

Queensland

Transport Operations (Passenger Transport) Act 1994

Transport Operations (Passenger Transport) Regulation 2018

Current as at 20 February 2026

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Transport Operations (Passenger Transport) Regulation 2018

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Transport Operations (Passenger Transport) Regulation 2018

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 2018*.

2 Commencement

This regulation commences on 1 September 2018.

3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

Part 2 Operator accreditation

Division 1 Preliminary

4 Definitions for part

In this part—

accreditation requirements means the requirements under the Act about granting or renewing operator accreditation.

Example of an accreditation requirement—

a requirement about training under section 18B

prescribed operator accreditation requirement means a requirement about operator accreditation under division 3A, subdivision 3 or 4.

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relevant associate, of a person, means—

(a) if the person is a corporation—an executive officer of the person; or

(b) if the person is a member of a partnership—another member of the partnership.

5 Purpose of part

The purpose of this part is to provide for matters about operator accreditation for chapter 3 of the Act.

Division 2 Grant and renewal

6 Application for grant or renewal

(1) A person may apply to the chief executive for the grant or renewal of operator accreditation to provide a public passenger service of a particular kind.

(2) The application must be made in the approved form.

(3) An application may be made jointly by 2 or more persons.

7 Deciding application

After receiving an application under section 6, the chief executive must consider it and decide—

(a) if the applicant complies with all of the accreditation requirements—to grant or renew the operator accreditation; or

(b) if the applicant does not comply with all of the accreditation requirements, to—

(i) grant provisional operator accreditation under section 8; or

(ii) refuse the application under section 9.

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8 Provisional operator accreditation—Act, s 18

(1) The chief executive may grant operator accreditation to a person on a provisional basis (***provisional operator accreditation***)—

(a) if the person complies with some, but not all, of the accreditation requirements; or

(b) while the criminal history of the person, or a relevant associate of the person, is being checked.

(2) A grant under subsection (1)(a) may be subject to a condition about the person complying with all of the accreditation requirements within a stated period.

(3) If, before the end of the term stated in a provisional operator accreditation, the chief executive is satisfied the applicant complies with all of the accreditation requirements, the chief executive may grant to the applicant the operator accreditation for which the applicant applied.

9 Refusal of operator accreditation—Act, s 17

(1) The chief executive may refuse to grant or renew operator accreditation if—

(a) the applicant, or a relevant associate of the applicant, has been convicted of a disqualifying offence; or

(b) the applicant, or a relevant associate of the applicant, has been charged with a disqualifying offence and the charge has not been dealt with; or

(c) the applicant has not complied with—

(i) all of the accreditation requirements; or

(ii) if the applicant has been granted provisional operator accreditation under section 8—a condition of the provisional operator accreditation; or

(d) the applicant has not complied, or is not complying, with a prescribed operator accreditation requirement applying to the operator accreditation; or

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(e) the chief executive is satisfied—

(i) if the applicant has a safety duty under chapter 6A, part 2 of the Act—the applicant has contravened, or is contravening, the duty and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(ii) the applicant has contravened, or is contravening, section 67ZC of the Act and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(f) the chief executive considers the applicant, or a relevant associate of the applicant, has engaged in conduct that has—

(i) damaged the reputation of public passenger services or holders of operator accreditation; or

(ii) adversely affected the high quality operation of public passenger services as mentioned in section 11 of the Act.

Example for subparagraph (ii)—

the applicant has contravened a written direction given to the applicant under section 67ZH(2) of the Act without reasonable excuse

(2) Also, the chief executive may—

(a) refuse to grant operator accreditation if an operator accreditation previously granted to the applicant has been cancelled or suspended; or

(b) refuse to renew operator accreditation if the operator accreditation, or an operator accreditation previously granted to the applicant, has been cancelled or suspended.

(3) If the chief executive refuses to grant or renew an operator accreditation under this section, the chief executive must give the applicant a regulation notice about the decision.

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10 Term

(1) An operator accreditation is for a term, stated in the operator accreditation, of not more than 5 years.

(2) An operator accreditation may be renewed for successive terms of not more than 5 years.

Division 3 Amendment, suspension and cancellation

11 Definition for division

In this division—

proposed action see section 13.

12 Grounds for amendment, suspension or cancellation—Act, s 20

(1) The chief executive may amend, suspend or cancel a person's operator accreditation if—

(a) the person, or a relevant associate of the person, is convicted of a disqualifying offence; or

(b) the person, or a relevant associate of the person, has not complied, or is not complying, with a prescribed operator accreditation requirement applying to the operator accreditation; or

(c) the chief executive is satisfied the person—

(i) if the person has a safety duty under chapter 6A, part 2 of the Act—has contravened, or is contravening, the duty, and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(ii) has contravened, or is contravening, section 67ZC of the Act and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness.

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(2) Without limiting subsection (1), an amendment may change the term of the person's operator accreditation.

(3) Also, the chief executive may suspend or cancel a person's operator accreditation if the chief executive considers the person, or a relevant associate of the person, has engaged in conduct that has—

(a) damaged the reputation of public passenger services or holders of operator accreditation; or

(b) adversely affected the high quality operation of public passenger services as mentioned in section 11 of the Act.

Example for paragraph (b)—

a person has contravened a written direction given to the person under section 67ZH(2) of the Act without reasonable excuse

13 Show cause notice before taking particular action

Before taking action under section 12(1) or (3) (the ***proposed action***), the chief executive must give the person 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 operator accreditation—stating the proposed amendment; and

(e) if the proposed action is suspension of the operator accreditation—stating the proposed suspension period; and

(f) inviting the person to show, within a stated period of at least 28 days, why the proposed action should not be taken.

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14 Decision in relation to taking particular action after show cause process

If, after considering all written representations received from the person within the period stated under section 13(f), the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—

(a) if the proposed action was to amend the operator accreditation—

(i) amend the operator accreditation in the way stated in the regulation notice; or

(ii) amend the operator accreditation in another way; or

(b) if the proposed action was to suspend the operator accreditation—

(i) suspend the operator accreditation for a period of not more than the period stated in the regulation notice; or

(ii) amend the operator accreditation; or

(c) if the proposed action was to cancel the operator accreditation—

(i) cancel the operator accreditation; or

(ii) suspend the operator accreditation for a period; or

(iii) amend the operator accreditation.

15 Immediate suspension

(1) The chief executive may immediately suspend a person's operator accreditation by giving a regulation notice to the person if—

(a) the person, or a relevant associate of the person, is charged with a disqualifying offence and the charge has not been dealt with; or

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(b) the chief executive considers the suspension is necessary in the public interest.

Example of the public interest—

The chief executive considers the person has engaged in conduct causing, or likely to cause, harm to another person, including, for example, a driver or passenger of a vehicle used to provide the public passenger service provided by the operator.

(2) The immediate suspension has effect until—

(a) if the ground is that the person, or a relevant associate of the person, has been charged with a disqualifying offence and the charge has not been dealt with—the earlier of the following—

(i) the charge is dealt with;

(ii) the chief executive gives the person a regulation notice under section 14;

(iii) the chief executive gives the person written notice ending the suspension; or

(b) in any other case, the earlier of the following—

(i) the chief executive gives the person a regulation notice under section 14;

(ii) the end of 56 days after the regulation notice under subsection (1) is given to the person;

(iii) the chief executive gives the person written notice ending the immediate suspension.

(3) This section applies despite sections 12, 13 and 14.

16 Further action after immediate suspension

(1) This section applies if—

(a) under section 15, the chief executive immediately suspends a person's operator accreditation; and

(b) the chief executive also proposes, under section 12, to amend, suspend or cancel the operator accreditation.

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(2) The regulation notice given under section 15(1) must also state the information mentioned in section 13 in relation to the proposed action.

(3) Section 14 applies to the proposed action as if the regulation notice given under section 15(1) were a written notice given under section 13.

17 Return of evidence of operator accreditation

(1) This section applies if the chief executive gives a person a regulation notice that—

(a) does any of the following—

(i) cancels the person's operator accreditation;

(ii) suspends the person's operator accreditation for a period of more than 1 week;

(iii) immediately suspends the person's operator accreditation for any period;

(iv) amends the person's operator accreditation under section 14; and

(b) requires the certificate evidencing the person's operator accreditation to be returned to the chief executive.

(2) The person must, within 14 days after the regulation notice is given, return the certificate evidencing the person's operator accreditation to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

18 Other amendments

(1) This section applies only if the chief executive proposes to amend a person's operator accreditation—

(a) for a formal or clerical reason, including, for example, to correct a typographical error; or

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(b) in a way that does not adversely affect the person's interests; or

(c) because the person asks.

(2) The chief executive may make the amendment by written notice given to the person.

Division 3A Operator accreditation requirements

Subdivision 1 Preliminary

18A Purpose of division

For section 14(1) of the Act, this division prescribes requirements about operator accreditation.

Subdivision 2 Training requirements for applicants

18B Applicants must complete training

(1) An applicant for operator accreditation or renewal of operator accreditation must complete the training, if any, stated in an operator accreditation training notice.

(2) In this section—

operator accreditation training notice means a notice published by the chief executive on the department's website stating—

(a) the training, or a relevant part of the training, that a person applying for a grant or renewal of operator accreditation must complete; and

(b) any matters to be addressed in the training; and

(c) any minimum standards for the training.

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Subdivision 3 General requirements for operators

18C Definition for subdivision

In this subdivision—

injured means injured in a way that requires immediate medical attention or hospitalisation.

18D Meaning of *prescribed incident* for subdivision

(1) For this subdivision, a ***prescribed incident*** is an event involving a relevant vehicle, or the driver of, or a passenger in, a relevant vehicle, and a relevant service if the event—

(a) disrupts the provision of the relevant service for more than 30 minutes after the scheduled or agreed time for the provision of the relevant service; or

(b) prevents the provision of the relevant service.

(2) A prescribed incident includes any of the following—

(a) an event involving the relevant vehicle in which a person is injured or killed;

(b) the breakdown of, or an accident involving, the relevant vehicle;

(c) a fire in the relevant vehicle;

(d) a change in road conditions making it unsafe for the relevant vehicle to drive on a road;

(e) a terrorist act or terrorism, within the meaning of the *Police Powers and Responsibilities Act 2000*, section 211, involving the relevant vehicle or the driver of, or a passenger in, the relevant vehicle;

(f) the use, or attempted or threatened use, of a chemical, explosive or weapon by a person in a way that involves the relevant vehicle or the driver of, or a passenger in, the relevant vehicle;

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(g) an assault or threat to the driver of, or a passenger in, the relevant vehicle;

(h) a medical emergency involving the driver of, or a passenger in, the relevant vehicle.

(3) In this section—

weapon see the *Weapons Act 1990*, schedule 2.

18E Application of subdivision

This subdivision applies to an operator of a relevant service.

Note—

For possible consequences for a failure to comply with a requirement under this subdivision, see sections 9 and 12. See also section 67ZH of the Act.

18F Compliance with relevant vehicle standards

The operator must ensure that each vehicle used to provide the service—

(a) for a heavy vehicle—complies with the heavy vehicle standards under the Heavy Vehicle National Law (Queensland); or

(b) for another vehicle—is not defective under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*.

18G Compliance with Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021, s 71

The operator must ensure that the owner of each vehicle used to provide the service complies with the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 71.

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18H Requirements in relation to seating

(1) The operator must take reasonable steps to ensure that no more than 1 passenger sits in any adult seat in a vehicle used to provide the service.

(2) However, if the vehicle is a bus, 3 children who are all 12 years of age or under may sit in a bench type bus seat designed for 2 adults if—

(a) either—

(i) the seat is not fitted with any seatbelts or approved child restraints; or

(ii) the seat is fitted with either a seatbelt or an approved child restraint for each of the 3 children; and

(b) the placement and construction of the seat allows the children to sit in the seat.

(3) Also, an infant passenger may occupy the same seat as another passenger if the vehicle is a bus.

18I Requirements for documented maintenance programs

(1) The operator must have, and comply with, a documented maintenance program that complies with subsection (2) in relation to each vehicle used to provide the service.

Maximum penalty—20 penalty units.

(2) A documented maintenance program must provide—

(a) for the servicing and other maintenance of the vehicle to a standard that complies with, or exceeds, the servicing and maintenance program specified by the vehicle's manufacturer; and

(b) for a daily pre-trip inspection of the vehicle, to a standard appropriate to an experienced driver of that general type of vehicle, to identify defects in the vehicle that may endanger public safety or substantially reduce passenger comfort; and

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(c) a system to ensure—

(i) defects in relation to the vehicle that come to the notice of the driver, or anyone else involved in providing the service, are reported to the operator and recorded; and

(ii) the vehicle is not returned to service until a reported defect that may endanger public safety has been fixed; and

(iii) reported defects in the vehicle that substantially reduce passenger comfort are fixed within a reasonable time; and

(iv) action taken to fix defects in relation to the vehicle is recorded.

(3) The operator must make and keep a written record of all servicing or other maintenance performed on each vehicle used to provide the service, including—

(a) a record of the daily pre-trip inspection of the vehicle; and

(b) if the operator uses a bus to provide the service—a statement or endorsement obtained by the operator in relation to the written record required under schedule 1AA, part 5.

Maximum penalty—20 penalty units.

(4) Subsection (3) applies to all maintenance, whether or not performed under the documented maintenance program.

(5) A written record under subsection (3) must be kept—

(a) for a bus used to provide the service—for a period of 5 years after the last maintenance is done on the bus; or

(b) for another vehicle—for the period the vehicle is used to provide the service.

Maximum penalty—20 penalty units.

(6) The operator must produce for inspection a copy of a documented maintenance program for a vehicle used to

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provide the service, or a record kept under subsection (3), if asked by the chief executive or an authorised person.

Maximum penalty—20 penalty units.

18J Requirements for driver training

(1) The operator must ensure each person who is to drive a vehicle used to provide the service is given introductory training before the person starts to drive any vehicle used to provide the service.

Maximum penalty—40 penalty units.

(2) Also, the operator must ensure each driver of a vehicle used to provide the service is given supplementary training within 2 months after the person is given introductory training.

Maximum penalty—40 penalty units.

(3) The operator must make and keep the following records—

(a) evidence of introductory training given to each person under subsection (1);

Example of evidence of introductory training—

a training book showing the date, time and place the driver was given introductory training

(b) evidence of supplementary training given to each driver under subsection (2).

Maximum penalty—20 penalty units.

(4) If the operator—

(a) intends to drive a vehicle used to provide the service—the operator must undertake introductory training before the operator starts to drive any vehicle used to provide the service; and

(b) drives a vehicle used to provide the service—the operator must undertake supplementary training within 2 months after undertaking introductory training.

Maximum penalty—40 penalty units.

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(5) The operator must make and keep evidence of the operator's completion of training under subsection (4).

Maximum penalty—20 penalty units.

(6) In this section—

driver training notice means a notice published by the chief executive on the department's website stating—

(a) the training that must be given by an operator—

(i) for introductory training—to a person who is to drive a vehicle used to provide the service; and

(ii) for supplementary training—to a driver of a vehicle used to provide the service; and

(b) any matters to be addressed in the training; and

(c) any minimum standards for the training.

introductory training, for a person, means the training stated in a driver training notice about the obligations of a driver under the Act.

supplementary training, for a driver, means the training stated in a driver training notice about the driver's obligations under the Act.

18K Requirements for incident reports

(1) The operator must ensure an incident report about a prescribed incident is completed within 24 hours after the incident happens.

Note—

See also section 77K(2)(b).

(2) The operator must keep each incident report.

(3) An incident report must—

(a) be in writing; and

(b) describe the prescribed incident by including all of the following—

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(i) the date, time and location of the incident;

(ii) the type of incident;

(iii) if the operator is able to ascertain whether a passenger involved in the incident was standing or seated—whether the passenger was standing or seated;

(iv) whether a relevant vehicle involved in the incident was moving or stationary at the time of the incident;

(v) the estimated number of persons involved, injured or killed in the incident;

(vi) if a person was injured in the incident—the apparent nature and extent of the person's injuries;

(vii) if a relevant vehicle was damaged in the incident—the apparent nature and extent of the damage to the relevant vehicle;

(viii) if help was required because of the incident—the nature of the help; and

Example of help—

attendance of an ambulance, fire brigade, police officer or mechanic

(c) describe the course of action taken in response to the prescribed incident; and

(d) outline any measures that could be taken to prevent a similar prescribed incident from happening in the future; and

(e) state all of the following—

(i) the operator's name and accreditation number for the operator accreditation;

(ii) the relevant vehicle's certificate of inspection number;

(iii) the name and driver authorisation number of the relevant vehicle's driver;

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(iv) the registration number assigned to the relevant vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, section 117(1)(a).

(4) In this section—

certificate of inspection number, for a certificate of inspection issued under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, means the unique number, under that regulation, for the certificate.

18L Requirements in relation to prescribed incidents involving school services

(1) This section applies if a prescribed incident happens involving a relevant service that is a school service.

(2) As soon as reasonably practicable, the operator of the school service must speak with a staff member of each affected school and give the staff member the following information about the service (the ***prescribed information***)—

(a) that the provision of the service has been disrupted or prevented;

(b) the reason for the disruption or prevention of the provision of the service;

(c) if the provision of the service is to be completed—the arrangements being made for the completion of the service.

(3) However, subsection (4) applies if the operator of the school service—

(a) can not speak with a staff member of an affected school under subsection (2) because the school is unattended; and

(b) has reasonable access to the contact details of a parent of a school student attending the school who is a

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passenger on the relevant vehicle used to provide the service.

(4) The operator of the school service must give the parent the prescribed information in the way the operator considers appropriate having regard to the circumstances, including, for example, by way of phone, SMS message or email.

(5) In this section—

affected school, for a school service, means a school to which both of the following apply—

(a) school students are transported to or from the school by the school service;

(b) a prescribed incident disrupts or prevents the transport of a school student to or from the school.

parent, of a school student, means a person who is the student's parent as defined under the *Education (General Provisions) Act 2006*, section 10.

staff member, of an affected school, means a person involved in the administration or operation of the school.

Subdivision 4 Particular requirements for operators of buses

18M Application of subdivision

This subdivision applies if an operator of a relevant service uses a bus to provide the service.

Note—

For possible consequences for a failure to comply with a requirement under this subdivision, see sections 9 and 12. See also section 67ZH of the Act.

18N Requirements in relation to age of buses and structural inspection and repairs

(1) The operator must—

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(a) use a bus that is of an age suitable to provide the service; and

(b) comply with the requirements that apply in relation to the bus under schedule 1AA, sections 22(1), (3) and (7), 23 and 24.

(2) The operator is taken to comply with subsection (1)(a) if the bus complies with the requirements for the bus stated in schedule 1AA, part 2.

18O Requirements in relation to standing passengers

(1) This section applies if the bus carries standing passengers.

(2) The operator must take reasonable steps to ensure—

(a) the bus is specifically designed and constructed to carry standing passengers; and

(b) the bus does not travel on a no standing passenger road while the bus is carrying standing passengers.

18P Requirements in relation to buses carrying school students on certain roads

(1) This section applies if the bus is—

(a) travelling on a no standing passenger road; and

(b) carrying school students on a general route service, or school service, on a journey that is, or is part of, a journey to or from a school.

(2) The operator must ensure the bus complies with the requirements stated in schedule 1AA, part 6.

18Q Requirements in relation to suitability of buses

(1) The operator may only use a bus that is of a type suitable to provide the service.

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(2) The operator is taken to comply with subsection (1) if the bus complies with the requirements stated in schedule 1AA, parts 7 and 8.

18R Compliance with code of conduct

If a school student is travelling on the bus, the operator must comply with the code of conduct.

Division 4 Miscellaneous

19 Requirement for operator accreditation—public passenger services to which the Act, s 15 does not apply

Section 15 of the Act does not apply to—

(a) a booked hire service; or

(b) a taxi service; or

(c) a community transport service or courtesy transport service, if—

(i) no more than 2 vehicles are available, at any time, to provide the service; and

(ii) each of the vehicles may be driven under a class C Queensland driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*; or

(d) a community transport service or courtesy transport service that is not available to the general community; or

Example for paragraph (d)—

Membership of a bowls club is open to the general community. The club provides a courtesy transport service, but only to club members. The service is available to the general community.

(e) a locally significant event service.

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20 Notifying charges for disqualifying offences

(1) If, under section 19(1), 21(1) or 22(1) or (3) of the Act, an applicant or person must notify or inform the chief executive or another person about a charge for a disqualifying offence, the notice or information must—

(a) be written; and

(b) include details of the charge and the day when the charge will be heard.

(2) If, under section 19(2), 21(2) or 22(2) or (4) of the Act, an applicant or person must notify or inform the chief executive or another person about the outcome of a charge for a disqualifying offence, the notice or information must be written.

Part 3 Driver authorisation

Division 1 Preliminary

21 Definitions for part

In this part—

authorisation requirement means a requirement under the Act about granting or renewing driver authorisation.

Examples of an authorisation requirement—

- a licence requirement under section 24
- a requirement for a current medical certificate under section 56

corresponding Australian licence, to an open, probationary, provisional or restricted licence, means a document corresponding to the licence that is issued under a law of another State that provides for the same matter as the provision under which the licence is issued.

corresponding foreign licence, to an open, probationary, provisional or restricted licence, means a document corresponding to the licence that is issued under a law of a

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foreign country that provides for the same matter as the provision under which the licence is issued.

driver authorisation (booked hire and taxi) see section 23(1)(a).

driver authorisation (general) see section 23(1)(b).

interim transport authority means an interim transport authority issued under the *Transport Planning and Coordination Act 1994*.

open licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

prescribed driver authorisation requirement means a requirement about driver authorisation under division 6, subdivision 3.

probationary licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

provisional driver authorisation see section 30(1).

provisional licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

restricted licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

smartcard transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(1).

22 Purpose of part

The purpose of this part is to provide for matters about driver authorisation for chapter 4 of the Act.

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Division 2 Grant and renewal

23 Application for grant or renewal

(1) A person who is an individual may apply to the chief executive for the grant or renewal of driver authorisation that authorises the person to drive a vehicle used to provide—

(a) any public passenger service of a kind for which driver authorisation is required (a ***driver authorisation (booked hire and taxi)***); or

(b) a public passenger service of a kind for which driver authorisation is required, other than a booked hire service or taxi service (a ***driver authorisation (general)***).

Note—

Under section 28A of the Act, a person convicted of a category A driver disqualifying offence is ineligible to apply for or hold driver authorisation.

(2) However, a person whose driver licence is subject to an interlock condition or a non-Queensland interlock requirement is not eligible to apply for the grant or renewal of driver authorisation.

Note—

See the *Transport Operations (Road Use Management) Act 1995*, section 91K.

(3) The application must be—

(a) made in the approved form; and

(b) accompanied by—

(i) evidence that satisfies the chief executive that the person is—

(A) an Australian citizen; or

(B) a permanent resident; or

(C) a New Zealand citizen who is the holder of a special category visa under the *Migration Act 1958* (Cwlth), section 32; or

(D) entitled, under a visa granted under the *Migration Act 1958* (Cwlth), to work in Australia; and

(ii) the fee stated in schedule 8.

