an entity, other than the driver of the motor vehicle used to provide the service, arranges the service—the entity; or

Example for paragraph (a)—

an entity that receives a request for a service from a hirer through an app and communicates the booking for the service to the driver

- (b) otherwise—the driver of the motor vehicle used to provide the service.

117B Fares for booked hire services

- (1) A person must not charge a hirer of a booked hire service a fare more than—

-
- (a) the estimated fare stated in a 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.
- (2) In this section—

fare estimate means a fare estimate given under section 117A.

117C Booked hire service signs

- (1) A driver of a booked hire vehicle must not drive the vehicle unless a sign is displayed on the vehicle under subsection (2).

Maximum penalty—20 penalty units.

- (2) The sign must—
- (a) reasonably imply that the vehicle is a booked hire vehicle, for example, by displaying a trademark; and
 - (b) be fitted on or towards the rear of the vehicle; and
 - (c) be clearly visible from outside the vehicle.

117D Safety certificate requirement for particular booked hire vehicles

- (1) An owner of a motor vehicle must not allow the vehicle to be used to provide a booked hire service unless a safety certificate for the vehicle has been

[s 27]

issued within the last 12 months.

Maximum penalty—60 penalty units.

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

Maximum penalty—60 penalty units.

- (3) This section does not apply to a COI vehicle.

- (4) In this section—

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

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

27 Replacement of s 124 (Record to be kept of each use of vehicle to provide public passenger service)

Section 124—

omit, insert—

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

- (1) This section applies to—
- (a) an operator of a public passenger service for which operator accreditation is required; and
 - (b) an operator of a driver operator booked hire service.
- (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.

28 Replacement of s 131 (Dress of drivers)

Section 131—

omit, insert—

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.

29 Amendment of s 137 (Public passenger vehicles—Act, sch 3, def *public passenger vehicle*)

(1) Section 137—

insert—

- (1A) A booked hire vehicle is a public passenger vehicle.

(2) Section 137(2), 'operate'—

omit, insert—

provide

[s 30]

- (3) Section 137(3), from ‘(2)’ to ‘limousine service,’—
omit, insert—
- (3) does not apply to a booked hire service,
limousine service, taxi service,
- (4) Section 137(1A) to (3)—
renumber as section 137(2) to (4).
- (5) Section 137—
insert—
- (5) A person must not provide a booked hire service
or taxi service unless the person uses a passenger
vehicle.
- Maximum penalty—20 penalty units.

30 Insertion of new s 137B

After section 137A—

insert—

137B Requirements for itemised receipts

- (1) This section applies if the hirer of any of the following public passenger vehicles for a journey requests a receipt for the fare for the hiring of the vehicle for the journey—
- (a) a booked hire vehicle;
 - (b) a limousine;
 - (c) a taxi, other than an exempted taxi.
- (2) The driver of the public passenger vehicle must, before leaving the destination for the journey, give the hirer an itemised receipt for the fare, unless the driver reasonably believes that another entity has given, or is to give, the hirer an itemised receipt.

Maximum penalty—20 penalty units.

(3) In this section—

itemised receipt, for the fare for a hiring of a public passenger vehicle for a journey, means a written receipt that includes—

(a) the following details about the driver—

(i) if the vehicle is a taxi, other than an exempted taxi—the driver's driver authorisation number;

(ii) otherwise—the driver's name or driver's driver authorisation number; and

(b) the fare and the amounts comprising the fare; and

Examples of amounts comprising a fare for paragraph (b)—

booking fee for the service, total tollage

(c) the time at which the hiring started and finished; and

(d) the origin of, and destination for, the journey.

31 Amendment of s 141 (Soliciting or touting)

Section 141(1), penalty, '20'—

omit, insert—

40

32 Insertion of new pt 12, div 7

Part 12—

insert—

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 within 1 year after the commencement.
- (2) The operator accreditation is taken to continue in force from the day that it would, apart from this section, have expired until the day 1 year after the commencement.

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 day 1 year after the commencement.
- (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.

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.

