



Queensland

Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2019

Subordinate Legislation 2019 No. 245

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. 2) 2019*.

2 Regulation amended

This regulation amends the *Transport Operations (Passenger Transport) Regulation 2018*.

3 Amendment of s 31 (Conditions on driver authorisation—Act, s 32)

Section 31, heading, ‘s 32’—

omit, insert—

s 29

4 Replacement of s 76 (Service contract route prescribed as integrated mass transit area—Act, s 62AAA)

Section 76—

omit, insert—

76 Integrated mass transit area—Act, s 62AAA

For section 62AAA(1)(b) of the Act, the following service contract areas or routes are prescribed—

- (a) the service contract area or route called the Yarrabilba service contract area;
- (b) the service contract area or route called the Southern Bay Islands Group service contract route.

5 Amendment of s 139 (Person not to display card unless person holds driver authorisation (booked hire and taxi))

(1) Section 139(1), from ‘taxi while the taxi’—

omit, insert—

[s 6]

vehicle.

- (2) Section 139(2), ‘in the taxi’—

omit, insert—

in the vehicle

- (3) Section 139(2), before the penalty—

insert—

Note—

A person does not hold driver authorisation (booked hire and taxi) if, for example, the term of the authorisation has ended or the authorisation is cancelled or surrendered under part 3.

6 Amendment of s 148 (Person not to display card unless person holds driver authorisation (booked hire and taxi))

- (1) Section 148(1)(b), from ‘a taxi’—

omit, insert—

a vehicle.

- (2) Section 148(2), ‘in the taxi’—

omit, insert—

in the vehicle

- (3) Section 148(2), before the penalty—

insert—

Note—

A person does not hold driver authorisation (booked hire and taxi) if, for example, the term of the authorisation has ended or the authorisation is cancelled or surrendered under part 3.

7 Replacement of pt 16, div 2, hdg

Part 16, division 2, heading—

omit, insert—

Division 2 Other authorised persons

**Subdivision 1 Authorised persons for
Gold Coast light rail**

8 Amendment of s 268 (Powers)

Section 268(1)(a)(vii), ‘and (4)’—
omit.

9 Insertion of new pt 16, div 2, sdiv 2

Part 16, division 2—
insert—

**Subdivision 2 Authorised person for
service contract**

268A Appointment

For section 111(2)(f) of the Act, each of the following persons is prescribed as a person the chief executive may appoint under that section to be an authorised person for a service contract—

- (a) an employee of, or a contractor for, an operator who is required to provide a public passenger service for an area or route under a service contract;
- (b) an employee of a contractor mentioned in paragraph (a).

268B Powers

- (1) For section 114(2) of the Act, the powers of an authorised person for a service contract are limited to the powers given under the following provisions of the Act—

[s 9]

- (a) section 127;
 - (b) section 143ADA;
 - (c) section 143ADB;
 - (d) section 143AG;
 - (e) section 143AH;
 - (f) section 143AHA(1);
 - (g) section 143AHB(1);
 - (h) section 143AHC;
 - (i) section 143AHD.
- (2) However, the powers given under section 127 of the Act are limited to being exercised for serving an infringement notice for an offence against—
- (a) the following provisions of the Act—
 - (i) section 143AC;
 - (ii) section 143ADA(4);
 - (iii) section 143ADB(4);
 - (iv) section 143AE(1);
 - (v) section 143AK; or
 - (b) the following provisions of this regulation—
 - (i) section 232;
 - (ii) section 233(1);
 - (iii) section 234(1);
 - (iv) section 251;
 - (v) section 252(1);
 - (vi) section 253(2).
- (3) Also, the power given under section 143AHA(1) of the Act is limited to being exercised for giving a direction under the section for an offence against the following relevant provisions for that section—

- (a) section 143AC of the Act;
- (b) section 143AE(1) of the Act;
- (c) section 252(1) of this regulation.

Note—

Section 252(2) prescribes section 252 as a relevant provision for section 143AHA(4) of the Act, definition *relevant provision*, paragraph (c).

- (4) In addition, the powers are limited to being exercised only in relation to—
 - (a) the public passenger service provided under the service contract mentioned in section 268A(a); or
 - (b) public transport infrastructure used to provide the public passenger service mentioned in paragraph (a).

10 Insertion of new pt 17, div 4

Part 17—

insert—

Division 4 Transitional provisions for Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2019

304 Definitions for division

In this division—

new taxi driver display card means a taxi driver display card as defined under schedule 9 as in force from the commencement.

old taxi driver display card means a taxi driver display card as defined under schedule 9 as in

[s 11]

force immediately before the commencement.

transitional period means the period—

- (a) starting on the commencement; and
- (b) ending 2 months after the commencement.

305 Application of s 137 during transitional period

During the transitional period, section 137 applies as if a reference in the section to a taxi driver display card included a reference to an old taxi driver display card.

306 Effect of particular old taxi driver display cards

- (1) This section applies to an old taxi driver display card that—
 - (a) was in force immediately before the commencement; or
 - (b) is issued during the transitional period under section 137 as applied under section 305.
- (2) The old taxi driver display card—
 - (a) is taken, for part 6, division 8, other than section 137, to be a new taxi driver display card; and
 - (b) continues in force until the card expires.

11 Amendment of sch 9 (Dictionary)

Schedule 9, definition *taxi driver display card*, paragraph

(a)—

omit, insert—

- (a) is headed ‘Authorised Driver—Booked Hire and Taxi’; and

ENDNOTES

- 1 Made by the Governor in Council on 5 December 2019.
- 2 Notified on the Queensland legislation website on 6 December 2019.
- 3 The administering agency is the Department of Transport and Main Roads.

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