(4) A fee payable under schedule 8, item 4 that relates to the renewal of a driver authorisation (booked hire and taxi) for a term is the fee in force on 1 July in the financial year in which the term starts.

(5) In this section—

driver authorisation does not include provisional driver authorisation or restricted driver authorisation.

interlock condition see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

non-Queensland interlock requirement see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

permanent resident means the holder of a permanent visa under the *Migration Act 1958* (Cwlth), section 30(1).

24 Licence requirements

(1) The applicant under section 23 must hold—

(a) an open licence; or

(b) a restricted licence; or

(c) a corresponding Australian licence to a licence mentioned in paragraph (a) or (b).

(2) Also, the applicant under section 23 must have held for a cumulative period of at least 3 years any of the following licences—

(a) an open licence;

(b) a probationary licence;

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(c) a provisional licence;

(d) a restricted licence;

(e) a corresponding Australian licence to a licence mentioned in any of paragraphs (a) to (d);

(f) a corresponding foreign licence to a licence mentioned in any of paragraphs (a) to (d).

(3) In addition, if the application is for driver authorisation (booked hire and taxi), the applicant must have held for a continuous period of at least 1 year any of the following licences or a series of the following licences—

(a) an open licence;

(b) a probationary licence;

(c) a provisional licence;

(d) a restricted licence;

(e) a corresponding Australian licence to a licence mentioned in any of paragraphs (a) to (d);

(f) a corresponding foreign licence to a licence mentioned in any of paragraphs (a) to (d), but only if the corresponding foreign licence was issued by a recognised country.

(4) In this section—

recognised country means a country approved by Austroads Ltd ACN 136 812 390 and listed on its website as a recognised country.

25 Deciding application

After receiving an application under section 23, the chief executive must consider it and decide—

(a) if the applicant complies with all of the authorisation requirements—to grant or renew the driver authorisation (booked hire and taxi) or driver authorisation (general); or

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(b) if the applicant does not comply with all of the authorisation requirements, to—

(i) grant provisional driver authorisation under section 30; or

(ii) refuse the application under section 32.

Note—

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5) for when the chief executive must refuse to consider an application.

26 Form of authorising document

(1) This section applies if the chief executive—

(a) decides to grant or renew a driver authorisation (booked hire and taxi) or driver authorisation (general), and gives the person an authorising document for the driver authorisation; or

(b) replaces a person's authorising document for a driver authorisation.

(2) The authorising document for the driver authorisation may be in the form of a smartcard driver authorisation or an interim transport authority.

(3) Subsection (2) does not limit the form of an authorising document for driver authorisation.

(4) A smartcard driver authorisation given to a person may be in the form of a smartcard transport authority that includes information about 1 or more other transport authorities held by the person.

(5) In this section—

transport authority see the *Transport Planning and Coordination Act 1994*, section 36G(3).

27 Content of authorising document

(1) An authorising document for driver authorisation may—

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(a) indicate by way of a code, expression or otherwise that a person holds driver authorisation, and whether the driver authorisation is subject to a condition; and

(b) contain information about—

(i) the driver authorisation; and

(ii) the person's personal particulars.

(2) A code or expression mentioned in subsection (1) may be—

(a) stated on an authorising document for driver authorisation; or

(b) stored electronically on a smartcard driver authorisation.

(3) Subsection (1) does not limit the information an authorising document for driver authorisation may contain.

28 Expressions on authorising document

(1) The expression 'BHTX' on an authorising document for driver authorisation indicates that the authorised driver to whom the document relates is authorised to drive a vehicle used to provide a public passenger service.

(2) The expression 'Genr' on an authorising document for driver authorisation indicates that the authorised driver to whom the document relates is authorised to drive a vehicle used to provide a public passenger service other than—

(a) a booked hire service; or

(b) a taxi service.

29 Codes on authorising document

The following codes may be used on an authorising document for driver authorisation—

- 'N' stated on the authorising document to show the driver authorisation is not subject to a condition
- 'Y' stated on the authorising document to show the driver authorisation is subject to a condition

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- 'TEXT' stored on a smartcard driver authorisation to show the driver authorisation is subject to a condition.

30 Provisional driver authorisation—Act, s 30

(1) The chief executive may grant driver authorisation to a person on a provisional basis (***provisional driver authorisation***) if the person complies with some, but not all, of—

(a) the authorisation requirements; and

(b) the prescribed driver authorisation requirements applying to the driver authorisation.

(2) A grant under subsection (1) may be subject to a condition about the person complying with all of the requirements mentioned in subsection (1)(a) and (b) within a stated period.

(3) If, before the end of the term stated in the provisional driver authorisation, the chief executive is satisfied the person complies with all of the requirements mentioned in subsection (1)(a) and (b), the chief executive may grant to the person the driver authorisation for which the person applied.

(4) Despite subsection (1), the chief executive may grant provisional driver authorisation to a person even if the person has not applied for driver authorisation under section 23 if the chief executive is satisfied the grant is necessary to ensure a public passenger service can continue to be provided in an emergency.

(5) A grant under subsection (4) is subject to the condition the person will make an application under section 23 for the driver authorisation provisionally granted as soon as practicable after the grant.

31 Conditions on driver authorisation—Act, s 29

(1) If the chief executive decides to grant or renew driver authorisation, the chief executive may impose a condition on the authorisation the chief executive considers necessary.

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(2) If the chief executive decides to impose a condition on a person's driver authorisation under subsection (1), the chief executive must give the person a regulation notice about the decision.

(3) Subsection (1) is in addition to, and does not limit, the chief executive's power to impose a condition on a person's driver authorisation under section 30, 40 or 43.

32 Refusal of driver authorisation—Act, s 29

(1) The chief executive may refuse to grant driver authorisation to a person, or to renew a person's driver authorisation, if—

(a) the person has not complied, or is not complying, with—

(i) the authorisation requirements; or

(ii) the prescribed driver authorisation requirements applying to the driver authorisation; or

(b) the chief executive is satisfied—

(i) if the person has a safety duty under chapter 6A, part 2 of the Act—the person has contravened, or is contravening, the duty and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(ii) the person has contravened, or is contravening, section 67ZC(4) of the Act and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(c) a driver authorisation granted to the person has been cancelled or suspended; or

(d) the person has been convicted of a category C driver disqualifying offence; or

Note—

See sections 28A and 28B of the Act for the effect of convictions for category A and category B driver disqualifying offences.

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(e) the person has been charged with a driver disqualifying offence and the charge has not been dealt with; or

(f) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act; or

Example of the public interest—

The chief executive considers a person has contravened a written direction given to the person under section 67ZH(2) of the Act without reasonable excuse.

(g) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history; or

(h) the chief executive is not satisfied with the person's proof of identity.

(2) If the chief executive refuses to grant or renew driver authorisation under this section, the chief executive must give the applicant a regulation notice about the decision.

(3) To remove any doubt, it is declared that subsection (2) applies even if the chief executive grants the applicant provisional driver authorisation before refusing to grant or renew driver authorisation under this section.

33 Term

(1) A driver authorisation is for a term, stated in the authorisation, of not more than 5 years.

(2) Driver authorisation may be renewed for successive terms of not more than 5 years.

(3) In this section—

driver authorisation includes provisional driver authorisation and does not include restricted driver authorisation.

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Division 3 Grant of restricted driver authorisation

34 Grant by prescribed operator for chief executive

(1) A prescribed operator may, for the chief executive, grant to a person a restricted driver authorisation to drive a vehicle to provide a community transport service or a courtesy transport service.

(2) However, a vehicle may be driven to provide the community transport service or courtesy transport service under the restricted driver authorisation only while the vehicle is being used by the prescribed operator to provide the service.

(3) Also, a prescribed operator must not grant a restricted driver authorisation to a person who is not eligible to be granted the authorisation.

(4) A restricted driver authorisation granted under subsection (1) must be in the approved form.

35 Licence requirements

A person is not eligible to be granted a restricted driver authorisation mentioned in section 34 unless the person—

(a) holds—

(i) an open licence; or

(ii) a restricted licence; or

(iii) a corresponding Australian licence to a licence mentioned in subparagraph (i) or (ii); or

(iv) a corresponding foreign licence to a licence mentioned in subparagraph (i) or (ii); and

(b) has held for a cumulative period of at least 3 years any of the following licences—

(i) an open licence;

(ii) a probationary licence;

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(iii) a provisional licence;

(iv) a restricted licence;

(v) a corresponding Australian licence to a licence mentioned in any of subparagraphs (i) to (iv);

(vi) a corresponding foreign licence to a licence mentioned in any of subparagraphs (i) to (iv).

36 Application for grant

(1) A person who is an individual may apply to a prescribed operator for the grant of a restricted driver authorisation mentioned in section 34.

(2) However, the person may make the application only if the prescribed operator has invited the person to make the application.

(3) The application must be made in the approved form.

37 Restrictions on grant

A prescribed operator must not grant a restricted driver authorisation to a person unless—

(a) the operator is satisfied the person complies with all of the prescribed driver authorisation requirements applying to the restricted driver authorisation; 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) the chief executive has not refused to grant a driver authorisation to the person, and has not cancelled, suspended or refused to renew any driver authorisation held by the person;

(ii) the person has not been convicted of a driver disqualifying offence;

(iii) the person has not been charged with a driver disqualifying offence that has not been dealt with.

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Maximum penalty—20 penalty units.

38 Term

A restricted driver authorisation granted by a prescribed operator to a person—

(a) is for a term, stated in the authorisation, of not more than 1 year; and

(b) is not renewable; and

Note—

Even though a restricted driver authorisation is not renewable, a new restricted driver authorisation may be granted after the expiry of the previous restricted driver authorisation.

(c) is automatically cancelled when the person stops being engaged by the prescribed operator to provide a community transport service or courtesy transport service for which the authorisation was granted.

Note—

A restricted driver authorisation may also be amended, suspended or cancelled under division 4.

Division 4 Amendment, suspension and cancellation

39 Definition for division

In this division—

proposed action see section 41(3).

40 Grounds for amendment, suspension or cancellation—Act, s 32

(1) The chief executive may amend a person's driver authorisation if—

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(a) the person has been convicted of a category B or category C driver disqualifying offence; or

(b) the person has been charged with a driver disqualifying offence and the charge has not been dealt with; or

(c) the person has not complied, or is not complying, with a prescribed driver authorisation requirement applying to the driver authorisation; or

(d) the chief executive is satisfied—

(i) if the person has a safety duty under chapter 6A, part 2 of the Act—the person has contravened, or is contravening, the duty and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(ii) the person has contravened, or is contravening, section 67ZC(4) of the Act and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(e) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act; or

(f) the chief executive considers it necessary in the public interest having regard to the person's driving history.

(2) Without limiting subsection (1), an amendment may change the term of, impose a condition on, or vary or remove a condition of, the person's driver authorisation.

(3) The chief executive may suspend or cancel a person's driver authorisation if—

(a) the person has been convicted of a category C driver disqualifying offence; or

(b) the person has not complied, or is not complying, with a prescribed driver authorisation requirement applying to the driver authorisation; or

(c) the chief executive is satisfied—

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(i) if the person has a safety duty under chapter 6A, part 2 of the Act—the person has contravened, or is contravening, the duty and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(ii) the person has contravened, or is contravening, section 67ZC(4) of the Act and the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness; or

(d) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act; or

(e) the chief executive considers the person is unsuitable to hold driver authorisation having regard to the person's driving history; or

(f) in relation to the person's application for the driver authorisation, the person produced a document, or gave other information, to the chief executive that the chief executive considers is false or misleading in a material particular; or

(g) the driver authorisation was issued in error; or

(h) the chief executive is no longer satisfied with the person's proof of identity; or

(i) the chief executive is no longer satisfied the person holds a licence that was required for the grant or renewal of the driver authorisation.

Example of the public interest for subsections (1)(e) and (3)(d)—

The chief executive considers a person has contravened a written direction given to the person under section 67ZH(2) of the Act without reasonable excuse.

(4) Action under this section—

(a) to amend a person's driver authorisation if section 47(1) applies must be as required by section 47; or

(b) to otherwise amend, suspend or cancel driver authorisation must be as required by section 41.

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41 Show cause notice before taking particular action

(1) This section applies if the chief executive considers—

(a) a ground exists under section 40(1) to amend a person's driver authorisation; or

(b) a ground exists under section 40(3) to suspend or cancel a person's driver authorisation.

(2) However, this section does not apply if section 46 or 47 applies.

(3) Before taking the action mentioned in subsection (1)(a) or (b) (the ***proposed action***), the chief executive must give the person 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 driver authorisation—stating the proposed amendment; and

(e) if the proposed action is suspension of the driver authorisation—stating the proposed suspension period; and

(f) inviting the person to show, within a stated period of at least 28 days, why the proposed action should not be taken.

42 Decision in relation to taking particular action after show cause process

If, after considering all written representations received from the person within the period stated under section 41(3)(f), the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—

(a) if the proposed action was to amend the driver authorisation—

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(i) amend the driver authorisation in the way stated in the regulation notice; or

(ii) amend the driver authorisation in another way; or

(b) if the proposed action was to suspend the driver authorisation—

(i) suspend the driver authorisation for a period of not more than the period stated in the regulation notice; or

(ii) amend the authorisation; or

(c) if the proposed action was to cancel the driver authorisation—

(i) cancel the driver authorisation; or

(ii) suspend the driver authorisation for a period; or

(iii) amend the driver authorisation.

43 Immediate amendment or suspension

(1) The chief executive may immediately amend a person's driver authorisation by imposing a condition on the authorisation if—

(a) the person has been convicted of a category B or category C driver disqualifying offence; or

(b) the person has been charged with a driver disqualifying offence and the charge has not been dealt with; or

(c) the chief executive considers it necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act.

(2) The chief executive may immediately suspend a person's driver authorisation if—

(a) the person has been convicted of a category B or category C driver disqualifying offence; or

(b) the person has been charged with a driver disqualifying offence and the charge has not been dealt with; or

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(c) the person does not comply with a written notice given to the person under section 59; or

(d) the chief executive considers the suspension is necessary in the public interest having regard to the purpose of driver authorisation as stated in section 23 of the Act; or

(e) the chief executive is no longer satisfied with the person's proof of identity; or

(f) the chief executive is no longer satisfied the person holds a licence that was required for the grant or renewal of the driver authorisation.

Example of the public interest for subsections (1)(b) and (2)(d)—

The chief executive considers the person has engaged in conduct causing, or likely to cause, harm to another person, including, for example, a passenger using a public passenger service.

44 Notice about immediate amendment or suspension

(1) This section applies if the chief executive considers—

(a) a ground exists under section 43(1) to immediately amend a person's driver authorisation by imposing a condition on the authorisation; or

(b) a ground exists under section 43(2) to immediately suspend a person's driver authorisation.

(2) This section applies even if the chief executive takes exclusion action under section 28B of the Act in relation to the person.

(3) The chief executive may, by giving a regulation notice to the person—

(a) immediately amend the person's driver authorisation by imposing a condition on the authorisation; or

(b) immediately suspend the person's driver authorisation.

(4) The immediate amendment or suspension has effect until—

(a) if the ground is that the person has been convicted of a category B driver disqualifying offence, the earlier of the following—

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(i) the chief executive gives the person a regulation notice about the chief executive's decision under section 46(2) or 47(2);

(ii) the end of 56 days after the regulation notice under subsection (3) is given to the person; or

(b) if the ground is that the person has been charged with a driver disqualifying offence and the charge has not been dealt with—the earlier of the following—

(i) the charge is dealt with;

(ii) the chief executive gives the person a regulation notice under section 42;

(iii) the chief executive gives the person written notice ending the suspension; or

(c) in any other case, the earlier of the following—

(i) the chief executive gives the person a regulation notice under section 42;

(ii) the end of 56 days after the regulation notice under subsection (3) is given to the person;

(iii) the chief executive gives the person written notice ending the immediate amendment or suspension.

(5) This section applies despite sections 40, 41 and 42.

45 Further action after immediate amendment or suspension

(1) This section applies if—

(a) under section 44, the chief executive immediately amends or suspends a person's driver authorisation; and

(b) the chief executive also proposes, under section 40, to amend, suspend or cancel the driver authorisation.

(2) The regulation notice under section 44(3) must also state the information mentioned in section 41(3) in relation to the proposed action.

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(3) Section 42 applies to the proposed action as if the regulation notice given under section 44(3) were a notice given under section 41(3).

46 Category B driver disqualifying offences—exclusion action

(1) This section applies if the chief executive takes exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence.

(2) The chief executive must give the person a regulation notice about the decision to take the exclusion action.

47 Category B driver disqualifying offences—exceptional case

(1) This section applies if the chief executive—

(a) decides not to take exclusion action under section 28B of the Act in relation to a person who has been convicted of a category B driver disqualifying offence because the chief executive is satisfied an exceptional case exists; and

(b) decides it is necessary in the particular case to impose a condition on the person's driver authorisation.

(2) The chief executive may, by giving a regulation notice to the person—

(a) for an applicant for driver authorisation—impose a condition on the person's driver authorisation when granting the authorisation; or

(b) for a person who holds driver authorisation—amend the person's driver authorisation by imposing a condition on the authorisation.

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48 Chief executive may require authorising document to be replaced

(1) This section applies if—

(a) information stated on a person's authorising document for driver authorisation is incorrect and the chief executive reasonably believes the error was caused by the chief executive; or

(b) the chief executive amends a person's driver authorisation and the person's authorising document for the driver authorisation requires replacement.

(2) The chief executive may, by written notice, require the person to return the authorising document to the chief executive within a stated period and in a stated way for replacement.

(3) If subsection (1)(a) applies, the written notice must include a statement identifying the information that is incorrect and the correct information.

(4) The person must comply with the written notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(5) After receiving the authorising document, the chief executive must give the person a replacement authorising document for the driver authorisation.

(6) If subsection (1)(a) applies, the replacement authorising document must state the correct information.

(7) In this section—

written notice includes a regulation notice under section 42 or 44(3).

49 Return of authorising document

(1) This section applies if a person is given a regulation notice that—

(a) cancels, suspends or immediately suspends the person's driver authorisation; and

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(b) requires the person to return the person's authorising document for the driver authorisation to the chief executive.

(2) The person must, within 14 days after the regulation notice is given, return the authorising document to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

50 Relationship between driver licence and driver authorisation

(1) If the driver licence of a person who holds driver authorisation is suspended, the person's driver authorisation is suspended during the suspension of the person's driver licence.

(2) If the driver licence of a person who holds driver authorisation is cancelled, the person's driver authorisation is cancelled.

(3) If, on cancellation of a person's driver licence, the person is disqualified from holding or obtaining a driver licence for a period, the person is disqualified from holding or obtaining driver authorisation for the period.

51 Other amendments

(1) This section applies if—

(a) the chief executive proposes to amend a person's driver authorisation—

(i) for a formal or clerical reason, including, for example, to correct a typographical error; or

(ii) in a way that does not adversely affect the person's interests; or

(iii) because the person asks; and

(b) section 48 does not apply.

(2) The chief executive may, by written notice, require the person to return the authorising document for the driver authorisation

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to the chief executive within a stated period and in a stated way for amendment.

(3) If subsection (1)(a)(i) or (ii) applies, the written notice must include a statement identifying how the chief executive proposes to amend the person's driver authorisation.

(4) The person must comply with the written notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

52 Notifying other persons of amendment, suspension or cancellation

(1) This section applies if—

(a) an authorised driver drives a vehicle to provide a public passenger service that—

(i) is operated by another person; or

(ii) is a booked hire service for which another person provides booking services; and

(b) the chief executive amends, suspends or cancels the authorised driver's driver authorisation.

(2) The chief executive may—

(a) advise the other person that the authorised driver's driver authorisation has been amended, suspended or cancelled; and

(b) if the chief executive has amended the authorised driver's driver authorisation by imposing a condition on the authorisation—advise the other person of the condition.

53 Amendment of restricted driver authorisation

(1) A prescribed operator may, by written notice, amend a restricted driver authorisation granted to a person by the operator—

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(a) for a formal or clerical reason, including, for example, to correct a typographical error; or

(b) in a way that does not adversely affect the person's interests.

(2) As soon as practicable after a person is given a written notice under subsection (1), the person must return to the prescribed operator any document evidencing the restricted driver authorisation.

Division 5 Replacement and surrender

54 Application for replacement authorising document

(1) This section applies if—

(a) information stated on an authorising document for a driver authorisation is incorrect; or

(b) an authorised driver reasonably suspects the authorised driver's authorising document for the driver authorisation has been damaged, lost or stolen.

(2) The authorised driver may apply to the chief executive for the issue of a replacement authorising document for the driver authorisation.

(3) An application under this section, other than an exempt application, must be—

(a) made in the approved form; and

(b) accompanied by the authorising document for the driver authorisation unless the authorising document has been, or the driver reasonably suspects it has been, destroyed, lost or stolen.

(4) After receiving the application, the chief executive must give the authorised driver a replacement authorising document for the driver authorisation if the chief executive is satisfied—

(a) if subsection (1)(a) applies—the information stated on the authorising document is incorrect; or

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(b) if subsection (1)(b) applies—the authorising document has been damaged, lost or stolen.

(5) If the authorising document that has been replaced (the ***original document***) comes into, or returns to, the authorised driver's possession or control after a replacement authorising document for the driver authorisation has been issued to the authorised driver, the authorised driver must destroy the original document.

Maximum penalty—20 penalty units.

(6) In this section—

exempt application means an application for the replacement of an authorising document for driver authorisation if the chief executive is satisfied the authorising document was never received by the authorised driver because it was lost or stolen.

55 Voluntary surrender

(1) An authorised driver may surrender the person's driver authorisation by giving the chief executive written notice of surrender.

(2) To be effective, the written notice of surrender must be accompanied by the person's authorising document for the driver authorisation, unless the person has a reasonable excuse for not returning it.

(3) Subject to subsection (2), the surrender takes effect on the day the written notice is given to the chief executive.

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Division 6 Driver authorisation requirements

Subdivision 1 Preliminary

56AA Purpose of division

For section 26(1) of the Act, this division prescribes requirements about driver authorisation.

Subdivision 2 Medical fitness

56 Requirement for current medical certificate

(1) A person is not eligible to be granted driver authorisation, or a renewal of driver authorisation, by the chief executive unless the chief executive is satisfied the person has a current medical certificate.

(2) A medical certificate for a person remains current for—

(a) the period, of not more than 5 years, indicated in the medical certificate; or

(b) if no period, or a period of more than 5 years, is indicated in the medical certificate—5 years after the certificate is issued.

57 Change in medical condition

(1) This section applies if an authorised driver becomes aware of a change in the authorised driver's medical condition that makes the authorised driver continuously unfit to safely drive a motor vehicle for more than 1 month.

(2) The authorised driver must notify the chief executive of the change in the driver's medical condition.

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58 Medical fitness for restricted driver authorisation

(1) A person is not eligible to be granted restricted driver authorisation by a prescribed operator unless the person gives the operator—

(a) a statement signed by the person stating that, as far as the person knows, the person does not suffer from a medical condition stated on the approved form mentioned in section 36(3); and

(b) if the person suffers or has suffered from a medical condition that may make the person unfit to hold a restricted driver authorisation—a current medical certificate for the person.