33 Amendment of sch 5 (Equipment for vehicles)

Schedule 5, section 2(1)(c)—

omit.

34 Amendment of sch 9 (Fees and levy)

Schedule 9, items 7, 8 and 9, 'taxi or limousine'—

omit, insert—

booked hire vehicle, limousine or taxi

35 Amendment of sch 11 (Dictionary)

- (1) Schedule 11, definition *itemised receipt*—

omit.

- (2) Schedule 11—

38 Amendment of s 12 (Seating)

Section 12(3)(b), ‘taxi’—

omit, insert—

booked hire vehicle, limousine or taxi

39 Amendment of s 13 (Customer service)

(1) Section 13(1)—

omit, insert—

(1) This section applies to a driver of a relevant vehicle that is used to provide a public passenger service other than a booked hire service, limousine service or taxi service.

(1A) The driver must be reasonably courteous to passengers and the public.

(2) Section 13(2), from ‘A’ to ‘school service’—

omit, insert—

If the driver operates the vehicle to provide a general route service or a school service, the driver

(3) Section 13(3), ‘a driver’ to ‘relevant vehicle’—

omit, insert—

the driver

(4) Section 13(4)—

omit.

(5) Section 13(1A) to (3)—

renumber as section 13(2) to (4).

40 Amendment of s 18 (Purpose of pt 4)

Section 18—

insert—

[s 41]

- (c) operators of driver operator booked hire services.

41 Amendment of s 26 (Seating)

Section 26(3)(b), 'taxi'—

omit, insert—

booked hire vehicle, limousine or taxi

42 Amendment of s 27 (Type and age of vehicles etc.)

(1) Section 27(1)—

omit, insert—

(1) This section applies to—

- (a) an operator of a relevant service; and
- (b) an operator of a driver operator booked hire service.

(1A) The operator may only use a vehicle to provide the service if the vehicle—

- (a) is of a type suitable to provide the service; and
- (b) for a vehicle other than a booked hire vehicle, limousine or taxi—is of an age suitable to provide the service.

(2) Section 27(2), '(1)'—

omit, insert—

(2)

(3) Section 27(3), from 'Also,' to 'relevant service'—

omit, insert—

Also, the operator

(4) Section 27(1A) to (3)—

renumber as section 27(2) to (4).

43 Amendment of s 29 (Maintenance of vehicles)

(1) Section 29(1)—

omit, insert—

(1) This section applies to—

- (a) an operator of a relevant service; and
- (b) an operator of a driver operator booked hire service.

(1A) The operator must have and comply with a documented maintenance program for each vehicle providing the service.

(2) Section 29(3), from ‘An’ to ‘relevant service’—

omit, insert—

The operator

(3) Section 29(4), ‘(3)’—

omit, insert—

(4)

(4) Section 29(1A) to (4)—

renumber as section 29(2) to (5).

44 Amendment of s 30 (Vehicles to be maintained in clean, tidy and comfortable condition etc.)

Section 30(1), from ‘route service’—

omit, insert—

route service or school service.

45 Insertion of new s 30A

After section 30—

[s 46]

insert—

30A Additional vehicle requirements for taxis

- (1) This section applies to an operator of a relevant service that is a taxi service provided by a taxi.
- (2) The operator must take reasonable steps to ensure that each taxi providing the service complies with the following requirements—
 - (a) the fare sticker must be fixed to the taxi; and
 - (b) the taximeter, if fitted, must be working; and
 - (c) the fleet number of the taxi must be clearly displayed in the interior and on the exterior of the taxi.

46 Amendment of s 31 (Customer service)

- (1) Section 31(1), from ‘taxi’ to ‘scheduled services’—
omit, insert—
scheduled passenger service
- (2) Section 31(2), from ‘an operator’ to ‘scheduled services’—
omit, insert—
the operator

47 Amendment of s 32 (Access to information about services provided)

- (1) Section 32(1)—
omit, insert—
 - (1) This section applies to an operator of a relevant service that is a general route service or school service.
- (2) Section 32(2), from ‘route service’—
omit, insert—

route service or school service.