(2) A medical certificate for a person remains current for—

(a) the period indicated in the medical certificate; or

(b) if no period is indicated—5 years after the certificate is issued.

(3) A driver who holds a restricted driver authorisation must notify the prescribed operator who granted the restricted driver authorisation and the chief executive if the driver becomes aware of a change in the driver's medical condition that makes the driver continuously unfit to safely drive a motor vehicle for more than 1 month.

59 Requirement to provide evidence of medical fitness

(1) This section applies if the chief executive suspects a person who holds driver authorisation is no longer medically fit to drive a vehicle under the authorisation.

(2) The chief executive may, by written notice, require the person to provide evidence of the type stated in the notice of the person's medical fitness to drive a public passenger vehicle under the driver authorisation.

(3) The person must comply with the written notice within 14 days after the notice is given, unless the person has a reasonable excuse.

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Maximum penalty—20 penalty units.

Subdivision 3 Requirements in relation to driving buses and seating

Note—

For possible consequences for a failure to comply with a requirement under this subdivision, see sections 30, 32 and 40. See also section 67ZH of the Act.

59A Compliance with code of conduct

(1) This section applies in relation to a relevant vehicle that is a bus.

(2) The driver of the bus must comply with the code of conduct if a school student is travelling on the bus.

59B Requirements in relation to standing passengers

(1) This section applies in relation to a relevant vehicle if the vehicle is a bus that carries standing passengers.

(2) The driver of the bus must ensure—

(a) the bus is specifically designed and constructed to carry standing passengers; and

(b) the bus does not travel on a no standing passenger road while the bus is carrying standing passengers.

(3) The driver of the bus is taken to have complied with subsection (2)(a) if the operator of a relevant service that uses the bus to provide the service has advised the driver the bus is specifically designed and constructed to carry standing passengers.

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59C Requirements in relation to seating

(1) A driver of a relevant vehicle must take reasonable steps to ensure that no more than 1 passenger sits in any adult seat in the vehicle.

(2) However, if the vehicle is a bus, 3 children who the driver believes are all 12 years of age or under may sit in a bench type bus seat designed for 2 adults if—

(a) either—

(i) the seat is not fitted with any seatbelts or approved child restraints; or

(ii) the seat is fitted with either a seatbelt or an approved child restraint for each of the 3 children; and

(b) the placement and construction of the seat allows the children to sit in the seat.

(3) Also, an infant passenger may occupy the same seat as another passenger if the vehicle is a bus.

Division 7 Notification and information

60 Notifying or informing—Act, ss 31, 33 and 34

If a person, under section 31, 33 or 34 of the Act, must notify or inform the chief executive about a matter, the notice or information about the matter must be written.

61 Notification of damage, loss or theft of authorising document for driver authorisation—Act, s 34A

(1) This section applies if an authorised driver is required, under section 34A of the Act, to notify the chief executive that the driver's authorising document for a driver authorisation has been damaged, lost or stolen.

(2) The notification—

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(a) is sufficiently given if an application for a replacement authorising document for the driver authorisation is made under section 54; or

(b) if paragraph (a) does not apply—must be written.

62 Notifiable events under other Acts

(1) This section applies if—

(a) an authorised driver—

(i) has an obligation under the Act (a ***notification obligation***) to notify the chief executive of a notifiable event; and

(ii) has an obligation under a prescribed smartcard Act (a ***corresponding obligation***) to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and

(iii) complies with the corresponding obligation; and

(b) the period for compliance with the notification obligation has not expired.

(2) The notification obligation is taken to have been satisfied.

(3) In this section—

notifiable event, in relation to an authorised driver, means—

(a) a change of the authorised driver's name; or

(b) a change of the authorised driver's address; or

(c) if the authorised driver has a current postal address—a change of the address; or

(d) the damage, loss or theft of the driver's authorising document for a driver authorisation.

prescribed smartcard Act means—

(a) the *Photo Identification Card Act 2008*; or

(b) the *Tow Truck Act 2023*; or

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(c) the *Transport Operations (Marine Safety) Act 1994*; or

(d) the *Transport Operations (Road Use Management) Act 1995*.

63 Disclosure of driver authorisation information

(1) The chief executive may disclose the following information about a person's driver authorisation to another person—

(a) the person's driver authorisation number;

(b) the kind of public passenger service for which the person is an authorised driver.

(2) A disclosure under this section may be made in any way the chief executive considers appropriate, including, for example, by publication on the department's website.

(3) However, a disclosure under this section may only be made if the chief executive reasonably believes the authorised driver would not be identified because of the disclosure.

Division 8 Offences

64 Damaging authorising document for driver authorisation

A person must not wilfully damage an authorising document for driver authorisation.

Maximum penalty—20 penalty units.

65 Chief executive may direct superseded authorising document for driver authorisation to be destroyed

(1) The chief executive may direct a person to destroy the person's superseded authorising document for driver authorisation.

(2) The person must comply with the direction.

Maximum penalty—20 penalty units.

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(3) In this section—

superseded authorising document includes a superseded smartcard transport authority.

Note—

See the *Transport Planning and Coordination Regulation 2017*, section 7(5) for when an interim transport authority has effect as a smartcard transport authority.

66 Driver authorisation may only be held in driver's name

An authorised driver must not hold driver authorisation other than under the driver's name.

Maximum penalty—40 penalty units.

67 Possessing another person's authorising document for driver authorisation

(1) A person must not possess another person's authorising document for driver authorisation, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(2) A person must not give the person's authorising document for driver authorisation to another person if the person knows, or should reasonably know, the other person intends to use the authorising document to deceive someone.

Maximum penalty—40 penalty units.

(3) For subsection (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

68 Document purporting to be authorising document for driver authorisation

(1) A person must not possess a document that resembles an authorising document for driver authorisation and is calculated to deceive someone.

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Maximum penalty—40 penalty units.

(2) A person must not give another person a document that resembles an authorising document for driver authorisation and is calculated to deceive someone.

Maximum penalty—40 penalty units.

(3) For subsections (1) and (2), it is irrelevant whether the person intended to be deceived is known or unknown, or exists or does not exist.

Division 9 Miscellaneous

69 Requirement for driver authorisation—public passenger services to which the Act, ss 27 and 27A do not apply

Sections 27 and 27A of the Act do not apply to—

(a) a community transport service or courtesy transport service, if—

(i) no more than 2 vehicles are available, at any time, to provide the service; and

(ii) each of the vehicles may be driven under a class C Queensland driver licence under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*; or

(b) a community transport service or courtesy transport service that is not available to the general community; or

Example for paragraph (b)—

Membership of a bowls club is open to the general community. The club provides a courtesy transport service, but only to club members. The service is available to the general community.

(c) a locally significant event service.

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Part 4 Market entry restrictions

70 Purpose of part

The purpose of this part is to declare that public passenger services are, as mentioned in section 36 of the Act, to be provided with market entry restrictions.

71 Market entry restrictions—Act, s 36

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 the service in column 2.

Note—

See also sections 42 and 91ZT of the Act.

Part 5 Service contracts

72 Purpose of part

The purpose of this part is to provide for matters about service contracts for chapter 6 of the Act.

73 Classes of persons—Act, s 51

(1) For section 51(3) of the Act, the following classes of persons are prescribed—

(a) infants;

(b) children;

(c) school students;

(d) persons who accompany the holders of companion cards for the purpose of providing care and support to the holders.

(2) For section 51(3) of the Act, the classes of persons stated in the document called 'IRTA Bus Fares and Concessions

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Policy', made by the chief executive and published on the department's website, are also prescribed for an integrated regional transport agreement.

(3) In this section—

children means persons who are at least 5 years but under 15 years.

companion card means a card issued by a State under the National Companion Card scheme to a person with a disability to enable the person to participate in community activities.

infants means persons who are under 5 years.

integrated regional transport agreement means a standard service contract that states it is an integrated regional transport agreement for this section.

74 Matters to be considered in relation to offer for service contract—Act, s 59

The following matters are prescribed for section 59(2)(e) of the Act—

(a) evidence that proposed minimum service levels will be achieved;

(b) evidence of financial viability;

(c) overall suitability of vehicles having regard to vehicle age and accessibility;

(d) plans to increase patronage through marketing of services and public passenger transport.

75 Matters to be considered or not considered by arbitrator in deciding amount of compensation—Act, ss 61 and 62AAH

(1) This section prescribes, for sections 61(4) and 62AAH(4) of the Act, matters to be considered, or not considered, by an arbitrator in deciding an amount of compensation.

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(2) An arbitrator must consider—

(a) for deciding an amount of compensation under section 61(3) of the Act—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new service contract that were previously provided by an existing operator of a public passenger service or service contract holder who is a party to the arbitration; and

(b) for deciding an amount of compensation under 62AAH(3) of the Act—the present value of the future maintainable profits or future cash flows of services of the kind provided for in the new integrated mass transit service contract that were previously provided by an affected operator of a public passenger service who is a party to the arbitration; and

(c) the capitalisation of future maintainable profits or the discounting of future cash flows as the principal valuation methodology; and

(d) the definition *future cash flows* in subsection (4) when selecting the appropriate discount rate to apply to the future cash flows; and

(e) the definition *future maintainable profits* in subsection (4) when selecting the appropriate capitalisation rate to apply to the future maintainable profits; and

(f) relevant risk factors, including, for example, the life of the contract; and

(g) the value of the services derived using implied revenue multiples or other customary industry benchmarks.

(3) An arbitrator must not consider—

(a) capital gains tax; or

(b) additional costs incurred by the existing or affected operator of a public passenger service or service contract holder that are not related to the services acquired by the new operator; or

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(c) income and expenses from activities, including, for example, public passenger services, that are outside the scope of the new service contract or the new integrated mass transit service contract; or

(d) economies of scale and operating efficiencies available to a new operator but not able to be achieved or accrued by the existing operator, affected operator or service contract holder.

(4) In this section—

future cash flows means future maintainable profits adjusted for depreciation and capital expenditure.

future maintainable profits means earnings before finance leases, interest and tax determined on the basis of past profits adjusted for the following—

(a) abnormal or exceptional revenue or expense items;

(b) owner's remuneration;

(c) variations in accounting standards application;

(d) future changes to revenues and costs resulting from announced changes to government policy including, for example, changes in policy about—

(i) school payment rates; and

(ii) subsidy arrangements; and

(iii) average vehicle age.

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;

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(c) the service contract area or route called the Victoria Point–Coochiemudlo Island service contract route.

77 Matters to be considered in deciding if offer for integrated mass transit service contract is acceptable—Act, s 62AAE

The following matters are prescribed for section 62AAE(2)(d) of the Act—

(a) evidence that proposed minimum service levels will be achieved;

(b) evidence of financial viability;

(c) overall suitability of vehicles having regard to vehicle age and accessibility.

Part 5A Road-based public passenger services

Division 1 Fatigue management

77A Meaning of *fatigue-regulated duty holder* and *fatigue-regulated service*

(1) For this division, a duty holder for a road-based public passenger service is a ***fatigue-regulated duty holder*** if the duty holder is—

(a) a booking service provider for the service that is an authorised booking entity that provides booking services for a booked hire service; or

(b) an operator of the service that is—

(i) an operator of a booked hire service provided using a taxi or a taxi service; or

(ii) an operator of a relevant service.

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(2) For this division, a ***fatigue-regulated service*** is—

(a) for a fatigue-regulated duty holder mentioned in subsection (1)(a)—

(i) the booked hire service for which the duty holder provides booking services; or

(ii) another public passenger service for which the duty holder arranges bookings using a booked hire vehicle, limousine or taxi; or

(b) for a fatigue-regulated duty holder mentioned in subsection (1)(b)(i)—the booked hire service provided using a taxi or a taxi service; or

(c) for a fatigue-regulated duty holder mentioned in subsection (1)(b)(ii)—the relevant service.

77B Purpose of division

For section 67Y(1) of the Act, this division states requirements for a fatigue-regulated duty holder about managing driver fatigue.

77C Recording fatigue management information

(1) This section does not apply to a fatigue-regulated duty holder if—

(a) a motor vehicle used to provide a fatigue-regulated service is a heavy vehicle; and

(b) the fatigue-regulated duty holder complies with the Heavy Vehicle National Law (Queensland), chapter 6, part 6.4, divisions 3 and 6A in relation to the driver of the heavy vehicle.

(2) A fatigue-regulated duty holder must keep a written record of the following information about each driver of a motor vehicle used to provide a fatigue-regulated service—

(a) the driver's driver authorisation number;

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(b) the days and times the driver is driving, or is available to drive, the motor vehicle used to provide the service.

Examples of a driver being available to drive—

- a driver of a motor vehicle used to provide a fatigue-regulated service starts a work shift and is on duty to drive the vehicle
- a driver of a motor vehicle that is a booked hire vehicle used to provide a fatigue-regulated service is on duty to accept or receive bookings for a booked hire service, including, for example, by being connected to a booking service or app to accept bookings
- a driver of a motor vehicle used to provide a fatigue-regulated service is travelling to pick up a passenger for a journey

Maximum penalty—80 penalty units.

(3) The fatigue-regulated duty holder must ensure a written record is kept for 2 years after the day on which the driver to whom the record relates drove, or was available to drive, the motor vehicle.

Maximum penalty—80 penalty units.

77D Reporting fatigue management information and other records

(1) The chief executive may give written notice to a fatigue-regulated duty holder requiring the duty holder to provide the following, for a stated period, to the chief executive—

(a) information recorded under section 77C(2);

(b) a record kept by the fatigue-regulated duty holder under another safety law about managing driver fatigue.

Example for paragraph (b)—

a record kept under the Heavy Vehicle National Law (Queensland), chapter 6, part 6.4, division 3 relating to drivers of a fatigue-related heavy vehicle, within the meaning of that Law

(2) The fatigue-regulated duty holder must comply with the requirement within 28 days after the written notice is given.

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Maximum penalty—80 penalty units.

77E False or misleading fatigue management information

A person must not give information to a fatigue-regulated duty holder responsible for keeping a record under section 77C(2) if the person knows the information is false, misleading or incomplete in a material particular.

Maximum penalty—80 penalty units.

Division 2 Safety management plans

77F Purpose of division

For section 67ZB(2) of the Act, this division prescribes requirements for a safety management plan.

Note—

Under section 67ZC(1) of the Act, a responsible duty holder must have a safety management plan that complies with the requirements of section 67ZB. The maximum penalty for a contravention of section 67ZC(1) of the Act is 100 penalty units for an individual or 1,000 penalty units for a corporation. See also section 67ZH of the Act.

77G Development of safety management plans

A safety management plan for a responsible duty holder must be developed having regard to each of the following matters—

(a) the people involved in providing the road-based public passenger service;

(b) the vehicles used to provide the road-based public passenger service;

(c) any other matter relevant to the activities carried out by the duty holder in the course of providing the road-based public passenger service.

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77H Form of safety management plans

(1) A safety management plan for a responsible duty holder must be in writing.

(2) Another document, or a part of another document (an ***associated document***) may be attached to a safety management plan for a responsible duty holder.

(3) Also, a safety management plan for a responsible duty holder may refer to another document, or a part of another document (also an ***associated document***).

(4) However, an associated document forms part of the safety management plan for the responsible duty holder only to the extent that the associated document is relevant to the matters mentioned in section 67ZB(1) of the Act.

77I Start date for safety management plans

A safety management plan for a responsible duty holder must state the day on which the plan takes effect.

77J Accessibility of safety management plans

(1) A safety management plan for a responsible duty holder and any associated document, to the extent the associated document forms part of the safety management plan under section 77H(4), must be—

(a) accessible to all other duty holders for the road-based public passenger service; and

(b) made accessible, on request, to the chief executive or an authorised person.

(2) Without limiting subsection (1), a safety management plan and any associated document, to the extent the associated document forms part of the safety management plan under section 77H(4), are taken to be—

(a) accessible to all other duty holders for the road-based public passenger service if a responsible duty holder—

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(i) publishes the safety management plan and any associated document on a website maintained by the responsible duty holder that is accessible to all other duty holders; or

(ii) provides a copy of the safety management plan and any associated document to each duty holder in hard copy or electronic form; or

(b) made accessible, on request, to the chief executive or an authorised person if a responsible duty holder—

(i) provides a copy of the safety management plan and any associated document to the chief executive or the authorised person, in hard copy or electronic form, as soon as reasonably practicable after the request is made; or

(ii) allowing the chief executive or the authorised person to inspect the safety management plan and any associated document as soon as reasonably practicable after the request is made.

77K Review of safety management plans

(1) A comprehensive review of a safety management plan for a responsible duty holder must be conducted at least every 3 years from the day on which the plan takes effect.

(2) However, a safety management plan for a responsible duty holder must be reviewed, to the extent necessary, at any time before the comprehensive review required under subsection (1) if—

(a) there has been, or will be, a material change in the provision of the road-based public passenger service provided by the responsible duty holder; or

Example of a material change in the provision of a road-based public passenger service—

a new vehicle using different technology will be used to provide the road-based public passenger service

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(b) for a responsible duty holder who is an operator of a relevant service—the operator has completed an incident report under section 18K(1); or

(c) a duty holder has reported a notifiable incident to the regulator under the *Work Health and Safety Act 2011*, section 38 in relation to—

(i) a motor vehicle used to provide the road-based public passenger service; or

(ii) the driver of, or a passenger in, a motor vehicle used to provide the road-based public passenger service; or

(d) a duty holder has reported, in writing, to the responsible duty holder a hazard arising from the work carried out by the responsible duty holder in providing the service and—

(i) the hazard is not identified and described in the responsible duty holder's safety management plan; or

(ii) the hazard is identified and described in the responsible duty holder's safety management plan but the plan may not comply with section 67ZB(1)(b) to (d) of the Act in relation to the hazard; or

(e) a responsible duty holder otherwise becomes aware, or ought reasonably to be aware, the safety management plan may not comply with section 67ZB(1) of the Act.

(3) If a safety management plan needs to be amended or replaced as a result of a review conducted under this section, the plan must be amended or replaced as soon as reasonably practicable after the review is completed.

Note—

See also section 276A.

(4) In this section—

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notifiable incident, in relation to a road-based public passenger service, has the meaning given under the *Work Health and Safety Act 2011*, section 35.

regulator see the *Work Health and Safety Act 2011*, schedule 2, part 1.

77L Consultation about safety management plans

(1) A safety management plan for a responsible duty holder must, so far as reasonably practicable, be developed and reviewed in consultation with each other duty holder for the road-based public passenger service.

(2) Subsection (1) is taken to have been complied with if each other duty holder has been consulted on the safety management plan as part of the responsible duty holder's duty under the *Work Health and Safety Act 2011*, section 46.

77M Record keeping in relation to safety management plans

If a safety management plan for a responsible duty holder is amended under section 77K(3), the responsible duty holder must ensure the amendment is recorded in the safety management plan.

Note—

See also section 276A.

Division 3 Audits

77N Prescribed matters for audit notices—Act, s 67ZE

For section 67ZE(2)(d) of the Act, the following matters are prescribed—

(a) the way the audit is to be carried out;

Examples of ways an audit may be carried out—

- in person at the premises of the person being audited
- a desktop audit at the auditor's place of work

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(b) the name of the person who will carry out the audit;

(c) if the person to carry out the audit is an authorised person—a summary of the authorised person's powers under the Act that are relevant to carrying out the audit.

77O Prescribed matters for audit reports—Act, s 67ZG

For section 67ZG(2) of the Act, the following matters are prescribed—

(a) the name of the person who carried out the audit;

(b) when, or the period during which, the audit was carried out;

(c) each place where the audit was carried out;

(d) the name and address of each person whose business activities were audited;

(e) the findings made by the person who carried out the audit and the person's reasons for the findings, including a summary of the evidence or other material on which the findings are based.

Part 6 Personalised transport services

Division 1 Preliminary

78 Definitions for part

In this part—

approved card reader means an electronic device, of a type approved by the chief executive, for use in a taxi to—

(a) verify that a membership card is current; and

(b) verify that the driver of a taxi holds driver authorisation; and

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(c) enable the automatic calculation of a benefit under the taxi subsidy scheme for a journey; and

(d) facilitate payments under the taxi subsidy scheme.

approved relevant person means a person whose application under section 120 has been approved.

manual card reader means a device capable of taking an imprint from a membership card.

membership card means an electronic card that—

(a) is or has been issued by the chief executive in relation to an approved relevant person's membership of the taxi subsidy scheme, for use with an approved card reader or a manual card reader; and

(b) includes a photograph of the approved relevant person.

National Disability Insurance Scheme means the National Disability Insurance Scheme within the meaning of the NDIS Act.

NDIS Act means the *National Disability Insurance Scheme Act 2013* (Cwlth).

NDIS participant means a person who—

(a) is a participant in the National Disability Insurance Scheme launch under the NDIS Act and whose plan under that Act is in effect under section 37 of that Act; or

(b) has ceased to be a participant in the National Disability Insurance Scheme launch under the NDIS Act because the person has given notice under section 29(1)(d) of that Act that he or she no longer wishes to be a participant.

relevant person means a person, other than an NDIS participant, who—

(a) has a physical disability that makes the person dependant on a wheelchair for mobility outside the person's residence; or

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(b) has a physical disability or other medical condition that restricts the person from walking, unassisted and without rest, 50m or less and—

(i) makes the person permanently dependant on a walking aid; or

(ii) prevents the person from ascending or descending 3 steps without assistance; or

(iii) has resulted in a history of frequent falls; or

(iv) is a condition that is an advanced cardiovascular, respiratory or neurological disorder; or

(v) causes severe pain that limits ambulation, verifiable by appropriate clinical investigations; or

(c) has a physical disability or other medical condition that requires—

(i) the person to ordinarily carry treatment equipment that, when carried, restricts the person from walking, unassisted and without rest, 50m or less; or

(ii) another person to ordinarily carry equipment or administer treatment for the person; or

(d) has a severe emotional or behavioural disorder with a level of disorganisation that results in the need to be always accompanied by another person for travel on public transport; or

(e) has total loss of vision or severe permanent visual impairment; or

(f) has severe and uncontrollable epilepsy; or

(g) has an intellectual disability causing behavioural problems—

(i) resulting in socially unacceptable behaviour; and

(ii) requiring the constant assistance of another person for travel on public transport; or

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(h) has a clinical condition resulting in a disability mentioned in any of paragraphs (a) to (g) of a temporary nature, and is undergoing medical, surgical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

taximeter means an instrument that is designed to record and show fares for hirings of a taxi.

Division 2 Provision of services

Subdivision 1 Booked hire services provided using a taxi and taxi services

79 Application of subdivision

This subdivision prescribes matters relating to—

(a) providing a booked hire service using a taxi; or

(b) providing a taxi service.

80 Taxi services to which the Act, s 74 does not apply

Section 74 of the Act does not apply to a cross-border taxi service.

81 Taxi driver must not refuse booked hire service or taxi service in particular circumstances

(1) The driver of a taxi available for hire must not refuse to provide a booked hire service to a prescribed person, or a taxi service to any person, unless—

(a) the service is for a journey that—

(i) starts in a taxi service area other than the taxi service area for the taxi; or

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(ii) ends somewhere other than in the taxi service area for the taxi; or

(iii) when taking the shortest route for the journey that can reasonably be taken, ends more than 40km from the pick-up point for the journey; or

(b) the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

(2) Without limiting subsection (1), a driver refuses to provide a booked hire service to a prescribed person if the driver accepts a booking to provide the service to the person but does not provide the service to the person.

(3) Subsection (4) applies if a driver accepts a booking to provide a booked hire service to a prescribed person but does not provide the service to the person.

(4) For subsection (1)(b), it is not a reasonable excuse that, after the driver accepted the booking, another booking for a booked hire service, or an opportunity to provide a taxi service, became available to the driver.

(5) In this section—

prescribed person means—

(a) a person using a wheelchair; or

(b) an approved relevant person.

82 When access to booking service must be available

(1) This section applies to an authorised booking entity that provides booking services for booked hire services provided using taxis.

(2) The authorised booking entity must provide the booking services in a way that ensures bookings for a taxi to provide a booked hire service for a prescribed person can be received at any time.

Maximum penalty—20 penalty units.

(3) In this section—

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prescribed person means—

(a) a person using a wheelchair; or

(b) an approved relevant person.

83 Particular requirements for taxis

(1) An operator of a booked hire service or taxi service provided using a taxi must ensure the taxi complies with the following requirements—

(a) a taximeter fitted to the taxi must be working;

(b) a sticker about maximum fares produced by the department must be fixed to the taxi;

(c) if the taxi has a fleet number, the fleet number must be clearly displayed inside and on the exterior of the taxi.

Maximum penalty—20 penalty units.

(2) An operator of a booked hire service provided using a taxi must ensure a booking receiver is kept in the taxi and is working.

Maximum penalty—20 penalty units.

(3) A person must not, without a reasonable excuse, drive a taxi unless a booking receiver is—

(a) in the taxi; and

(b) working; and

(c) connected to a booking system for arranging bookings for a booked hire service.

Maximum penalty—20 penalty units.

(4) In this section—

booking receiver means the part of a booking system for receiving information about bookings.

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84 Fares and charges for taxis

(1) If a person soils a taxi, the driver of the taxi may charge a reasonable amount of not more than an amount equal to 1 penalty unit for cleaning the taxi.

(2) An amount that may be charged under subsection (1) is in addition to the fare the driver of the taxi may charge.

(3) If the driver of a taxi reasonably believes the driver will not be able to obtain the fare for a journey at the destination, the driver may require the hirer to pay the estimated fare, or an agreed amount for the journey, as a deposit before starting the journey.

(4) The driver of a taxi, while providing a taxi service, must not drive the taxi to the destination stated by the hirer in a way that involves excessive charging.

Maximum penalty for subsection (4)—20 penalty units.

85 Operation of taximeter by taxi driver

(1) This section applies to the driver of a taxi, fitted with a taximeter, that is used to provide a booked hire service or taxi service for a journey if—

(a) the chief executive has decided a maximum fare for the service under section 91ZR of the Act; or

(b) paragraph (a) does not apply and the amount of the fare for the service has not been agreed before the journey starts.

(1A) The driver must use the taximeter to record and show the following amount for the booked hire service or taxi service for the journey—

(a) if the fare for the service has not been agreed before the journey starts and is not agreed before the journey ends—the amount of the fare for the service (the ***fare amount***);

(b) if the fare for the service is agreed at any time before the journey ends—the amount (the ***equivalent amount***) that

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would be the amount of the fare for the service as if paragraph (a) applied to the fare.

Maximum penalty—20 penalty units.

(1B) Subsections (2) to (6) apply to the driver for using the taximeter.

(2) If the driver is providing a booked hire service, the driver must activate the taximeter—

(a) if the service is provided to an approved relevant person using a wheelchair—at the start of the journey, only after the person and the person's wheelchair have been secured in the taxi; or

(b) if paragraph (a) does not apply and the service has been booked for a specific time and the taxi arrives at the pick-up point at or before that time—only after the earlier of the booked time or the time the hirer enters the taxi; or

(c) otherwise—only after the hirer is notified of the taxi's arrival at the pick-up point.

Maximum penalty—20 penalty units.

(3) If the driver is providing a taxi service, the driver must activate the taximeter—

(a) if the service is provided to an approved relevant person using a wheelchair—at the start of the journey, only after the person and the person's wheelchair have been secured in the taxi; or

(b) otherwise—only after the hirer enters the taxi.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

(5) The driver must deactivate the taximeter before asking for, or receiving, payment or a voucher—

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(a) for a hiring under section 86—on arrival at the last destination of the multiple hirers; or

(b) otherwise—on arrival at the destination for the hiring.

Maximum penalty—20 penalty units.

(6) The driver must, immediately after the booked hire service or taxi service ends, reset the taximeter to remove the record of the fare amount or equivalent amount for the service.

Maximum penalty—20 penalty units.

(7) In this section, a reference to a taximeter includes a reference to a taximeter that is used to record and show an equivalent amount for hiring of a taxi.

85A Tampering with taximeter

A person must not tamper with a taximeter.

Maximum penalty—40 penalty units.

86 Multiple hirers

(1) The driver of a taxi may provide a taxi service for 2 or more hirers, at the same time, if—

(a) before the taxi service starts, all of the hirers agree to the driver of the taxi providing the service for all of the hirers; and

(b) the hirers are travelling to—

(i) destinations in the same locality; or

(ii) destinations in the same general direction; and

(c) the fare payable by each hirer is less than the maximum 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 starts; and

(e) the service is not provided to a timetable.

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(2) A driver of a taxi must not provide a taxi service for 2 or more hirers at the same time other than under subsection (1).

Maximum penalty—20 penalty units.

87 Control of doors of taxi

The driver of a taxi must take control of opening and shutting the taxi's doors if—

(a) a hirer of the taxi, or the parent or guardian of a hirer, asks the driver to take control of opening and shutting the taxi's doors; and

(b) the design of the taxi allows the driver to control the opening and shutting of the taxi's doors by using a device.

Maximum penalty—10 penalty units.

Subdivision 2 Booked hire services

88 Fare estimate

(1) A person who provides a booking service for a booked hire service must give the hirer of the booked hire service a fare estimate under this section before the service begins, unless the person 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; and

(b) state the circumstances, if any, when the amount of the fare may be higher than the estimated fare and how the

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additional amount is worked out in those circumstances; and

Examples—

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) A person must not charge the hirer a fare for the booked hire service that is more than—

(a) the estimated fare stated in the 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.

(4) This section does not apply to a booked hire service requested through a fixed booking device.

(5) In this section—

fixed booking device see section 77(2) of the Act.

89 Prescribed details for booking record

For section 80(1)(b) of the Act, the following details of a booking for a booked hire service are prescribed—

(a) information given by the hirer of the service that is sufficient to identify the hirer;

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Examples—

name, mobile number, username, name of an organisation

(b) the date and time when the passengers are to be picked up;

(c) the location where the passengers are to be picked up;

(d) if a fare estimate for the service is given to the hirer under section 88—the estimated amount of the fare.

90 Booked hire service identification sign

(1) This section applies to a booked hire vehicle when the vehicle is available to be used, or is being used, to provide a booked hire service.

(2) A person must not drive the vehicle unless a sign that complies with subsection (3) is—

(a) displayed—

(i) on the bottom left-hand side of the front and rear windscreens of the vehicle; and

(ii) in a place that does not obstruct the view of the road or traffic from the driver's seat; and

(b) clearly visible at least 20m away from the windscreen.

Maximum penalty—20 penalty units.

(3) The sign must be a reproduction of the sign approved by the chief executive for identifying the authorised booking entity providing booking services for the booked hire service.

(4) The chief executive may refuse to approve a sign for subsection (3) only if the chief executive is satisfied the sign—

(a) is not a square of at least 146mm by 146mm; or

(b) is not retroreflective; or

(c) is likely to offend a reasonable person; or

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(d) does not accurately identify the authorised booking entity or the booking services for the booked hire service provided by the entity.

(5) In this section—

left-hand side, of a windscreen of a motor vehicle, means the left-hand side of the windscreen when viewed from behind the vehicle.

91 When vehicle must not display sign implying use for booked hire service

(1) This section applies to—

(a) a booked hire vehicle while the vehicle is not being used, or not available to be used, to provide a booked hire service; and

(b) any other motor vehicle that is not a booked hire vehicle, limousine or taxi.

(2) A person must not drive the vehicle if a sign is displayed on it that—

(a) reasonably implies the vehicle is used to provide a booked hire service; and

(b) is visible to a person who is outside the vehicle.

Maximum penalty—20 penalty units.

(3) An operator of a booked hire service provided using the vehicle must ensure that a sign is not displayed on the vehicle that—

(a) reasonably implies the vehicle is used to provide a booked hire service; and

(b) is visible to a person who is outside the vehicle.

Maximum penalty—20 penalty units.

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Subdivision 3 Miscellaneous

92 Requirement for itemised receipt

(1) If the hirer of a booked hire vehicle, limousine or taxi asks for a receipt for the fare for hiring the vehicle for a journey, the driver of the vehicle must give the hirer an itemised receipt for the journey before leaving the journey's destination.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply if the driver reasonably believes another person has given, or is to give, the hirer an itemised receipt.

(3) In this section—

itemised receipt, for the fare for hiring a booked hire vehicle, limousine or taxi for a journey, means a written receipt that includes—

(a) the driver's driver authorisation number; and

(b) the fare, the amounts comprising the fare and any payment surcharge for the fare; and

Examples of amounts comprising a fare—

booking fee for the service, total tollage

(c) the day and time the hiring started and ended; and

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

taxi does not include an exempted taxi.

93 Distinguishing number plate for taxi

(1) The operator of a public passenger service provided using a taxi must ensure a T-plate is attached to the taxi.

Maximum penalty—40 penalty units.

(2) In this section—

T-plate means a number plate issued for a taxi under the *Transport Operations (Road Use Management) Act 1995*.

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94 Distinguishing number plate for limousine

(1) The operator of a public passenger service provided using a limousine must ensure—

(a) for a special purpose limousine—an SL-plate is attached to the limousine; or

(b) otherwise—an L-plate is attached to the limousine.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to a motor vehicle used to provide a booked hire service under a limousine licence under section 160.

(3) In this section—

L-plate means a number plate issued for a limousine, other than a special purpose limousine, under the *Transport Operations (Road Use Management) Act 1995*.

SL-plate means a number plate issued for a special purpose limousine under the *Transport Operations (Road Use Management) Act 1995*.

special purpose limousine means the motor vehicle stated in a special purpose limousine licence.

95 Maximum fares for particular booked hire service—Act, s 91ZR

For section 91ZR(2)(b) of the Act, booked hire services provided to persons using a wheelchair are prescribed.

96 Maximum payment surcharge—Act, s 91ZS

(1) For section 91ZS(2) of the Act, the maximum payment surcharge prescribed for a fare for a booked hire service provided using a taxi or a taxi service is—

(a) if the whole fare is paid using a non-cash method—5% of the fare; or

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(b) if part of the fare is paid using a non-cash method—5% of the part of the fare paid using the non-cash method.

(2) In this section—

non-cash method, used for paying a fare or part of a fare, means a credit card, debit card, prepaid card, charge card or voucher used to pay the fare.

Division 3 Required training for providing particular services

97 Driver must complete required training

(1) A person must not drive a motor vehicle to provide a booked hire service or taxi service of a particular kind unless the person has completed the required training for providing a service of that kind.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to required training until—

(a) 3 months after the notice stating the training is published; or

(b) if the notice states a later day—the later day.

(3) An authorised booking entity that provides booking services for a booked hire service, or an operator of a booked hire service or taxi service, must ensure a person who drives a motor vehicle to provide the service does not contravene subsection (1).

Maximum penalty—40 penalty units.

(4) In this section—

required training, for a booked hire service or taxi service of a particular kind, means the training stated in a training notice for a service of that kind.

training notice means a notice published by the chief executive on the department's website stating—

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(a) the training that a person driving a motor vehicle to provide a booked hire service or taxi service of a particular kind must complete; and

(b) the matters that must be addressed in the training; and

(c) any minimum standards for the training.

98 Minimum standards for training

A person who provides training mentioned in a training notice under section 97 must ensure the training complies with any minimum standards for the training stated in the notice.

Maximum penalty—40 penalty units.

Division 4 Record keeping and reporting requirements

Subdivision 1 Preliminary

99 Definitions for division

In this division—

approved method, for providing information, means—

(a) providing the information to the chief executive electronically and in the approved form; or

(b) using an electronic system approved by the chief executive to provide the information.

quarter, for a financial year, means the following periods in the financial year—

(a) 1 July to 30 September;

(b) 1 October to 31 December;

(c) 1 January to 31 March;

(d) 1 April to 30 June.

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Subdivision 3 Taxi services information

104 Application of subdivision

This subdivision applies to an operator of a taxi service in relation to each taxi service for a journey provided using a taxi.

105 Recording

The operator must keep a written record of the following information for 2 years after the taxi service was provided—

(a) the registration number of the taxi;

(b) the number of the taxi service licence;

(c) the name of the driver of the taxi;

(d) the driver's driver authorisation number;

(e) the day and time the journey started and ended;

(f) the location where the journey started and ended;

(g) the fare and any payment surcharge for the service;

(h) if applicable, that the service was provided to an approved relevant person.

Maximum penalty—40 penalty units.

106 Reporting

(1) Within 28 days after the end of each financial year, the operator must provide the chief executive with a report that complies with subsection (2).

Maximum penalty—40 penalty units.

(2) The report must—

(a) state the total number of taxi service journeys provided by the operator for the financial year; and

(b) be provided using an approved method; and

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(c) be about the information mentioned in section 105.

(3) Also, the chief executive may, at any time, give a written notice to the operator requiring the operator to provide to the chief executive—

(a) stated information recorded under section 105 for a stated period; or

(b) another type of report about the information mentioned in section 105.

(4) The operator must comply with a requirement made under subsection (3) within 28 days after the written notice is given.

Maximum penalty—40 penalty units.

Subdivision 4 Booked hire services information

107 Application of subdivision—Act, s 91ZG

This subdivision prescribes—

(a) for section 91ZG(1) of the Act, the information an authorised booking entity must keep and the period for which the information must be kept; and

(b) for section 91ZG(2) of the Act, the way and times the information must be provided to the chief executive.

108 Driver information

(1) This section applies in relation to—

(a) a person (a ***driver***) who—

(i) is the authorised booking entity; and

(ii) drives or has driven a motor vehicle used to provide booked hire services; and

(iii) under the driver's booking entity authorisation, provides or has provided booking services for the booked hire services; or

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(b) a person (also a ***driver***) who has or had an arrangement with the authorised booking entity under which the entity provides or has provided booking services for the driver to drive a motor vehicle to provide booked hire services.

(2) The information is—

(a) the name of the driver; and

(b) the driver's driver authorisation number; and

(c) the start and end of the period the driver is on-the-books.

(3) The period for keeping the information is 2 years after the driver is no longer on-the-books.

(4) The information must be provided for each quarter in a financial year to the chief executive within 28 days after the end of the quarter, using an approved method.

(5) Subsection (4) does not apply if the driver was not on-the-books during a quarter.

(6) A driver is ***on-the-books*** for the authorised booking entity—

(a) for a driver mentioned in subsection (1)(a)—when the driver is providing booking services for the booked hire services; or

(b) for a driver mentioned in subsection (1)(b)—when the driver has an arrangement in force to provide the booked hire services.

109 Vehicle information

(1) This section applies in relation to a vehicle that is a booked hire vehicle, limousine or taxi that is, or was, available to be used to provide booked hire services.

(2) The information is—

(a) the registration number of the vehicle; and

(b) the number of the taxi service licence, booked hire service licence or limousine licence for the vehicle; and

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(c) the start and end of the period the vehicle is on-the-books.

(3) The period for keeping the information is 2 years after the vehicle is no longer on-the-books.

(4) The information for each quarter in a financial year must be provided to the chief executive within 28 days after the end of the quarter, using an approved method.

(5) Subsection (4) does not apply if the vehicle was not on-the-books during a quarter.

(6) The vehicle is ***on-the-books*** when the vehicle is available to be used to provide the booked hire services.

110 Journey information

(1) This section applies to each booked hire service provided, or requested to be provided, by hiring a motor vehicle for a journey.

(2) The information is—

(a) the day and time the booking for the service was made; and

(b) the location where the journey started and ended; and

(c) the day and time the journey started and ended; and

(d) the registration number of the vehicle; and

(e) the number of the taxi service licence, booked hire service licence or limousine licence for the vehicle; and

(f) if the hirer booked the vehicle to arrive at a particular time—the time; and

(g) information given by the hirer that is sufficient to identify the hirer; and

Examples—

name, mobile number, username, name of an organisation

(h) the name of the driver of the vehicle; and

(i) the driver's driver authorisation number; and

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(j) the fare and the payment surcharge, if any, for the journey; and

(k) if a fare estimate was given to the hirer under section 88—the estimated amount of the fare; and

(l) if applicable, that the service was provided to an approved relevant person; and

(m) if applicable, that a service was requested and not provided.

(3) The period for keeping the information is 2 years—

(a) if the booked hire service was not provided—after the service was requested; or

(b) otherwise—after the service was provided.

(4) The information mentioned in subsection (2)(a) to (f) and (2)(l) for each quarter in a financial year must be provided to the chief executive within 28 days after the end of the quarter, using an approved method.

(5) Also, a report about journey information for a financial year must be provided to the chief executive within 28 days after the end of the financial year, using an approved method.

(6) In addition, the chief executive may, at any time, give a written notice to the authorised booking entity requiring the entity to provide to the chief executive—

(a) stated journey information for a stated period; or

(b) another type of report about journey information.

(7) The authorised booking entity must comply with a requirement made under subsection (6) within 28 days after the written notice is given.

(8) In this section—

journey information means information mentioned in subsection (2), other than information mentioned in subsection (2)(g).

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111 Sharing information—Act, s 148C

(1) For section 148C(2)(b)(i) of the Act, a person who receives information under this division may disclose the information to another entity if the information—

(a) does not contain confidential information about a person to whom the information relates; and

(b) is disclosed for a purpose relating to traffic management, town planning or infrastructure development.

(2) In this section—

confidential information means information, other than information that is publicly available—

(a) that is personal information under the *Information Privacy Act 2009*, section 12; or

(b) that would be likely to identify the person to whom the information relates or damage the commercial activities of any person to whom the information relates.

Division 6 Miscellaneous

114 Relevant driver offence—Act, s 91ZI

The Queensland Road Rules, section 182 is prescribed as a provision to which section 91ZI of the Act applies.

115 Taxi service areas for taxi industry security levy—Act, s 91ZW

Each taxi service area mentioned in schedule 2 is prescribed for section 91ZW of the Act.

116 Particular motor vehicle not to look like taxi

(1) This section applies to a motor vehicle other than—

(a) a taxi; or

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(b) a motor vehicle stated in a substitute vehicle authority for a taxi service licence; or

(c) a historic vehicle that is not used to provide a public passenger service.

(2) The registered operator of the motor vehicle must ensure the vehicle does not have a sign, marking, light or other thing on it that might reasonably indicate to members of the public it is a taxi.

Examples—

- a hail light
- a particular design or colour scheme used on taxis affiliated with a particular operator

Maximum penalty—20 penalty units.

(3) In this section—

historic vehicle means a motor vehicle that—

(a) is more than 30 years of age from its date of manufacture; and

(b) only has signs, markings, lights or other things on it that indicate it is a taxi that are consistent with the age of the vehicle.

117 Notice about ending arrangement with driver for serious misconduct

(1) This section applies to each of the following entities—

(a) an authorised booking entity who has an arrangement with another person (the ***driver***) under which the entity provides booking services for the driver to drive a motor vehicle to provide booked hire services;

(b) the operator of a booked hire service or taxi service who has an arrangement with another person (also the ***driver***) under which the driver drives a motor vehicle to provide the service for the operator.

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(2) The entity must immediately give a written notice stating the matters mentioned in subsection (3) to the chief executive if the entity ends the arrangement with the driver because the entity or operator reasonably believes the driver—

(a) has committed a driver disqualifying offence; or

(b) has, while driving a motor vehicle, not provided a public passenger service safely; or

(c) has committed an offence against a provision of relevant transport legislation relating to using a motor vehicle; or

(d) has, in any way, been a threat to the safety of any person, including, for example, a child or other vulnerable member of the community.

Maximum penalty—10 penalty units.

(3) The written notice must state the following matters—

(a) the driver's name;

(b) the driver's driver authorisation number;

(c) the day the entity ended the arrangement;

(d) the ground mentioned in subsection (2) on which the arrangement was ended;

(e) details of the facts and circumstances, or alleged facts and circumstances, forming the basis for the ground.

118 Chief executive may require information

(1) This section applies if the chief executive receives a written notice under section 117 (the ***first notice***) from an entity about another person (the ***driver***).

(2) The chief executive may, by a written notice (the ***second notice***) given to the entity, require the entity to give the chief executive further information that—

(a) the entity has about matters stated in the first notice; and

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(b) the chief executive reasonably requires to decide whether to take action under section 40 or 43 in relation to the driver's driver authorisation.

(3) The entity or operator must comply with the requirement within 14 days after the second notice is given.

Maximum penalty—10 penalty units.

Division 7 Taxi subsidy scheme

Subdivision 1 Preliminary

119 Purpose of division—Act, s 91ZY

(1) This division provides for a scheme (the ***taxi subsidy scheme***) under section 91ZY of the Act for particular booked hire services and taxi services provided to particular persons using taxis.

(2) Under the taxi subsidy scheme, the State pays part of the fares for booked hire services and taxi services provided using taxis for approved relevant persons by providing a benefit to each approved relevant person in relation to the cost of the services.

(3) The taxi subsidy scheme is administered by the chief executive.

Subdivision 2 Membership of taxi subsidy scheme

120 Application

(1) A person may apply to the chief executive for membership of the taxi subsidy scheme as a relevant person.

(2) The application must be made in the approved form.

(3) The chief executive must consider the application and decide—

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(a) to approve the application; or

(b) to refuse to approve the application.

(4) The chief executive may refuse to approve the application, by giving the person a regulation notice, if—

(a) the chief executive is not satisfied the person is a relevant person; or

(b) the person has been convicted of an offence against section 149(3) of the Act in relation to the taxi subsidy scheme.

121 Chief executive may cancel assistance

(1) The chief executive may cancel a person's approval as an approved relevant person if—

(a) the chief executive is no longer satisfied the person is a relevant person; or

(b) the person has been convicted of an offence against section 149(3) of the Act in relation to the taxi subsidy scheme.

(2) Before cancelling the approval, the chief executive must give the approved relevant person a written notice—

(a) stating the chief executive is considering cancelling the approval; and

(b) stating the grounds for the cancellation; and

(c) outlining the facts and circumstances forming the basis for the grounds; and

(d) inviting the person to show, within a stated period of at least 28 days, why the approval should not be cancelled.