48 Amendment of s 35 (Requirements of incident management plan)

Section 35(c) and (d), ‘13(3)’—

omit, insert—

13(4)

49 Amendment of sch 1 (Vehicle requirements and operator’s obligations)

(1) Schedule 1, section 1(a), ‘27(2)’—

omit, insert—

27(3)

(2) Schedule 1, section 1(b), ‘27(3)’—

omit, insert—

27(4)

(3) Schedule 1, section 4(1), after ‘prescribed vehicle’—

insert—

, other than a booked hire vehicle, limousine or taxi,

50 Amendment of sch 3 (Maintaining particular relevant vehicles in a clean, tidy and comfortable condition and other vehicle requirements)

(1) Schedule 3, section 1(1)—

omit, insert—

(1) This section states the requirements that a vehicle used to provide the following relevant service must comply with for section 30(2)(a) of this standard—

[s 51]

- (a) a general route service that uses a bus to provide the service;
 - (b) a school service that uses a bus to provide the service.
- (2) Schedule 3, section 1(5)—
omit.
- (3) Schedule 3, section 2—
omit, insert—

2 Way to maintain vehicle

Sections 3 to 5 state the way a vehicle used to provide the following relevant service must be maintained for section 30(3) of this standard—

- (a) a general route service that uses a bus to provide the service;
 - (b) a school service that uses a bus to provide the service.
- (4) Schedule 3, section 4(7)—
omit.

51 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *relevant service*—
omit.
- (2) Schedule 4—
insert—

booked hire service see the passenger transport regulation, schedule 11.

booked hire vehicle see the passenger transport regulation, schedule 11.

driver operator booked hire service see the passenger transport regulation, schedule 11.

54 Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old)

Section 266(5), ‘taxi’—

omit, insert—

booked hire vehicle or taxi

55 Amendment of s 267 (Exemptions from wearing seatbelts)

(1) Section 267(8A)—

omit.

(2) Section 267(8C), ‘bus’—

omit, insert—

booked hire vehicle, bus

(3) Section 267(8D)(a), ‘bus driver’—

omit, insert—

driver of a bus

(4) Section 267(8D)(b), ‘taxi driver’—

omit, insert—

driver of a booked hire vehicle or taxi

56 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

booked hire vehicle means a booked hire vehicle under the *Transport Operations (Passenger Transport) Regulation 2005*.

Amendment Regulation 2016

56 Transitional provision for certificate of inspection for limousines and taxis

- (1) This section applies to a certificate of inspection issued for a limousine or taxi before the commencement.
- (2) Despite section 28—
 - (a) the certificate of inspection is taken to be current for 6 months from and including the effective date; and
 - (b) if a previous COI has expired for the vehicle—the COI period under that section for the vehicle is taken to be 6 months after the previous COI expired.

60 Amendment of sch 4 (Dictionary)

- (1) Schedule 4—

insert—

booked hire vehicle see the *Transport Operations (Passenger Transport) Regulation 2005*, schedule 11.

limousine see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

taxi see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

- (2) Schedule 4, definition *COI vehicle*, paragraph (a), from ‘other than’ to ‘there’—

omit, insert—

other than a booked hire vehicle or a public passenger vehicle mentioned in the section

- (3) Schedule 4, definition *COI vehicle*, paragraph (b)(ii), from ‘and that’—

omit, insert—

that is—

(A) used as a booked hire vehicle; or

(B) used for commercial purposes other than for the business of carrying passengers;

- (4) Schedule 4, definition *COI vehicle*, paragraph (c), ‘not mentioned’—

omit, insert—

that is not a booked hire vehicle and is not mentioned

- (5) Schedule 4, definition *SC vehicle*, paragraph (a), after ‘private vehicle’—

insert—

, including a private vehicle that is used as a booked hire vehicle,

ENDNOTES

- 1 Made by the Governor in Council on 1 September 2016.
- 2 Notified on the Queensland legislation website on 2 September 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

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