(3) If, after considering all written representations made within the stated period, the chief executive is not satisfied the person is a relevant person as mentioned in subsection (1)(a), or is satisfied the person has been convicted as mentioned in subsection (1)(b), the chief executive may cancel the approval by giving the person a regulation notice.

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(4) However, if the chief executive is no longer satisfied the person is a relevant person because the person is an NDIS participant, the chief executive—

(a) is not required to comply with subsection (2); and

(b) may cancel the approval by giving the person a regulation notice.

(5) A person given a regulation notice under subsection (3) must, unless the person has a reasonable excuse, return the following to the chief executive within 14 days after the regulation notice is given—

(a) the person's membership card;

(b) any unused taxi vouchers given under the taxi subsidy scheme.

Maximum penalty—10 penalty units.

122 Production of membership card to receive benefit

An approved relevant person can not receive a benefit under the taxi subsidy scheme for a journey by the person unless the person produces the person's membership card to the driver of the taxi for the journey that is to be subsidised.

Subdivision 3 Disclosure or use of information

123 Chief executive may disclose or use relevant information

(1) This section applies to—

(a) the use of relevant information for a TSS related person by the chief executive; and

(b) the disclosure of relevant information for a TSS related person, by the chief executive, to the following—

(i) a public service employee;

(ii) an entity established by an Act for a public purpose;

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(iii) the Commonwealth, or an entity of the Commonwealth.

(2) The chief executive may use or disclose the relevant information for administering the taxi subsidy scheme.

(3) Without limiting subsection (2), the chief executive may use or disclose the relevant information—

(a) to decide whether the person is an NDIS participant; or

(b) to assist the transition of the person from the taxi subsidy scheme to the National Disability Insurance Scheme, whether or not the person becomes an NDIS participant; or

Example of paragraph (b)—

Disclosure of the relevant information to assist in deciding whether a person is eligible to become an NDIS participant.

(c) to assist the transition of the person from the National Disability Insurance Scheme to the taxi subsidy scheme, whether or not the person becomes an approved relevant person.

(4) In this section—

entity of the Commonwealth includes an entity established by an Act of the Commonwealth for a public purpose.

relevant information, for a TSS related person, means the following—

(a) the person's name;

(b) the person's date of birth;

(c) the person's contact details;

(d) the person's gender;

(e) other information about the person that is related to the administration of the taxi subsidy scheme.

Examples of other information—

- the name and contact details of the person's carer or guardian and details of any relationship between the person and the person's carer or guardian

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- benefits received by the person under the taxi subsidy scheme

TSS related person means—

(a) an applicant for membership of the taxi subsidy scheme as a relevant person; or

(b) an approved relevant person; or

(c) a person who was previously an approved relevant person.

Subdivision 4 Obligations on all persons

124 Disclosure or use of taxi subsidy scheme information

(1) A person must not disclose or use taxi subsidy scheme information other than for the following purposes—

(a) for, or in connection with, the prosecution of, or the issue of an infringement notice for, an offence committed in or about the taxi to which the taxi subsidy scheme information relates; or

(b) a purpose relating to a police officer's performance of duties as a police officer; or

(c) the administration of the taxi subsidy scheme, including, for example—

(i) planning for the scheme; and

(ii) the performance of a service, for the administration of the scheme, under a contract with the State; and

(iii) payments to operators and drivers under the scheme; or

(d) the carrying out of work by a manufacturer or supplier of an approved card reader, or equipment used in connection with an approved card reader, to maintain, or deal with a failure in, the equipment; or

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(e) the disclosure or use of the information as required or authorised under this Act or another Act.

Maximum penalty—80 penalty units.

(2) In this section—

taxi subsidy scheme information means—

(a) information on a membership card; or

(b) information generated or transmitted under the taxi subsidy scheme by an approved card reader; or

(c) a written record, or other information, derived from information generated or transmitted under the taxi subsidy scheme by an approved card reader.

125 Misusing, or tampering with, membership card or approved card reader

A person must not misuse, or tamper with, a membership card or approved card reader.

Maximum penalty—40 penalty units.

126 Payment to entitled person

(1) This section applies if an authorised booking entity or an operator of a booked hire service or taxi service (the ***payee***) receives a scheme payment on behalf of another person who is entitled to the payment.

(2) The payee must ensure the scheme payment is given to the person entitled to the payment within a reasonable period, unless the payee has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) In this section—

scheme payment means an amount paid by the State under the taxi subsidy scheme for part of a fare for a booked hire service or a taxi service.

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Subdivision 5 Obligations on holder of taxi service licence or substitute vehicle authority

127 Ensuring approved card reader is fitted

(1) The holder of a taxi service licence must ensure a taxi operated under the licence is fitted with an approved card reader if the taxi is not an exempted taxi.

Maximum penalty—40 penalty units.

(2) The holder of a substitute vehicle authority must ensure a substitute vehicle for a taxi service licence used under the authority is fitted with an approved card reader.

Maximum penalty—40 penalty units.

128 Ensuring approved card reader appears to be working when taxi or substitute vehicle made available to another person

(1) This section applies if—

(a) a person makes a taxi, or a substitute vehicle for a taxi service licence, available to another person under a contract, lease or other arrangement; and

(b) the taxi, or the substitute vehicle for the taxi service licence, is fitted with an approved card reader; and

(c) for a taxi—the vehicle is not an exempted taxi.

(2) The person must ensure the approved card reader appears to be working when the person makes the taxi, or the substitute vehicle for the taxi service licence, available to the other person.

Maximum penalty—40 penalty units.

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Subdivision 6 Obligations on operator

129 Ensuring approved card reader appears to be working when taxi made available to driver

(1) This section applies if—

(a) the operator of a booked hire service or taxi service makes available to a driver a taxi used to provide the service; and

(b) the taxi is fitted with an approved card reader; and

(c) the taxi is not an exempted taxi.

(2) The operator must ensure the approved card reader appears to be working when the operator makes the taxi available to the driver.

Maximum penalty—40 penalty units.

130 Ensuring approved card reader interfaces with taximeter and is kept connected

(1) This section applies if—

(a) a taxi used to provide a booked hire service or taxi service is fitted with an approved card reader; and

(b) the taxi is fitted with a taximeter; and

(c) the taxi is not an exempted taxi.

(2) The operator of the service must ensure the approved card reader interfaces with the taximeter to enable the automatic calculation of the benefit under the taxi subsidy scheme for a journey.

Maximum penalty—20 penalty units.

(3) The operator of the service must ensure a connection for the electronic transmission of information is kept between the taximeter and the approved card reader while the taxi is in use.

Maximum penalty—20 penalty units.

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(4) The operator of the service does not commit an offence against subsection (2) or (3) if—

(a) a defect in, or damage to, the approved card reader or the taximeter prevents compliance with the subsection; and

(b) arrangements are made to repair the approved card reader within a reasonable time after the operator becomes aware of the defect or damage.

131 Manual card reader and restricted use slips to be carried in taxi

(1) The operator of a booked hire service or taxi service must ensure that, while a taxi used to provide the service is available for hire, both of the following are carried in the taxi—

(a) a manual card reader;

(b) a sufficient number of restricted use slips for the period that the taxi is available for hire.

Maximum penalty—20 penalty units.

(2) In this section—

restricted use slip means a document that is used in association with a manual card reader to facilitate payment of a fare under the taxi subsidy scheme.

Subdivision 7 Obligations on taxi driver

132 Driver authorisation number to be entered

(1) This section applies if—

(a) a taxi is fitted with an approved card reader; and

(b) the taxi is not an exempted taxi.

(2) The driver of the taxi must—

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(a) enter the driver's driver authorisation number into the approved card reader at the start of each shift to validate the currency of the driver authorisation; and

(b) sight the response from the approved card reader.

Maximum penalty—40 penalty units.

(3) The driver does not commit an offence against subsection (2) if—

(a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and

(b) arrangements are made to repair the approved card reader within a reasonable time after the driver becomes aware of the defect or damage.

133 How approved card reader must be used

(1) This section applies if—

(a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a booked hire service or taxi service, for the journey that is to be subsidised; and

(b) the taxi is fitted with an approved card reader; and

(c) the taxi is not an exempted taxi.

(2) The driver must—

(a) use the membership card with the approved card reader—

(i) to validate the currency of the approved relevant person's membership of the taxi subsidy scheme; and

(ii) to facilitate the payment, under the scheme, in relation to the fare for the journey; and

(b) sight the response for paragraph (a)(i) from the approved card reader.

Maximum penalty—40 penalty units.

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(3) The driver does not commit an offence against subsection (2) if—

(a) a defect in, or damage to, the approved card reader prevents compliance with the subsection; and

(b) arrangements are made to repair the approved card reader within a reasonable time after the driver becomes aware of the defect or damage.

134 When manual card reader must be used

(1) This section applies if—

(a) an approved relevant person produces the person's membership card to the driver of a taxi, used to provide a booked hire service or taxi service, for the journey that is to be subsidised; and

(b) the taxi is not an exempted taxi; and

(c) the taxi is fitted with an approved card reader; and

(d) the approved card reader is not working properly or at all; and

(e) a manual card reader is carried in the taxi.

(2) The driver of the taxi must use the manual card reader to take an imprint of the membership card.

Maximum penalty—40 penalty units.

135 When manual card reader must not be used

The driver of a taxi must not use a manual card reader unless—

(a) the taxi is an exempted taxi; or

(b) the approved card reader is not working properly or at all.

Maximum penalty—40 penalty units.

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136 Driver to compare photograph and not to hire taxi to particular person

(1) If, for a journey, a hirer of a taxi produces a membership card to the driver of the taxi, the driver must make a visual comparison between the person and the photograph on the membership card.

Maximum penalty—40 penalty units.

(2) The driver of a taxi must not hire the taxi to a person for a journey if the driver reasonably believes that—

(a) the person is not an approved relevant person; and

(b) the person intends to obtain a benefit under the taxi subsidy scheme in relation to the fare for the journey.

Maximum penalty—40 penalty units.

Division 7A Lift payment scheme

136A Purpose of division—Act, s 91ZY

(1) This division provides for a scheme (the ***lift payment scheme***) under section 91ZY of the Act under which—

(a) the State pays an amount (a ***lift payment***) for each booked hire service and taxi service provided using a wheelchair accessible taxi for an approved relevant person mentioned in section 136B(a) or (b); and

(b) each driver of a wheelchair accessible taxi who is eligible under section 136B is entitled to the lift payment.

(2) The lift payment scheme is administered by the chief executive.

136B Eligibility for lift payment

A person is eligible for a lift payment under the lift payment scheme for driving a wheelchair accessible taxi to provide a

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booked hire service or taxi service for an approved relevant person who is—

(a) a relevant person mentioned in section 78, definition *relevant person*, paragraph (a); or

(b) another relevant person whom the chief executive is satisfied is dependent on a wheelchair for using a taxi for the provision of the booked hire service or taxi service.

136C Payment of lift payment to entitled person

(1) This section applies if an authorised booking entity or an operator of a booked hire service or taxi service (the ***payee***) receives a lift payment on behalf of a person who is entitled to the payment under the lift payment scheme.

(2) The payee must ensure the lift payment is given to the person entitled to the payment within 14 days after the payee receives the payment, unless the payee has a reasonable excuse.

Maximum penalty—20 penalty units.

Division 8 Taxi driver display cards and interim taxi driver display cards

Subdivision 1 Taxi driver display cards

137 Issue

The chief executive may issue a taxi driver display card to a holder of driver authorisation (booked hire and taxi).

138 Display

(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

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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.

(2) However, the driver of a taxi does not commit an offence against subsection (1) if the driver is—

(a) displaying under section 143 an interim taxi driver display card held by the driver; or

(b) driving a taxi for a journey that starts in a taxi service area other than a prescribed area.

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

(1) This section applies if a person issued a taxi driver display card under section 137 is driving a vehicle.

(2) The person must not display the taxi driver display card in the vehicle unless the person holds driver authorisation (booked hire and taxi).

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.

Maximum penalty—60 penalty units.

Subdivision 2 Interim taxi driver display cards

140 Issue

The chief executive may issue an interim taxi driver display card to an operator who provides a booked hire service or taxi service in a prescribed area to enable the operator to assign the card to a person if—

(a) the person holds driver authorisation (booked hire and taxi); and

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(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.

141 Temporary assignment

(1) This section applies to an operator who—

(a) provides a taxi service, or a booked hire service using a taxi; and

(b) has been issued an interim taxi driver display card under section 140.

(2) The operator may assign the interim taxi driver display card to a person for a term of not more than 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 (booked hire and 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.

(3) An operator of a taxi service, or a booked hire service provided using a taxi, must not assign an interim taxi driver

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display card to a person unless the person holds driver authorisation (booked hire and taxi).

Maximum penalty—40 penalty units.

142 Temporary issue

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 (booked hire and 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.

143 Display

(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.

(3) However, the driver of a taxi does not commit an offence against subsection (2) if the driver is driving a taxi for a journey that starts in a taxi service area other than a prescribed area.

(4) A person temporarily assigned or issued an interim taxi driver display card under section 141 or 142 who is driving a taxi in a prescribed area while the taxi is available for hire must not display the card in the taxi—

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(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 148.

144 False or misleading information relating to assignment

A person must not give an operator of a taxi service, or an operator of a booked hire service provided using a taxi, 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.

145 Record to be kept about assignment

(1) This section applies to an operator of a taxi service, or a booked hire service provided using a taxi, who temporarily assigns an interim taxi driver display card to a person under section 141.

(2) The operator must keep a written record of the following for at least 5 years after the temporary assignment at a place of business of the operator—

(a) the name of the person to whom the card is assigned;

(b) the person's driver authorisation number;

(c) the reason for the assignment;

(d) the date of the assignment;

(e) the date the card is returned to the operator.

Maximum penalty—20 penalty units.

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146 Return of card

(1) A person to whom an interim taxi driver display card is temporarily assigned under section 141 must, unless the person has a reasonable excuse, return the card to the operator who assigned the card to the person—

(a) within 2 weeks after the term of the assignment ends; or

(b) if requested by the operator—

(i) immediately after the request is made; or

(ii) within the period stated by the operator; or

(c) within 2 weeks after the person's driver authorisation (booked hire and taxi) is suspended or cancelled.

Maximum penalty—20 penalty units.

(2) Subsection (1) applies despite the temporary assignment of the card to the person for a term of 2 weeks.

(3) A person who is temporarily issued an interim taxi driver display card under section 142 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 (booked hire and taxi) is suspended or cancelled.

Maximum penalty—20 penalty units.

147 Duty to notify damage, loss or theft of card

(1) If an interim taxi driver display card is—

(a) issued to an operator under section 140; and

(b) temporarily assigned to a person under section 141; and

(c) damaged, lost or stolen;

the person must give the operator written notice of the damage, loss or theft, as soon as possible, unless the person has a reasonable excuse.

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Maximum penalty—20 penalty units.

(2) If an interim taxi driver display card is—

(a) issued to an operator under section 140; and

(b) damaged, lost or stolen;

the 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 operator has a reasonable excuse.

Maximum penalty—20 penalty units.

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

(1) This section applies to a person—

(a) to whom an interim taxi driver display card is temporarily assigned under section 141 or temporarily issued under section 142; and

(b) who is driving a vehicle.

(2) The person must not display the interim taxi driver display card in the vehicle unless the person holds driver authorisation (booked hire and taxi).

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.

Maximum penalty—60 penalty units.

Part 7 Cross-border taxi services

149 Requirement to carry licence for NSW taxi

(1) An operator of a taxi service who provides a cross-border taxi service must ensure the licence, or a copy of the licence, for the NSW taxi used to provide the service is kept inside the

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NSW taxi and is readily available to the driver of the NSW taxi.

Maximum penalty—40 penalty units.

(2) A person driving a NSW taxi in Queensland must, if asked by an authorised person, make the licence or copy of the licence for the NSW taxi made available to the driver under subsection (1), available for inspection by the authorised person.

Maximum penalty—40 penalty units.

(3) In this section—

licence, for a NSW taxi, means—

(a) a taxi licence issued under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (NSW), part 4; or

(b) a taxi licence continued in force under schedule 2, section 3 of that Act.

150 Cross-border taxi ranks

(1) The chief executive may erect or place a sign at a taxi rank in the Queensland–NSW border area identifying the taxi rank as a taxi rank where a NSW taxi can ply or stand for hire by a person intending to make a journey to New South Wales.

(2) In this section—

Queensland–NSW border area means the part of Queensland bound by the following—

(a) Currumbin Creek;

(b) Tomewin Mountain Road;

(c) the border between Queensland and New South Wales;

(d) the Queensland shoreline.

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Part 8 Licences and authorisation for personalised transport services

Division 1 Preliminary

151 Definitions for part

In this part—

government entity means—

(a) a local government, a State or the Commonwealth; or

(b) an entity established for a government purpose of a local government, a State or the Commonwealth; or

(c) a part of an entity mentioned in paragraph (b).

ultimate approved lessee, of a taxi service licence or limousine licence, means a person—

(a) to whom the licence has been leased or subleased under a lease or sublease approved by the chief executive, under section 162, that has not ended; and

(b) who has not subleased the person's interest in the licence to another person under another sublease approved by the chief executive, under section 162, that has not ended.

vehicle requirements, for a booked hire service licence, limousine licence or taxi service licence, means the requirements under section 158 for a motor vehicle stated in the licence.

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Division 2 Applications for booked hire service licences

152 Application for grant

(1) A person may apply to the chief executive for the grant of a booked hire service licence.

(2) The application must—

(a) be made in the approved form; and

(b) include the details of the motor vehicle to be stated in the licence; and

(c) be accompanied by the fee stated in schedule 8.

153 Chief executive may require information or document

(1) The chief executive may, by written notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 14 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.

(2) The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with the requirement.

154 Deciding application

After receiving the application for the booked hire service licence, the chief executive must consider it and decide—

(a) to grant the application, with or without conditions; or

(b) to refuse, under section 156, to issue the licence.

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155 Granting booked hire service licence

(1) If the chief executive decides to grant the application, the chief executive must issue a booked hire service licence to the applicant.

(2) A booked hire service licence must state the following—

(a) the licence holder's name;

(b) the details of the motor vehicle for which the licence is issued;

(c) the day the licence takes effect and expires;

(d) any conditions of the licence.

(3) If the chief executive decides to impose a condition on the booked hire service licence, the chief executive must give the applicant a regulation notice for the decision.

156 Refusing to issue booked hire service licence

(1) The chief executive may refuse to issue a booked hire service licence to a person if—

(a) the motor vehicle for which the licence is sought does not comply with the vehicle requirements for a booked hire service licence; or

(b) a booked hire service licence, limousine licence or taxi service licence held by a relevant person was cancelled or suspended within the previous year; or

(c) a relevant person has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—

(i) providing a booked hire service or taxi service; or

(ii) using a motor vehicle to provide a booked hire service or taxi service; or

(d) the chief executive considers the refusal is necessary in the public interest.

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(2) Subsection (1)(c) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act applies for working out when a person commits an offence against a provision of an Act.

(3) If the chief executive decides to refuse to issue a booked hire service licence under this section, the chief executive must give the person a regulation notice for the decision.

(4) In this section—

relevant person, in relation to issuing a booked hire service licence to a person, means each of the following persons—

(a) the person;

(b) if the person is a corporation—an executive officer of the corporation;

(c) a related body corporate of the person and each executive officer of the body corporate.

Division 3 Booked hire service licences, limousine licences and taxi service licences

157 Definitions for division

In this division—

licence means—

(a) a booked hire service licence; or

(b) a limousine licence; or

(c) a taxi service licence.

proposed action see section 165(2).

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158 Vehicle requirements

(1) The requirements for a motor vehicle stated in a licence are that the vehicle must be—

(a) an appropriate vehicle for the licence; and

(b) registered under the *Transport Operations (Road Use Management) Act 1995*; and

(c) the subject of a current certificate of inspection; and

(d) the subject of a CTP insurance policy for a class of motor vehicle that includes the following vehicles or another class of vehicle that attracts a higher premium—

(i) for a booked hire service licence—booked hire vehicles;

(ii) for a limousine licence—limousines;

(iii) for a taxi service licence—taxis.

(2) However, subsection (1)(c) does not apply to a motor vehicle mentioned in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 71(2).

(3) In this section—

appropriate vehicle means—

(a) for a booked hire service licence—a passenger vehicle or utility vehicle that has not more than 12 seating positions, including the driver's position; or

(b) for a limousine licence—a passenger vehicle that—

(i) has a wheelbase of at least 2,800mm; or

(ii) is at least 30 years of age from its date of manufacture; or

(c) for a taxi service licence—a passenger vehicle that has not more than 12 seating positions, including the driver's position.

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certificate of inspection see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 66(1).

CTP insurance policy see the *Motor Accident Insurance Act 1994*, section 4.

register of vehicles means a register of vehicles kept by the chief executive under a transport Act as defined under the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

utility vehicle means a motor vehicle that—

(a) is recorded in the register of vehicles as a make of vehicle with 1 of the following body shapes—

(i) dual cabin;

(ii) cabin and chassis;

(iii) utility; and

(b) has a gross vehicle mass of not more than 4.5t.

159 Changing motor vehicle stated in licence

(1) The holder of a licence, or the ultimate approved lessee of a taxi service licence or limousine licence, may apply to the chief executive to change the motor vehicle stated in the licence.

(2) The application must—

(a) be made in the approved form; and

(b) state the details of the motor vehicle that is the subject of the application.

(3) The chief executive may decide to grant the application if the chief executive is satisfied the motor vehicle the subject of the application complies with the vehicle requirements for the licence.

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160 Substitute vehicle for limousine licence outside business hours—Act, s 91R

(1) This section applies if—

(a) a limousine can not be used to provide booked hire services because of a mechanical failure or accident; and

(b) the mechanical failure or accident happened—

(i) outside of the department's business hours; or

(ii) at another time, or at a place, so that it is not reasonably practicable for an application to be made under section 159 at an office of the department during the department's business hours.

(2) The holder or ultimate approved lessee of the limousine licence for the limousine may give the chief executive a notice about the intention of the holder or ultimate approved lessee to use the motor vehicle stated in the notice to provide booked hire services under the licence under this section.

(3) The notice must—

(a) be in the approved form; and

(b) state the details of the motor vehicle the holder or ultimate approved lessee intends to use under this section; and

(c) be given electronically, in the way stated in the approved form.

(4) The holder or ultimate approved lessee of a limousine licence must not give a notice under this section for a motor vehicle that does not comply with the vehicle requirements for the licence.

Maximum penalty—20 penalty units.

(5) For section 91R(3)(b) of the Act, the motor vehicle stated in the notice may be used under the licence for the period that—

(a) starts when the notice is given under this section; and

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(b) ends when the department's business hours end on the third business day after the day the notice is given.

(6) Subsection (5) does not apply if the motor vehicle stated in the notice does not comply with the vehicle requirements for the licence.

161 Transferring original taxi service licence or limousine licence—Act, s 91S

(1) The holder (the ***proposed transferor***) of an original taxi service licence or limousine licence, other than a special purpose limousine licence, must not transfer the licence to another person (the ***proposed transferee***) unless the transfer has been approved by the chief executive under this section.

Maximum penalty—20 penalty units.

(2) Failure to comply with subsection (1) does not invalidate or otherwise affect the transfer of the licence.

(3) An application for approval of a transfer must—

(a) be made in the approved form; and

(b) state the proposed day of the transfer; and

(c) state the proposed price to be paid, or other consideration to be given, for the transfer of the licence; and

(d) be signed by the proposed transferor and the proposed transferee.

(4) The chief executive may refuse the application if—

(a) the proposed transferee, or a related entity of the proposed transferee, has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—

(i) providing a booked hire service or taxi service; or

(ii) using a motor vehicle to provide a booked hire service or taxi service; or

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(b) a licence held by the proposed transferee, or a related entity of the proposed transferee, was suspended or cancelled within the previous year; or

(c) the chief executive considers the refusal is necessary in the public interest.

(5) Subsection (4)(a) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act applies for working out when a person commits an offence against a provision of an Act.

(6) If the chief executive decides to refuse the application, the chief executive must give the proposed transferor and the proposed transferee a regulation notice for the decision.

(7) The proposed transferor must, within 14 days after any of the following happens, give the chief executive written notice of the matter—

(a) the proposed day for the transfer of the licence changes;

(b) the proposed price to be paid, or other consideration to be given, for the transfer changes;

(c) the transfer does not happen on the proposed day of the transfer stated in the approved form or notified to the chief executive under this subsection;

(d) the licence is transferred and the price paid, or other consideration given, for the transfer is different to the proposed price or other consideration stated in the approved form or notified to the chief executive under this subsection;

(e) the proposed transferor or the proposed transferee decides not to proceed with the transfer of the licence.

Maximum penalty—20 penalty units.

(8) In this section—

related entity, of a proposed transferee, means each of the following persons—

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(a) if the transferee is a corporation—an executive officer of the corporation;

(b) a related body corporate of the transferee and each executive officer of the body corporate.

162 Leasing or subleasing taxi service licence or limousine licence—Act, s 91S

(1) The holder or an approved lessee (the ***proposed lessor***) of a taxi service licence or limousine licence, other than a special purpose limousine licence, must not lease or sublease the licence to another person (the ***proposed lessee***) unless the lease or sublease has been approved by the chief executive under this section.

Maximum penalty—20 penalty units.

(2) Failure to comply with subsection (1) does not invalidate or otherwise affect the lease or sublease of the licence.

(3) An application for approval of a lease or sublease must—

(a) be made in the approved form; and

(b) state the proposed start day and end day of the lease or sublease; and

(c) be signed by the proposed lessor and the proposed lessee.

(4) The chief executive may refuse the application if—

(a) the proposed lessee, or a related entity of the proposed lessee, has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—

(i) providing a booked hire service or taxi service; or

(ii) using a motor vehicle to provide a booked hire service or taxi service; or

(b) a licence held by the proposed lessee, or a related entity of the proposed lessee, was suspended or cancelled within the previous year; or

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(c) if the application is for approval of a sublease—the proposed lessor does not have the authority, under the lease under which the proposed lessor holds an interest in the licence, to sublease the licence; or

(d) the chief executive considers the refusal is necessary in the public interest.

(5) Subsection (4)(a) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act applies for working out when a person commits an offence against a provision of an Act.

(6) If the chief executive decides to refuse the application, the chief executive must give the proposed lessor and proposed lessee a regulation notice for the decision.

(7) The proposed lessor must, within 14 days after any of the following happens, give the chief executive written notice of the matter—

(a) the proposed start day or end day of the lease or sublease stated in the approved form changes;

(b) the lease or sublease starts or ends on a day other than the proposed start day or end day stated in the approved form or notified to the chief executive under this subsection;

(c) the proposed lessor or proposed lessee decides not to enter into the lease or sublease.

Maximum penalty—20 penalty units.

(8) In this section—

approved lessee, of a taxi service licence or limousine licence, means a person to whom the licence has been leased or subleased under a lease or sublease, approved by the chief executive under this section, that has not ended.

related entity, of a proposed lessee, means each of the following persons—

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(a) if the lessee is a corporation—an executive officer of the corporation;

(b) a related body corporate of the lessee and each executive officer of the body corporate.

163 Surrendering licence—Act, s 91S

(1) The holder of a licence may surrender the licence by written notice given to the chief executive.

(2) The surrender takes effect from the day the written notice is received by the chief executive or a later day stated in the notice.

164 Grounds for amendment, suspension or cancellation—Act, ss 91P and 91T

(1) The chief executive may amend a person's licence if satisfied the amendment will enable the needs of users of booked hire services or taxi services to be better met.

(2) Without limiting subsection (1), an amendment may impose a condition on, or vary or remove a condition of, the person's licence.

(3) The chief executive may suspend or cancel a person's licence if—

(a) the motor vehicle stated in the licence does not comply with the vehicle requirements for the licence; or

(b) the person, or a related entity of the person, has committed an offence against a provision of relevant transport legislation relating to—

(i) providing a booked hire service or taxi service; or

(ii) using a motor vehicle to provide a booked hire service or taxi service; or

(c) a person, or a related entity of the person, has contravened, or encouraged or permitted another person

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to contravene, a condition of the person's licence or another licence; or

(d) another licence held by the person, or a related entity of the person, has been suspended or cancelled; or

(e) a fee, or the taxi industry security levy under section 91ZW of the Act, payable for the licence remains unpaid after the day payment is required to be made; or

(f) the chief executive considers the suspension or cancellation is necessary in the public interest.

(4) Subsection (3)(b) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act applies for working out when a person commits an offence against a provision of an Act.

(5) In this section—

related entity, of a person, means each of the following persons—

(a) if the person is a corporation—an executive officer of the corporation;

(b) a related body corporate of the person and each executive officer of the body corporate.

165 Show cause notice before taking particular action

(1) This section applies if the chief executive considers a ground exists under section 164 to amend, suspend or cancel a person's licence.

(2) Before taking the action mentioned in subsection (1) (the ***proposed action***), the chief executive must give the person a written notice—

(a) stating the proposed action; and

(b) stating the grounds for the proposed action; and

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(c) outlining the facts and circumstances forming the basis for the grounds; and

(d) if the proposed action is amendment of the licence—stating the proposed amendment; and

(e) if the proposed action is suspension of the licence—stating the proposed suspension period; and

(f) inviting the person to show, within a stated period of at least 28 days, why the proposed action should not be taken.

166 Decision in relation to taking particular action after show cause process

If, after considering all written representations received from a person within the period stated under section 165(2)(f), the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—

(a) if the proposed action was to amend the licence—

(i) amend the licence in the way stated in the notice under section 165(2); or

(ii) amend the licence in another way; or

(b) if the proposed action was to suspend the licence—

(i) suspend the licence for a period of not more than the period stated in the notice under section 165(2); or

(ii) amend the licence; or

(c) if the proposed action was to cancel the licence—

(i) cancel the licence; or

(ii) suspend the licence for a period; or

(iii) amend the licence.

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167 Immediate suspension—Act, s 91T

(1) The chief executive may immediately suspend a person's licence, by giving a written notice to the person, if the chief executive considers—

(a) the motor vehicle stated in the licence does not comply with the vehicle requirements for the licence; or

(b) the suspension is necessary in the public interest.

Example for paragraph (b)—

The chief executive is satisfied the person is behaving in a way that is damaging to the reputation of public passenger transport.

(2) The written notice must state—

(a) that the licence is immediately suspended; and

(b) the reasons for the suspension.

(3) The immediate suspension has effect until the earlier of the following—

(a) the chief executive gives the person a regulation notice under section 166;

(b) the end of 56 days after the written notice under subsection (1) is given to the person;

(c) the chief executive gives the person written notice ending the immediate suspension.

(4) This section applies despite sections 164, 165 and 166.

168 Further action after immediate suspension

(1) This section applies if—

(a) under section 167, the chief executive immediately suspends a person's licence; and

(b) the chief executive also proposes, under section 164, to amend, suspend or cancel the licence.

(2) The written notice under section 167(1) must also state the information mentioned in section 165(2) in relation to the proposed action.

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(3) Section 166 applies to the proposed action as if the written notice given under section 167(1) were a written notice given under section 165(2).

169 Other amendments

(1) The chief executive may amend a person's licence—

(a) for a formal or clerical reason, including, for example, to correct a typographical error; or

(b) in another way that does not adversely affect the person's interests; or

(c) if the person asks.

(2) The chief executive amends the licence by giving written notice to the person.

170 Returning amended, suspended or cancelled licence

(1) This section applies if—

(a) a person is given a notice, under section 166, 167 or 169, amending, suspending or cancelling the person's licence; and

(b) the notice requires the licence to be returned to the chief executive.

(2) The person must, within 14 days after the notice is given, return the licence to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

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Division 4 Substitute vehicle authorities for taxi service licence

171 Purpose of division

For section 91R(3)(b) of the Act, this division provides for the issue of an authority (a ***substitute vehicle authority***) for a motor vehicle that may be used under a taxi service licence in particular circumstances and on particular conditions.

172 Chief executive may issue

The chief executive may issue a substitute vehicle authority—

(a) to an authorised booking entity that provides booking services for booked hire services provided using taxis; and

(b) for a motor vehicle that complies with the vehicle requirements for a taxi service licence.

173 Application

(1) An authorised booking entity may apply to the chief executive for a substitute vehicle authority for taxis for which the entity provides booking services.

(2) The application must—

(a) be made in the approved form; and

(b) include the details of the motor vehicle to be stated in the substitute vehicle authority.

173A Chief executive may require information or document

(1) The chief executive may, by written notice given to the authorised booking entity, require the entity to give the chief executive, within the reasonable period of at least 14 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.

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(2) The authorised booking entity is taken to have withdrawn the application if, within the stated period, the entity does not comply with the requirement.

174 Deciding application

After receiving the application for the substitute vehicle authority, the chief executive must consider it and decide—

(a) to grant the application, with or without conditions; or

(b) to refuse, under section 176, to issue the authority.

175 Issue

(1) If the chief executive decides to grant the application, the chief executive must issue a substitute vehicle authority to the authorised booking entity.

(2) The substitute vehicle authority is for a term of 1 year.

(3) The substitute vehicle authority must state the following—

(a) the authorised booking entity's name;

(b) the details of the motor vehicle for which the authority is issued;

(c) the day the authority starts and ends;

(d) any conditions of the authority.

(4) If the chief executive decides to impose a condition on the substitute vehicle authority, the chief executive must give the authorised booking entity a regulation notice for the decision.

176 Refusal to issue

(1) The chief executive must refuse to issue a substitute vehicle authority if satisfied the motor vehicle for which the authority is sought does not comply with the vehicle requirements for a taxi service licence.

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(2) Also, the chief executive may refuse to issue a substitute vehicle authority if satisfied that, without the authority, there is a sufficient number of substitute vehicles available for booked hire services provided using taxis for which the authorised booking entity provides booking services having regard to—

(a) the circumstances in which a motor vehicle stated in a substitute vehicle authority may be used to provide a booked hire service; and

(b) the number of taxis for which the entity provides booking services; and

(c) the number of substitute vehicle authorities the entity holds.

(3) If the chief executive decides to refuse to issue a substitute vehicle authority under this section, the chief executive must give the authorised booking entity a regulation notice for the decision.

177 Allowed use of vehicle under taxi service licence

The motor vehicle stated in a substitute vehicle authority may be used to provide a booked hire service or taxi service under a taxi service licence if—

(a) the holder of the authority provides booking services for booked hire services provided under the licence; and

(b) the motor vehicle stated in the licence can not be used to provide the booked hire service or taxi service because of any of the following circumstances—

(i) the vehicle has a mechanical fault;

(ii) the vehicle has been involved in an accident;

(iii) another circumstance stated in the authority.

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178 Cancellation

(1) The chief executive may cancel a substitute vehicle authority if satisfied—

(a) the motor vehicle stated in the authority does not comply with the vehicle requirements for a taxi service licence; or

(b) the motor vehicle stated in the authority has been used in contravention of section 180; or

(c) the holder of the authority has contravened, or is contravening, a condition of the authority.

(2) Before cancelling the substitute vehicle authority, the chief executive must give the holder of the authority a written notice—

(a) stating the chief executive is considering cancelling the authority; and

(b) stating the grounds for the cancellation; and

(c) outlining the facts and circumstances forming the basis for the grounds; and

(d) inviting the holder to show, within a stated period of at least 28 days, why the authority should not be cancelled.

(3) If, after considering all written representations received within the stated period, the chief executive is satisfied a ground exists to cancel the substitute vehicle authority, the chief executive may, by giving a regulation notice to the holder of the authority, cancel the authority.

(4) The holder of the authority must, within 14 days after the regulation notice is given, return the substitute vehicle authority to the chief executive, unless the holder has a reasonable excuse.

Maximum penalty—10 penalty units.

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179 Compliance with conditions

The holder of a substitute vehicle authority must comply with a condition of the authority, unless the holder has a reasonable excuse.

Maximum penalty—40 penalty units.

180 Requirements for use of vehicle

(1) A person must not use, or allow the use of, the motor vehicle stated in a substitute vehicle authority to provide a public passenger service other than—

(a) a booked hire service or taxi service provided in compliance with section 177 or 284; or

(b) under a contract with a government entity.

Maximum penalty—40 penalty units.

(2) A person must not use, or allow the use of, the motor vehicle stated in a substitute vehicle authority to provide a public passenger service unless the vehicle—

(a) complies with each condition of the taxi service licence; and

(b) displays the letters 'ST' on the rear and side panels of the vehicle.

Maximum penalty—40 penalty units.

181 Records to be kept when vehicle used under taxi service licence

(1) This section applies if a motor vehicle stated in a substitute vehicle authority (the ***substitute vehicle***) is used to provide a booked hire service or taxi service under a taxi service licence instead of the motor vehicle stated in the licence (the ***original vehicle***).

(2) The holder of the substitute vehicle authority must keep a written record of the following information for 2 years after the substitute vehicle is used as mentioned in subsection (1)—

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(a) the registration number of the substitute vehicle;

(b) the registration number and the fleet number, if any, of the original vehicle;

(c) the date and time the substitute vehicle was used;

(d) the reason why the original vehicle could not be used;

(e) the location of the original vehicle while the substitute vehicle was being used.

Maximum penalty—20 penalty units.

(3) Before the substitute vehicle is used as mentioned in subsection (1), the holder of the substitute vehicle authority for the substitute vehicle must give the information mentioned in subsection (2) to the operator of the booked hire service or taxi service.

Maximum penalty—40 penalty units.

(4) The operator of the booked hire service or taxi service must—

(a) before a driver drives the substitute vehicle instead of the original vehicle to provide the service, give the driver the following information—

(i) a copy of the information given to the operator under subsection (3);

(ii) the taxi service area for the original vehicle;

(iii) a copy of the conditions, if any, imposed on the taxi service licence for the original vehicle; and

(b) keep a copy of the information given to the operator under subsection (3) for 2 years after the information is given.

Maximum penalty—40 penalty units.

(5) The driver of the substitute vehicle must, if asked by an authorised person, make the information mentioned in subsection (4)(a) available for inspection by the authorised person unless the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

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(6) For this section—

(a) a written record or information may be kept, given or made available for inspection electronically; and

(b) a written record or information may be kept, given or made available for inspection by keeping, giving or making available for inspection a copy of the record or information.

182 Records to be kept when vehicle used for public passenger service under government contract

(1) This section applies if the motor vehicle stated in a substitute vehicle authority is used to provide a public passenger service under a contract with a government entity.

(2) The holder of the substitute vehicle authority must keep a written record of the particulars mentioned in section 226(2)(b) to (e) for the use of the motor vehicle to provide the public passenger service for 2 years after the vehicle is used to provide the service.

Maximum penalty—20 penalty units.

183 When motor vehicle not used as substitute vehicle

(1) If a motor vehicle stated in a substitute vehicle authority is not being used as a substitute vehicle for a taxi service licence, the registered operator of the motor vehicle must—

(a) at the request of the chief executive, make the motor vehicle available for inspection by the chief executive; and

(b) not stand the motor vehicle in a public place in a way that would reasonably imply that the vehicle is available for hire as a taxi.

Maximum penalty—40 penalty units.

(2) Subsection (1)(a) does not apply while the motor vehicle is being used to provide a public passenger service under a contract with a government entity.

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Division 5 Booking entity authorisation

Subdivision 1 Preliminary

184 Definitions for division

In this division—

proposed local nominee, of a foreign person, means a person proposed to be the foreign person's local nominee under section 91ZD of the Act.

relevant person means—

(a) for a person's application for a booking entity authorisation, each of the following persons—

(i) the person;

(ii) if the person is a foreign person—the person's proposed local nominee;

(iii) if the person or person's proposed local nominee is a corporation—each executive officer of the corporation;

(iv) a related body corporate of the person or the person's proposed local nominee and each executive officer of the body corporate; or

(b) for a person's booking entity authorisation, each of the following persons—

(i) the person;

(ii) if the person is a foreign person—the person's local nominee;

(iii) if the person or person's local nominee is a corporation—each executive officer of the corporation;

(iv) a related body corporate of the person or the person's local nominee and each executive officer of the body corporate.

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Subdivision 2 Applications

185 Application for grant or renewal

(1) A person may apply to the chief executive for the grant or renewal of a booking entity authorisation.

(2) The application must be—

(a) made in the approved form; and

(b) accompanied by the fee stated in schedule 8.

186 Chief executive may require information or document

(1) The chief executive may, by written notice given to the applicant, require the applicant to give the chief executive, within the reasonable period of at least 14 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application.

(2) The applicant is taken to have withdrawn the application if the applicant does not comply with the requirement.

187 Deciding application

After receiving the application for the grant or renewal of the booking entity authorisation, the chief executive must consider it and decide—

(a) to grant or renew the authorisation, with or without conditions; or

(b) to refuse, under section 189, to grant or renew the authorisation.

188 Grant or renewal

(1) If the chief executive decides to grant or renew the booking entity authorisation, the chief executive must—

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(a) grant or renew the authorisation, with or without conditions; and

(b) give the applicant an authorising document for the authorisation.

(2) For subsection (1)(a), conditions for a renewal of the booking entity authorisation may be the same or different to conditions imposed on the authorisation before the renewal.

(3) The authorising document for the booking entity authorisation must state the following—

(a) the authorisation holder's name;

(b) the day the authorisation takes effect and expires;

(c) any conditions of the authorisation.

(4) If the chief executive decides to impose a condition on the booking entity authorisation, the chief executive must give the applicant a regulation notice for the decision.

189 Refusal to grant or renew

(1) The chief executive may refuse to grant or renew a booking entity authorisation if—

(a) for a person who is a foreign person—the person does not have a proposed local nominee; or

(b) another booking entity authorisation held by a relevant person was cancelled or suspended within the previous year; or

(c) a relevant person has, within the previous year, committed an offence against a provision of relevant transport legislation relating to—

(i) providing a booked hire service, a booking service for a booked hire service or a taxi service; or

(ii) using a motor vehicle to provide a booked hire service or a taxi service; or

(d) a relevant person has been—

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(i) convicted of a disqualifying offence; or

(ii) charged with a disqualifying offence and the charge has not been dealt with; or

(e) the chief executive is satisfied a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—

(i) a booked hire service; or

(ii) a booking service for a booked hire service; or

(iii) a taxi service; or

(f) the chief executive considers the refusal is necessary in the public interest.

(2) Subsection (1)(c) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act applies for working out when a person commits an offence against a provision of an Act.

(3) If the chief executive decides to refuse to grant or renew a booking entity authorisation under this section, the chief executive must give the person a regulation notice for the decision.

Subdivision 3 Amendment, suspension or cancellation

190 Definition for subdivision

In this subdivision—

proposed action see section 192(2).

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191 Grounds for amendment, suspension or cancellation—Act, ss 91Z and 91ZA

(1) The chief executive may amend a person's booking entity authorisation if satisfied the amendment will enable the needs of users of booked hire services to be better met.

(2) Without limiting subsection (1), an amendment may—

(a) change the day the person's booking entity authorisation takes effect or expires; or

(b) impose a condition on, or vary or remove a condition of, the person's booking entity authorisation.

(3) The chief executive may suspend or cancel a person's booking entity authorisation if—

(a) for a foreign person—the person does not have a local nominee; or

(b) a relevant person has contravened a condition of the authorisation; or

(c) a relevant person has committed an offence against a provision of relevant transport legislation relating to—

(i) providing a booked hire service, a booking service for a booked hire service or a taxi service; or

(ii) using a motor vehicle to provide a booked hire service or a taxi service; or

(d) a relevant person has been—

(i) convicted of a disqualifying offence; or

(ii) charged with a disqualifying offence and the charge has not been dealt with; or

(e) a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—

(i) a booked hire service; or

(ii) a booking service for a booked hire service; or

(iii) a taxi service; or

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(f) a fee payable for the authorisation remains unpaid after the day payment is required to be made; or

(g) the chief executive considers the suspension or cancellation is necessary in the public interest.

(4) Subsection (3)(c) is prescribed as a section to which section 150C of the Act applies.

Note—

Section 150C of the Act applies for working out when a person commits an offence against a provision of an Act.

192 Show cause notice before taking particular action

(1) This section applies if the chief executive considers a ground exists under section 191 to amend, suspend or cancel a person's booking entity authorisation.

(2) Before taking the action mentioned in subsection (1) (the ***proposed action***), the chief executive must give the person 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 booking entity authorisation—stating the proposed amendment; and

(e) if the proposed action is suspension of the authorisation—stating the proposed suspension period; and

(f) inviting the person to show, within a stated period of at least 28 days, why the proposed action should not be taken.

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193 Decision in relation to taking particular action after show cause process

If, after considering all written representations received from a person within the period stated under section 192(2)(f), the chief executive is satisfied a ground exists to take the proposed action, the chief executive may, by giving a regulation notice to the person—

(a) if the proposed action was to amend the booking entity authorisation—

(i) amend the authorisation in the way stated in the written notice under section 192(2); or

(ii) amend the authorisation in another way; or

(b) if the proposed action was to suspend the authorisation—

(i) suspend the authorisation for a period of not more than the period stated in the written notice under section 192(2); or

(ii) amend the authorisation; or

(c) if the proposed action was to cancel the authorisation—

(i) cancel the authorisation; or

(ii) suspend the authorisation for a period; or

(iii) amend the authorisation.

194 Immediate suspension

(1) The chief executive may immediately suspend a person's booking entity authorisation, by giving a written notice to the person, if—

(a) for a foreign person—

(i) the person's local nominee stops being a person mentioned in section 91ZD(2) of the Act; or

(ii) the person does not have a local nominee; or

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(b) a relevant person has taken steps to avoid detection of, or prosecution for, an offence committed by the relevant person or another person in relation to providing—

(i) a booked hire service; or

(ii) a booking service for a booked hire service; or

(iii) a taxi service; or

(c) the chief executive considers the suspension is necessary in the public interest.

Example of the public interest—

The chief executive considers the person is behaving in a way that is damaging to the reputation of public passenger transport.

(2) The written notice must state—

(a) that the booking entity authorisation is immediately suspended; and

(b) the reasons for the suspension.

(3) The immediate suspension has effect until the earlier of the following—

(a) the chief executive gives the person a regulation notice under section 193;

(b) the end of 56 days after the written notice under subsection (1) is given to the person;

(c) the chief executive gives the person written notice ending the immediate suspension.

(4) This section applies despite sections 191, 192 and 193.

195 Further action after immediate suspension

(1) This section applies if—

(a) under section 194, the chief executive immediately suspends a person's booking entity authorisation; and

(b) the chief executive also proposes, under section 191, to amend, suspend or cancel the booking entity authorisation.

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(2) The written notice under section 194(1) must also state the information mentioned in section 192(2) in relation to the proposed action.

(3) Section 193 applies to the proposed action as if the written notice given under section 194(1) were a written notice given under section 192(2).

196 Other amendments

(1) The chief executive may amend a person's booking entity authorisation—

(a) for a formal or clerical reason, including, for example, to correct a typographical error; or

(b) in another way that does not adversely affect the person's interests; or

(c) if the person asks.

(2) The chief executive amends the booking entity authorisation by giving written notice to the person.

197 Returning amended, suspended or cancelled authorisation

(1) This section applies if—

(a) a person is given a notice, under section 193, 194 or 196, amending, suspending or cancelling the person's booking entity authorisation; and

(b) the notice requires the booking entity authorisation to be returned to the chief executive.

(2) The person must, within 14 days after the notice is given, return the booking entity authorisation to the chief executive, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

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Subdivision 4 Miscellaneous

198 Notice about charge for disqualifying offence

(1) This section applies if a relevant person for a booking entity authorisation—

(a) is charged with a disqualifying offence; or

(b) becomes aware another relevant person for the booking entity authorisation has been charged with a disqualifying offence.

(2) The relevant person must immediately give the chief executive a written notice stating—

(a) the details of the charge for the disqualifying offence; and

(b) the day when the charge for the disqualifying offence will be heard.

Maximum penalty—10 penalty units.

(3) As soon as practicable after the end of the proceedings for the disqualifying offence, the relevant person must give the chief executive a written notice about the outcome of the proceedings.

Maximum penalty—10 penalty units.

(4) The relevant person does not commit an offence against subsection (2) or (3) if the person reasonably believes another relevant person for the booking entity authorisation has complied with the subsection.

199 Notice about increased fleet

(1) This section applies if—

(a) a person has paid a fee based on a fleet category (the ***previous fleet category***) for a booking entity authorisation; and

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(b) during the term of the booking entity authorisation, the number of available vehicles for the authorisation changes and is more than the upper limit of vehicles in the previous fleet category.

(2) The person must give the chief executive a written notice about the change within 14 days after the change happens.

Maximum penalty—40 penalty units.

(3) In this section—

fleet category, for a booking entity authorisation, means each of the following groupings of numbers of vehicles—

(a) 1 to 5 vehicles;

(b) 6 to 20 vehicles;

(c) 21 to 50 vehicles.

200 Notice to drivers about suspension or cancellation

(1) This section applies if a person's booking entity authorisation is suspended or cancelled.

(2) The person must immediately give a written notice about the suspension or cancellation to each driver for whom the person provided a booking service in the 90 days before the authorisation was suspended or cancelled.

Maximum penalty—80 penalty units.

(3) The written notice may be given electronically.

201 Surrendering authorisation—Act, s 91ZB

(1) The holder of a booking entity authorisation may surrender the authorisation by giving a written notice about the surrender to the chief executive.

(2) The surrender takes effect from the day the written notice is received by the chief executive or a later day stated in the notice.

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Part 9 Vehicle security camera systems

Division 1 Preliminary

202 Definitions for part

In this part—

approved security camera system, means a vehicle security camera system approved by the chief executive under section 213.

approved security camera system sign means a sign approved under section 214.

authorised purpose, for a security recording, means—

(a) examining a complaint about the vehicle, or an event that happened in or about the vehicle, carried out by—

(i) the operator of a booked hire service or taxi service provided using the vehicle or, if the operator is a corporation, an executive officer of the corporation; or

(ii) an employee of the operator of the service, acting under the direct and immediate supervision of the operator or the executive officer; or

Examples of matters that may be the subject of a complaint—

- fare evasion
- lost property
- disorderly conduct
- offensive behaviour
- theft of property
- physical assaults not causing injury

(b) prosecuting, or issuing an infringement notice for, an offence committed in or about the vehicle; or

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(c) another purpose relating to a police officer performing the officer's duties; or

(d) another purpose relating to a public service officer employed in the department performing the officer's duties relating to the administration of vehicle security camera systems fitted in vehicles; or

(e) a manufacturer or supplier of the approved security camera system carrying out work to maintain, or address a failure in, the approved security camera system; or

(f) another purpose required or permitted by law.

front or rear camera system means a device or system that—

(a) records images, or images and audible sounds, in front of or behind a vehicle but not of any person inside the vehicle; and

(b) stores, or transmits and stores, the images, or images and audible sounds, recorded by the device or system.

fully operational, for an approved security camera system, means—

(a) the visual indicator on the camera system, designed to show whether the camera system is operating, shows the camera system is operating; and

(b) the view from a lens of the camera system is not altered or obstructed in a way that would adversely affect the use of an image recording for an authorised purpose; and

Examples of ways the view from a lens of a camera system may be altered or obstructed—

- an object covers, or partially covers, the lens
- the lens is marked or scratched

(c) if relevant for the camera system—the reception of audible sound by the camera system is not altered or obstructed in a way that would adversely affect the use of a sound recording for an authorised purpose.

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Example of ways reception may be altered or obstructed—

an object covers, or partially covers, a microphone of the camera system

image recording includes—

(a) any electronic information from which a recorded image is capable of being generated or a copy of the information; and

(b) a reproduction of a recorded image or a copy of the reproduction.

properly fitted, for an approved security camera system, means the camera system is fitted and aligned in accordance with the specifications approved under section 212 for the camera system.

relevant place, for an approved security camera system sign in or on a vehicle, means—

(a) on all doors of the vehicle, in a place on each door that is approved by the chief executive and published on the department's website; and

(b) at least 1 other conspicuous place inside the vehicle that allows passengers of the vehicle to readily see the sign.

relevant security camera area means the geographic area that corresponds with a taxi service area mentioned in schedule 4.

security recording means an image recording or sound recording made by an approved security camera system fitted in a booked hire vehicle, taxi or limousine.

sound recording includes—

(a) any electronic information from which a recorded audible sound is capable of being generated or a copy of the information; and

(b) a reproduction of a recorded audible sound or a copy of the reproduction.

vehicle security camera system means a device or system, other than a front or rear camera system, that—

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(a) records images, or images and audible sounds, of persons in or about a vehicle; and

(b) stores, or transmits and stores, images, or images and audible sounds, recorded by the device or system.

Division 2 General obligations

203 Application of division

This division applies to the following—

(a) a booked hire vehicle;

(b) a limousine;

(c) a taxi.

204 Obligation on operator of service

(1) This section applies to a vehicle used to provide—

(a) a booked hire service for a journey that starts in a relevant security camera area if—

(i) the vehicle is authorised to provide a taxi service; or

(ii) the passenger pays, or is required to pay, the fare for the journey by cash, electronic funds transfer, credit card transaction or in another way, in person immediately before, during or after the journey; or

(b) a taxi service for a journey that starts in a relevant security camera area.

(2) The operator of a booked hire service or taxi service that is provided using the vehicle must ensure the vehicle is fitted with an approved security camera system.

Maximum penalty—40 penalty units.

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205 Vehicle not to be fitted with vehicle security camera system that has not been approved

A person must not fit, or cause to be fitted, a vehicle security camera system in a vehicle unless it is an approved security camera system.

Maximum penalty—40 penalty units.

206 Operation of camera systems

A person must not drive a vehicle to provide a booked hire service or taxi service while a vehicle security camera system, other than the following, is operating—

(a) an approved security camera system;

(b) a device operated by a passenger.

Maximum penalty—40 penalty units.

Division 3 Vehicles fitted with approved security camera systems

207 Application of division

This division applies if a booked hire vehicle, limousine or taxi is fitted with an approved security camera system, whether or not the camera system was fitted because of the requirement under section 204.

208 Properly fitted and fully operational approved security camera system

When an operator of a booked hire service or taxi service makes the vehicle available to a person to drive to provide the service, the operator must ensure—

(a) the approved security camera system is—

(i) properly fitted; and

(ii) fully operational; and

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(b) an approved security camera system sign is displayed at each relevant place in or on the vehicle.

Maximum penalty—40 penalty units.

209 Obligation on person who drives vehicle

A person must not drive the vehicle unless—

(a) the approved security camera system is fully operational; and

(b) an approved security camera system sign is displayed at each relevant place in or on the vehicle.

Maximum penalty—40 penalty units.

210 Notice that approved security camera system not properly fitted or fully operational

(1) This section applies if an operator of a booked hire service or taxi service provided using the vehicle—

(a) gives the chief executive written notice that the approved security camera system is not, or will not be, properly fitted or fully operational during a stated period because it is undergoing maintenance or repair; and

(b) ensures a copy of the notice is kept in the vehicle during the notice period.

(2) The operator does not commit an offence against section 204(2) or 208 for providing the service using the vehicle, or making the vehicle available to a person to drive to provide the service, during the notice period—

(a) if the written notice states the approved security camera system is not, or will not be, properly fitted during the notice period—without a properly fitted camera system; or

(b) if the written notice states that the camera system is not, or will not be, fully operational during the notice

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period—without a fully operational approved security camera system.

(3) Also, if the written notice states that the approved security camera system is not, or will not be, fully operational during the notice period, a person who drives the vehicle does not commit an offence against section 209 by driving the vehicle without a fully operational approved security camera system during the notice period.

(4) In this section—

notice period, for a written notice given under subsection (1)(a), means the period—

(a) starting on the later of the following days—

(i) the day the notice is given to the chief executive;

(ii) the day stated in the notice as the first day of the period; and

(b) ending on the day stated in the notice as the last day of the period that must be not more than 4 days after the day the period starts.

211 Person must not tamper with approved security camera system

(1) A person must not tamper with the approved security camera system fitted in the vehicle unless the person has lawful authority or excuse.

Maximum penalty—40 penalty units.

(2) In this section—

tamper includes attempt to tamper.

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Division 4 Chief executive functions

212 Chief executive may approve specifications for vehicle security camera system

(1) The chief executive may, by notice published on the department's website, approve specifications for a vehicle security camera system.

(2) Without limiting subsection (1), the notice must include the following specifications for the vehicle security camera system—

(a) whether the camera system may be turned off by a person;

(b) when the camera system must operate, including a period (if any) when the vehicle in which it is fitted is not providing a booked hire service or taxi service;

(c) that the camera system must ensure that a security recording made by the camera system is deleted, destroyed or overwritten within the period stated in the notice;

(d) that the camera system must make a written record of when a security recording made by the camera system is downloaded.

213 Chief executive may approve vehicle security camera system

(1) The chief executive may, by notice published on the department's website—

(a) approve a vehicle security camera system that complies with the specifications approved under section 212 for use in vehicles; or

(b) cancel an approval for a vehicle security camera system.

(2) An approval under subsection (1)(a) may be subject to conditions.

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(3) Without limiting subsection (2), a condition may relate to the following matters—

(a) the technical and functional specifications of the vehicle security camera system;

(b) the requirements for support services to be provided by the manufacturer or supplier of the vehicle security camera system;

(c) the maintenance of the vehicle security camera system;

(d) security controls for the vehicle security camera system.

(4) The chief executive may, under subsection (1)(b), cancel an approval only if—

(a) the chief executive reasonably believes—

(i) the vehicle security camera system no longer complies with the specifications approved under section 212; or

(ii) the vehicle security camera system no longer complies with the approval; or

(iii) the manufacturer or supplier of the vehicle security camera system has breached a condition of the approval; or

(iv) the manufacturer or supplier no longer intends to fully support the vehicle security camera system; or

(b) the chief executive receives a request from the manufacturer or supplier to cancel the approval.

(5) A cancellation of an approval for a vehicle security camera system takes effect 6 months after notice of the cancellation is published under subsection (1)(b).

214 Approval of signs

(1) The chief executive may approve a sign for display in or on a vehicle fitted with an approved security camera system that states a security camera is fitted and operating in the vehicle.

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(2) An approval under subsection (1) must be notified by publication on the department's website.

Division 5 Security recordings

215 Use of security recordings from approved security camera system

(1) A person must not sell a security recording.

Maximum penalty—80 penalty units.

(2) A person must not download, otherwise disclose or use a security recording made in a vehicle when the vehicle was not being used to provide a booked hire service or taxi service unless the person has lawful authority.

Maximum penalty—80 penalty units.

(3) A person must only download, otherwise disclose or use a security recording made in a vehicle when the vehicle was being used to provide a booked hire service or taxi service for an authorised purpose.

Maximum penalty—80 penalty units.

(4) For subsections (2) and (3), a vehicle is used to provide a booked hire service or taxi service when the vehicle—

(a) is about to be used for the service; or

(b) is being used for the service; or

(c) has just been used for the service.

216 Requirement to keep record of download of security recording

(1) A person who downloads a security recording must keep a written record of the following—

(a) the VIN of the vehicle in which the security recording was made;

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(b) the date, time and location of the download;

(c) the person's name;

(d) the reason for the download;

(e) the name and contact details of—

(i) the person asking for the downloaded security recording; and

(ii) the person (if any) to whom the downloaded security recording is to be given;

(f) the date and time the security recording was made;

(g) the filename of the security recording.

Maximum penalty—80 penalty units.

(2) A person who makes a written record under subsection (1) must give a copy of the record to the chief executive within 1 business day after downloading the security recording.

Maximum penalty—80 penalty units.

(3) In this section—

VIN, of a vehicle, see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, schedule 8.

217 Security measures for protecting against unauthorised use of security recording

(1) A relevant person must take all reasonable security measures to ensure a security recording is protected against being—

(a) lost; or

(b) downloaded, otherwise disclosed or used other than under section 215(2) or (3).

Maximum penalty—80 penalty units.

(2) A relevant person does not commit an offence against this section if, because an approved security camera system operates in the way required under a specification mentioned

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in section 212(2)(c), the security recording is deleted, destroyed or overwritten.

(3) In this section—

relevant person, for a security recording for a vehicle, means—

(a) the operator of a booked hire service or taxi service provided using the vehicle; or

(b) a person who arranges a booking for a booked hire service using the vehicle; or

(c) if an operator or person mentioned in paragraph (a) or (b) is a corporation—an executive officer of the corporation; or

(d) when the vehicle is being used to provide a booked hire service or taxi service—the person driving the vehicle; or

(e) a person who downloads, discloses or otherwise uses the security recording under section 215; or

(f) a person who is in possession or has control of the security recording.

218 Disposal of copied security recordings

(1) This section applies if a person has made or received a copy of all or part of a security recording.

(2) The person must delete or otherwise destroy the copy of the security recording on a day that is at least 60 days, but not more than 90 days, after the security recording is made or received, unless the copy is required for an enforcement purpose.

Maximum penalty—80 penalty units.

(3) In this section—

enforcement purpose means prosecuting, or issuing an infringement notice for, an offence.

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Part 9A Matters relating to charging and payment of fares

Division 1 Preliminary

218A Matters relating to charging and payment of fares—Act, ss 143AB and 155

(1) This part provides, for section 143AB of the Act, for matters relating to the payment of a fare in relation to the use or hire of a public passenger vehicle.

(2) This part also provides, for section 155 of the Act, for matters relating to fares charged for the use of particular public passenger services.

218B Definitions for part

In this part—

approved vehicle means a public passenger vehicle for which the chief executive has approved the use of a token to pay a fare in relation to the use or hire of the vehicle.

tap off, a token, means cause the token to be electronically read or scanned by a token reader on finishing a journey to—

(a) enable the payment of the fare for the journey to be processed; or

(b) record the end of the journey.

tap on, a token, means cause the token to be electronically read or scanned by a token reader on starting a journey to—

(a) enable the payment of the fare for the journey to be processed; or

(b) record the start of the journey.

terms or conditions, for travel on, or use of a ticket or token on, a public passenger vehicle, means the terms or conditions for travel on, or use of the ticket or token on, the vehicle set by

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the chief executive or the operator of the public passenger service provided using the vehicle.

token means an app, card, ticket or other thing that can be electronically read or scanned by a token reader on starting or finishing a journey to—

(a) enable the payment of the fare for the journey to be processed; or

(b) record the start or end of the journey.

token reader means an instrument that can be used to electronically read or scan a token on starting or finishing a journey to obtain information from the token to—

(a) enable the payment of the fare for the journey to be processed; or

(b) record the start or end of the journey.

Division 2 Fare evasion

218C Fare evasion

(1) A person must not evade payment of the fare for the person's use or hire of a public passenger vehicle.

Maximum penalty—40 penalty units.

(2) This section is prescribed as a fare evasion provision for the following provisions of the Act—

(a) section 143AG(1)(c);

(b) section 143AHA(4), definition *relevant provision*, paragraph (c);

(c) section 154(3).

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218D When a person using a token evades payment of a fare in relation to an approved vehicle

(1) This section sets out, for section 218C(1), the circumstances in which a person using a token evades payment of a fare in relation to the use or hire of an approved vehicle.

(2) If a person travels or attempts to travel on an approved vehicle using a token for the journey, the person evades payment of a fare in relation to the vehicle if the person does not, without a reasonable excuse, tap on the token for the journey—

(a) for a journey that starts at a station with fare gates—on or before entering an area of the station that is inside the fare gates; or

(b) otherwise—on or before starting the journey.

(3) However, subsection (2)(a) does not apply in relation to a person who is in an area of a station that is inside the fare gates because the person has exited from an approved vehicle into the area.

(4) Subsection (5) applies if—

(a) a person has travelled on an approved vehicle; and

(b) the person tapped on a token for the journey.

(5) The person evades payment of a fare in relation to the approved vehicle if the person does not, without a reasonable excuse, tap off the token for the journey—

(a) for an approved vehicle that has a token reader—on exiting the vehicle; or

(b) otherwise—on or before entering an area that is outside the fare gates, or beyond the last token reader, at the station at which the person exited the vehicle.

(6) If a person is travelling on an approved vehicle using a token for the journey, the person evades payment of a fare in relation to the vehicle if the person, without a reasonable excuse—

(a) taps off the token for the journey before finishing the journey on the vehicle; or

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(b) otherwise causes the payment of the fare for the journey to be processed, or the end of the journey to be recorded, before finishing the journey on the vehicle.

218E When a person otherwise evades payment of a fare

(1) This section sets out, for section 218C(1), other circumstances in which a person evades payment of a fare in relation to the use or hire of a public passenger vehicle.

(2) A person evades payment of a fare in relation to a public passenger vehicle if the person, without a reasonable excuse—

(a) travels or attempts to travel on the vehicle on a concession fare without being entitled to the concession fare; or

(b) travels or attempts to travel on the vehicle using a ticket or token that—

(i) has been altered or defaced in a material way; or

(ii) has been cancelled; or

(iii) is counterfeit; or

(iv) has expired; or

(c) remains on the vehicle after the distance, place or time covered by the fare paid for the journey has been reached; or

(d) travels or attempts to travel on the vehicle in a higher class than the class shown on the person's ticket or token; or

(e) travels or attempts to travel on the vehicle using a ticket or token for the journey that—

(i) belongs to, was issued to, or is for use for a journey by, another person; and

(ii) is not transferable under the terms or conditions for use of the ticket or token on the vehicle.

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(3) However, subsection (2)(d) does not apply to a person in relation to a public passenger vehicle if the operator of the public passenger service provided using the vehicle permits the person to travel in the higher class.

(4) If a person otherwise travels or attempts to travel on a public passenger vehicle, the person evades payment of a fare in relation to the vehicle if the person does not, without a reasonable excuse, pay the fare for the journey.

218F Circumstances in which person using particular facility to record start or end of journey does not commit fare evasion

(1) This section applies if—

(a) a person using a token for a journey on an approved vehicle has not been charged with, or served an infringement notice for, an offence against section 218C(1) for the journey; and

(b) after the person has travelled, the person causes the start or end of the journey to be recorded using a facility provided by the chief executive, other than a token reader.

(2) The person does not commit an offence against section 218C(1) in the circumstances mentioned in section 218D(2) or (5) in relation to the journey.

218G Circumstances in which person given particular direction does not commit fare evasion

(1) This section applies if—

(a) an authorised person gives a person a direction under section 143AHC or 143AHD of the Act; and

(b) the direction is about the person tapping on or tapping off a token for a journey on an approved vehicle.

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(2) If the person complies with the direction, the person does not commit an offence against section 218C(1) in relation to the journey on the approved vehicle.

218H Entitlement to refund in particular circumstances

(1) This section applies if—

(a) a person is—

(i) convicted of an offence against section 218C(1) for a journey; or

(ii) served with an infringement notice for an offence against section 218C(1) for a journey that has been dealt with under the *State Penalties Enforcement Act 1999*; and

(b) the offence is in relation to evading the payment of the fare for the journey in the circumstances mentioned in section 218D(5); and

(c) a passenger account, or the token used for the journey, has been charged a default fare for the journey that is more than the fare that would have been charged if the person had complied with section 218D(5).

(2) The person is entitled to a refund of the difference between the fares.

(3) In this section—

dealt with, for an infringement notice for an offence against section 218C(1) served on a person, means one of the following has happened under the *State Penalties Enforcement Act 1999*—

(a) the person has paid the fine for the infringement notice in full;

(b) the person has elected to have the matter of the offence dealt with by a Magistrates Court and the matter has been finally decided against the person;

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(c) the person has applied for approval to pay the fine for the infringement notice by instalments and the application has been approved;

(d) an order has been made against the person for the offence under section 38 of that Act.

default fare means an amount the chief executive may charge under section 218M(1).

passenger account see section 143C(5) of the Act.

Division 3 Powers relating to production and seizure

218I Power to require production of tickets or tokens

(1) This section applies in relation to a public passenger vehicle if a person travelling on the vehicle is required, under the terms or conditions for travel on the vehicle, to either—

(a) have a ticket for the journey; or

(b) tap on a token for the journey.

(2) The driver or an authorised person may require a person who is travelling, or attempting to travel, on the public passenger vehicle to produce to the driver or authorised person the person's ticket or token for the journey.

(3) If the driver or an authorised person reasonably suspects that a person has just travelled on the public passenger vehicle, the driver or authorised person may require the person to produce to the driver or authorised person the person's ticket or token for the journey.

(4) A person must comply with a requirement under subsection (2) or (3), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(5) A person complies with a requirement under subsection (2) or (3) to produce the person's ticket or token for the journey, if,

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and only if, the person does everything reasonably necessary to enable the driver or authorised person—

(a) to view the ticket or token; and

(b) for a token—to use a revenue protection device to electronically read or scan the token to determine whether the person is contravening, or has just contravened, section 218C(1).

Examples of a thing that may be reasonably necessary—

- produce a ticket or token for the journey
- operate an electronic device on which a token is stored in order to display the token
- refresh an electronic device displaying or storing a token
- hold an electronic device displaying a token away from glare
- display a ticket or token in a way that ensures it is legible

(6) If a person produces a token under subsection (2) or (3) to the driver or an authorised person, the driver or authorised person may use a revenue protection device to electronically read or scan the token to determine whether the person is contravening, or has just contravened, section 218C(1).

(7) In this section—

revenue protection device means an instrument that can be used to electronically read or scan a token to obtain information from the token to determine whether a person is contravening, or has just contravened, section 218C(1).

218J Power to seize particular tickets or tokens

(1) This section applies if—

(a) in accordance with a requirement made under section 218I(2) or (3) in relation to a public passenger vehicle, a person produces to the driver or an authorised person a physical ticket or a physical token; and

(b) the ticket or token is, or purports to be, issued by the chief executive, or the operator of the public passenger

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service provided using the vehicle, for the primary purpose of—

(i) enabling the payment of a fare for a journey to be processed; or

(ii) recording the start or end of a journey; or

(iii) providing evidence of the payment of a fare for a journey.

(2) The driver or authorised person may require the person to give the ticket or token to the driver or authorised person if—

(a) the driver or authorised person reasonably suspects the ticket or token—

(i) has been altered or defaced in a material way; or

(ii) has been cancelled; or

(iii) is counterfeit; or

(iv) has expired; or

(b) both of the following apply—

(i) the driver or authorised person reasonably suspects the ticket or token belongs to, was issued to, or is for use for a journey by, another person;

(ii) the ticket or token is not transferable under the terms or conditions for use of the ticket or token on the public passenger vehicle.

(3) The person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

218K Power to require evidence of concession entitlement

(1) The driver or an authorised person may require a person who is travelling, or attempting to travel, on a public passenger vehicle on a concession fare to produce to the driver or authorised person evidence of the person's entitlement to the concession fare.

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(2) If the driver or an authorised person reasonably suspects that a person has just travelled on a public passenger vehicle on a concession fare, the driver or authorised person may require the person to produce to the driver or authorised person evidence of the person's entitlement to the concession fare.

(3) A person must comply with a requirement under subsection (1) or (2) unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

218L Power to require evidence to verify identity in particular circumstances

(1) This section applies if—

(a) in accordance with a requirement made under section 218K(1) or (2) in relation to a public passenger vehicle, a person produces to the driver or an authorised person a document as evidence of the person's entitlement to a concession fare; and

(b) the document does not contain a photograph of the person; and

(c) the person is 15 years or more.

(2) The driver or authorised person may require the person to produce to the driver or authorised person evidence to verify that the person stated in the document is the person.

(3) The person must comply with a requirement under subsection (2) unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

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Division 4 Matters relating to charging of fares

218M Chief executive may charge amount as default fare in particular circumstances

(1) The chief executive may charge an amount, of not more than the maximum amount, decided by the chief executive as a default fare in relation to the use or hire of a relevant public passenger vehicle that applies if a person using a token for a journey on the vehicle does not tap on or tap off the token for the journey.

(2) The chief executive must publish the amount on the department's website.

(3) Without limiting subsection (1), the chief executive may charge a different amount for different relevant public passenger vehicles or classes of persons.

(4) In this section—

maximum amount means the highest amount payable for the use or hire of a relevant public passenger vehicle decided by the chief executive and published on the department's website.

relevant public passenger vehicle means a relevant public passenger vehicle under section 153B(3) of the Act.

Part 10 Obligations of operators of public passenger services

219 Equipment requirements for particular public passenger vehicles

An operator of a public passenger service that uses a public passenger vehicle mentioned in schedule 5, column 1 to provide the service must ensure the vehicle complies with the requirements listed opposite the vehicle in column 2.

Maximum penalty—20 penalty units.

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220 Advertising on public passenger vehicles

An operator of a public passenger service must ensure a vehicle used to provide the service is not driven on a road if an advertisement or other marking displayed on the vehicle—

(a) is or may be a danger to a person; or

(b) conceals or obliterates a sign, writing or number required under an Act to be placed on the vehicle or makes the sign, writing or number difficult to read.

Maximum penalty—20 penalty units.

221 Accreditation certificates and accreditation numbers

(1) An operator of a relevant service must—

(a) for each limousine or NSW taxi used to provide the service—keep a copy of the operator's accreditation certificate in the vehicle while the vehicle is being used to provide the service; and

(b) for a motorbike used to provide the service—display the accreditation number for the operator accreditation on the vehicle so that the accreditation number is—

(i) preceded by the letter 'Q'; and

(ii) securely fixed to the vehicle; and

(iii) clearly legible from a distance of 4.5m away from the vehicle; and

(c) for any other vehicle used to provide the service—display the accreditation number for the operator accreditation on the vehicle so that the accreditation number is—

(i) preceded by the letter 'Q'; and

(ii) securely fixed to the bottom left-hand side of the rear of the vehicle or the bottom left-hand side of the vehicle's rear window; and

(iii) clearly legible from a distance of 4.5m away from the vehicle.

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Maximum penalty—20 penalty units.

(2) A person driving a vehicle in which a copy of the operator's accreditation certificate is kept under subsection (1)(a) must, if asked by an authorised person, make the certificate available for inspection by the authorised person.

Maximum penalty—20 penalty units.

(3) An operator of a relevant service must remove, from a vehicle being used to provide the service, the accreditation number for the operator accreditation if—

(a) the accreditation is cancelled; or

(b) the operator stops using the vehicle to provide the service.

Maximum penalty—20 penalty units.

(4) A person must not provide a public passenger service using a public passenger vehicle displaying an accreditation number for an operator accreditation if the person does not hold the operator accreditation.

Maximum penalty—20 penalty units.

(5) A person who fails to comply with subsection (1), (2) or (4) does not commit an offence against the subsection if the person has a reasonable excuse for the failure to comply.

(6) For subsections (1) and (4), it is a reasonable excuse for the person to fail to comply with the subsection if—

(a) the vehicle used to provide the public passenger service is leased from, or usually used by, another holder of operator accreditation; and

(b) the vehicle is to provide the public passenger service because of an exceptional circumstance; and

Example for paragraph (b)—

A replacement bus is used because of a vehicle breakdown.

(c) the vehicle is not used to provide the public passenger service for a period of more than 5 days, whether or not consecutively, within any period of 3 months.

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(7) In this section—

accreditation certificate, for an operator, means a certificate evidencing the operator's operator accreditation.

222 Presenting vehicles for inspection

(1) The chief executive may, by written notice, require the operator of a public passenger service to take a vehicle used to provide the service to a stated place within a stated period for inspection and testing.

(2) The operator must comply with the requirement.

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

223 Providing safe vehicles

An operator of a public passenger service, other than an operator of a road-based public passenger service, must ensure a vehicle used to provide the service is in a safe condition when used to provide the service.

Maximum penalty—20 penalty units.

224 Motor vehicles used to provide booked hire services and taxi services

(1) This section applies to a motor vehicle used to provide a booked hire service or taxi service.

(2) The operator of the booked hire service or taxi service must ensure—

(a) the motor vehicle is serviced and maintained to a standard that complies with, or exceeds, the servicing and maintenance program specified by the vehicle's manufacturer; and

(b) a copy of the servicing and maintenance program is kept by the operator; and

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(c) a written record is made by the operator about each service and maintenance of the vehicle; and

(d) the record mentioned in paragraph (c) is kept by the operator for at least 2 years after the record is made.

Maximum penalty—20 penalty units.

(3) The operator must, if asked by an authorised person, make available for inspection by the authorised person a document mentioned in subsection (2)(b) or (d).

Maximum penalty—20 penalty units.

225 Requirement for authority to enter place

An operator of a public passenger service must not allow the service to be provided to the following places unless the operator has the authority of the person who owns, controls 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 under the *Forestry Act 1959*;

(e) a place controlled, administered or owned by Aboriginal people or Torres Strait Islanders.

Maximum penalty—20 penalty units.

226 Record to be kept about each use of vehicle used to provide public passenger service

(1) This section applies to an operator of a relevant 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;

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(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) if the driver holds a driver authorisation other than a restricted driver authorisation—the driver's driver authorisation number.

Maximum penalty—20 penalty units.

Note—

See also section 77C.

227 Record to be kept about restricted driver authorisation

A prescribed operator who grants a restricted driver authorisation to a person must keep a written record of the following particulars—

(a) the name of the person;

(b) the date of the grant;

(c) the date of expiry of the authorisation;

(d) any amendment of the authorisation and the date of the amendment;

(e) any automatic cancellation of the authorisation under section 38(c) and the reasons for the automatic cancellation;

(f) the number of the person's driver licence;

(g) if the person's driver licence is not a Queensland driver licence—the State or foreign country where the licence was issued.

Maximum penalty—20 penalty units.

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228 Prescribed operator must notify chief executive if restricted driver authorisation granted, amended or cancelled

(1) A prescribed operator must, within 3 business days after granting, amending or cancelling a restricted driver authorisation, give the chief executive notice about the grant, amendment or cancellation.

Maximum penalty—10 penalty units.

(2) The notice must be in the approved form.

229 Air conditioning in buses—obligations of operator

(1) If the operator of a public passenger service uses a bus fitted with an air conditioner to provide a general route service or school service, the operator must—

(a) ensure the air conditioner is fully operational and in good repair; and

(b) if the maximum daily air temperature forecast by the Bureau of Meteorology for the area where the general route service or school service operates is at least 28ºC—instruct the driver to turn on the air conditioner.

Maximum penalty—20 penalty units.

(2) The operator does not commit an offence against subsection (1)(a) in relation to the use of a bus fitted with an air conditioner that is not fully operational because it requires maintenance or repair if, after first becoming aware that the air conditioner is not fully operational—

(a) the operator takes reasonable steps to have the air conditioner maintained or repaired as quickly as possible; and

(b) the operator makes a written record of—

(i) the date the air conditioner stopped being fully operational or in good repair; and

(ii) the steps taken to have the air conditioner maintained or repaired as quickly as possible; and

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(c) the operator displays a sign in a conspicuous position near the entry to the bus that informs the passengers that the air conditioner is not fully operational because it requires maintenance or repair.

230 Particular public passenger service not to be provided using particular vehicle

An operator of a relevant service must not provide the service using a nominated vehicle fitted with a prescribed interlock.

Maximum penalty—40 penalty units.

Part 11 Rights and obligations of passengers and drivers of public passenger vehicles

231 Application of part

This part does not apply to a public passenger vehicle that is rolling stock.

232 Smoking, and consumption of food or beverages

(1) A person must not smoke in a public passenger vehicle.

Maximum penalty—20 penalty units.

(2) A person must not consume food or beverages in a public passenger vehicle without the permission of—

(a) the driver of the vehicle; or

(b) the operator of the public passenger service for which the vehicle is provided.

Maximum penalty—20 penalty units.

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233 Use of seats

(1) A person must not, without the permission of the driver of the public passenger vehicle or the operator of the public passenger service for which the vehicle is provided—

(a) put the person's feet, whether or not covered by footwear, on a seat of the vehicle; or

(b) occupy more than 1 seat of the vehicle.

Maximum penalty—20 penalty units.

(2) In this section—

public passenger vehicle does not include a booked hire vehicle, limousine or taxi.

234 Carrying animals

(1) A person must not take an animal on a public passenger vehicle unless—

(a) the person has control of the animal; and

(b) either—

(i) the person has the permission of the driver of the vehicle or the operator of the public passenger service for which the vehicle is provided; or

(ii) the animal is an assistance animal.

Maximum penalty—20 penalty units.

(2) The driver of a public passenger vehicle must allow a person to take an assistance animal on the vehicle if the person has control of the animal.

Maximum penalty—20 penalty units.

235 Identification of drivers

(1) A person must not drive a public passenger vehicle to provide a public passenger service for which driver authorisation is

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required unless the person carries the document evidencing the person's driver authorisation.

Maximum penalty—20 penalty units.

(2) If the chief executive has imposed a condition on the person's driver authorisation, the person must also carry the document evidencing the imposed condition.

Maximum penalty—20 penalty units.

236 Help to passengers

If a passenger of, or intending passenger for, a public passenger vehicle asks for help to board or leave the vehicle, or asks for help with luggage, the driver of the vehicle must give the help to the extent reasonable in the circumstances.

Maximum penalty—10 penalty units.

237 Riding as passenger on motorbike

The driver of a motorbike used to provide a public passenger service must not allow a person to ride as a passenger unless the driver is satisfied the safety of the driver, the person and other passengers on the motorbike is not unreasonably put at risk by allowing the person to ride as a passenger.

Maximum penalty—20 penalty units.

238 Air conditioning in buses—obligations of driver

(1) This section applies if the operator of a public passenger service—

(a) uses a bus fitted with an air conditioner to provide a general route service or school service; and

(b) instructs the driver of the bus to turn on the air conditioner while the bus is being used to provide the general route service or school service.

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(2) The driver must comply with the request unless the driver has a reasonable excuse.

Maximum penalty—20 penalty units.

Example of a reasonable excuse—

The air conditioner requires maintenance or repair.

239 Particular vehicle not to be driven to provide public passenger service

A person must not drive a nominated vehicle fitted with a prescribed interlock to provide a public passenger service for which driver authorisation is required.

Maximum penalty—40 penalty units.

Part 12 Rights and obligations of persons on regulated areas

Division 1 Preliminary

240 Definition for part

In this part—

regulated area means a busway, busway transport infrastructure or light rail platform.

Division 2 Access

241 Driving and parking vehicles

(1) A person must not drive a vehicle on a busway or busway transport infrastructure at more than—

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(a) the speed indicated on a sign displayed by the chief executive on the busway or busway transport infrastructure; or

(b) if no sign is displayed, 10km/h.

Maximum penalty—20 penalty units.

(2) A person must not drive a vehicle, other than a pram or wheelchair, on an area of—

(a) a busway or busway transport infrastructure designed for pedestrian use; or

(b) a light rail platform.

Maximum penalty—20 penalty units.

(3) Subsections (1) and (2) do not apply to a person driving in the course of the person's duty as an employee or member of an emergency service in an emergency situation.

(4) A person must not park a vehicle on a busway or busway transport infrastructure other than in a place where the chief executive has authorised parking.

Maximum penalty—20 penalty units.

(5) A person driving a vehicle on a busway or busway transport infrastructure must obey a direction indicated on a sign displayed by the chief executive on the busway or busway transport infrastructure about driving or parking the vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(6) In this section—

emergency service means—

(a) the Queensland Ambulance Service; or

(b) Queensland Fire and Rescue; or

(c) Rural Fire Service Queensland, other than a rural fire brigade under the *Fire Services Act 1990*; or

(d) the Queensland Police Service; or

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(e) the State Emergency Service.

242 Entering or leaving regulated area

(1) This section applies to a regulated area with a designated entry or designated exit.

(2) A person must not—

(a) enter the regulated area other than through the designated entry; or

(b) leave the regulated area other than through the designated exit.

Maximum penalty—20 penalty units.

243 Person must not enter busway route

(1) A person must not enter a busway route unless—

(a) the person is on a bus being driven on the route; or

(b) the person is authorised by the chief executive to enter the route.

Maximum penalty—20 penalty units.

(2) In this section—

busway route see the *Transport Infrastructure Act 1994*, schedule 6, definition *busway*, paragraph (a).

Division 3 Persons on regulated areas

244 Application of division

This division applies to a person on a regulated area, other than a person on a public passenger vehicle being driven on the regulated area.

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245 Animals on regulated area

(1) A person must not take an animal on, or allow an animal to stray onto, a regulated area.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to a person if the animal is an assistance animal and the person has control of the animal.

246 Alcohol

A person must not drink alcohol on a regulated area.

Maximum penalty—20 penalty units.

247 Smoking

(1) This section applies to a part of a regulated area (a ***non-smoking area***) if a sign is displayed by the chief executive in or near the regulated area indicating that smoking is not allowed in the non-smoking area.

(2) A person must not smoke in the non-smoking area.

Maximum penalty—20 penalty units.

248 Selling, seeking business or conducting survey

(1) A person on a regulated area must not publicly and personally—

(a) sell anything; or

(b) seek business; or

(c) conduct a survey.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply if the person has the permission of a responsible person for the regulated area.

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249 Playing musical instrument or operating sound equipment

(1) A person on a regulated area must not—

(a) play a musical instrument; or

(b) operate sound equipment.

Maximum penalty—10 penalty units.

(2) Subsection (1) does not apply if—

(a) earphones are attached to the musical instrument or sound equipment and the sound level from the earphones is not likely to be a nuisance; or

(b) the person has the permission of a responsible person for the regulated area.

(3) In this section—

attached, for earphones in relation to a musical instrument or sound equipment, means the earphones are connected to the instrument or equipment in a way that diverts all sounds emitted by the instrument or equipment through the earphones only.

sound equipment means an amplifier, radio, tape recorder or other device that emits sound.

Division 4 Miscellaneous

250 Signs displayed by chief executive may be official traffic sign

(1) A sign displayed by the chief executive on a busway or busway transport infrastructure under this part may be in the form of an official traffic sign and, if the sign is an official traffic sign, it is taken to contain the indication given by the official traffic sign.

(2) In this section—

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indication see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

official traffic sign see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Part 13 Rights and obligations of persons in public passenger vehicles and on public transport infrastructure

251 Spitting

A person must not spit onto, or out of, the following—

(a) a public passenger vehicle;

(b) a busway;

(c) busway transport infrastructure;

(d) a light rail platform.

Maximum penalty—20 penalty units.

252 Creating disturbance or nuisance

(1) A person must not create a disturbance or nuisance in or on a public passenger vehicle or public transport infrastructure unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

(2) This section is prescribed for the Act, section 143AHA(4), definition *relevant provision*, paragraph (b).

253 Litter

(1) This section applies in relation to public transport infrastructure other than a railway or rolling stock.

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(2) A person must not leave litter in or on the public transport infrastructure other than in a container provided for depositing litter.

Maximum penalty—10 penalty units.

Part 14 Dealing with property on busway, busway transport infrastructure or light rail

254 Definitions for part

In this part—

moving expenses see section 257.

property includes a vehicle.

responsible officer see section 256(2).

255 Moving abandoned, parked or left property

(1) This section applies if property is—

(a) abandoned on a busway, busway transport infrastructure or light rail; or

(b) parked or left on a busway, busway transport infrastructure or light rail, other than in a place—

(i) authorised as a place for parking; or

(ii) authorised as a place for leaving or keeping the property.

(2) The responsible person, or an authorised person, for the busway, busway transport infrastructure or light rail may take steps that are reasonable and necessary to move the property to another place.

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256 Notifying owner that property moved

(1) This section applies if property is moved under section 255 by a responsible person, or an authorised person, for a busway, busway transport infrastructure or light rail.

(2) The responsible person for the busway, busway transport infrastructure or light rail (the ***responsible officer***) must, within 14 days after moving the property, give the owner of the property a written notice that states—

(a) the property has been moved; and

(b) how the property may be recovered; and

(c) if the responsible officer considers, on reasonable grounds, the property has been abandoned—

(i) the property is considered to be abandoned property; and

(ii) the property may be sold if the property is not recovered within 2 months.

(3) If the owner can not be identified or located within the 14 days, the written notice may be given by publishing the notice in a newspaper circulating generally in the State.

(4) However, the responsible officer need not give the written notice if—

(a) the property has insufficient value to justify giving the notice; or

(b) it is otherwise impracticable to give the notice.

257 Moving expenses

The responsible officer may recover the reasonable expenses of moving the property, securely storing the property and publishing any newspaper notice for the property (the ***moving expenses***) from—

(a) the person who was in charge of the property immediately before it was moved; or

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(b) if the person mentioned in paragraph (a) can not be identified or located—the owner of the property, unless the property was being used on the busway, busway transport infrastructure or light rail without the owner's consent.

258 Releasing property when expenses paid

The responsible officer must release the property to its owner or in accordance with its owner's written directions if the moving expenses are paid.

259 Disposing of property

(1) The responsible officer may dispose of property the responsible officer considers, on reasonable grounds, to have been abandoned on a busway, busway transport infrastructure or light rail if—

(a) the moving expenses are not paid within 2 months after a written notice is given under section 256; or

(b) if the responsible officer decides not to give a written notice under section 256—at least 2 months have passed since the decision.

(2) The responsible officer may dispose of the property—

(a) by selling the property; or

(b) if the proceeds of sale are not likely to cover the reasonable expenses that would be incurred by the responsible officer in selling the property—in the way the responsible officer considers appropriate.

(3) If the property is sold, the sale proceeds must be used to make payments in the following order—

(a) the expenses (the ***sale expenses***) reasonably incurred by the responsible officer in selling the property;

(b) the moving expenses;

(c) any balance to the owner.

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(4) If the sale proceeds are less than the sale expenses and moving expenses, the difference between the proceeds and expenses—

(a) is a debt payable to the responsible officer by the person who is liable for the moving expenses; and

(b) may be recovered as a debt by action against the person.

(5) If the property is not sold, the moving expenses and the expenses reasonably incurred by the responsible officer in disposing of the property—

(a) are a debt payable to the responsible officer by the person who is liable for the moving expenses; and

(b) may be recovered as a debt by action against the person.

(6) The responsible officer may waive part or all of the expenses mentioned in this section.

Part 15 Review of decisions

260 Review of decisions not provided for under Act, chapter 10

Sections 102 and 103 of the Act apply to a decision described in schedule 6 as if the decision were described in schedule 2 of the Act.

Part 16 Miscellaneous

Division 1 Prescribing particular matters for Act

262A Relevant entity—Act, s 148BB

For section 148BB(3) of the Act, definition *relevant entity*, paragraph (c), the following entities are prescribed—

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(a) an entity contracted by the Commonwealth to provide the program known as Status Resolution Support Services;

(b) Australian Red Cross Society ABN 50 169 561 394, trading as Australian Red Cross Society - Queensland Division.

263 Authorised disclosure of information—Act, s 148C

(1) The chief executive may, by publication on the department's website, disclose information about the price paid, or other consideration given—

(a) for the issue of a taxi service licence under section 91F of the Act; or

(b) for the transfer of—

(i) an original taxi service licence; or

(ii) a limousine licence (other than a special purpose limousine licence).

(2) However, the chief executive must not disclose the name of a person, including, for example, a person who is the transferor or transferee of a licence.

263A Revenue protection device—Act, s 153B

For section 153B(3) of the Act, definition *revenue protection device*, paragraph (b), the following are prescribed—

(a) a PAX Technology A77;

(b) a Samsung Galaxy J3 (2016);

(c) a Cubic Transportation Systems CDRL 48.

264 Disqualifying offences—Act, sch 3, def *disqualifying offence*

For the Act, schedule 3, definition *disqualifying offence*, paragraph (e), each of the following is prescribed—

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

(b) an offence against the expired *Transport Operations (Passenger Transport) Regulation 2005* for which the maximum penalty was at least 20 penalty units.

265 Scheduled passenger services that are not general route services—Act, sch 3, def *general route service*

(1) For the Act, schedule 3, definition *general route service*, the following are not general route services—

(a) a scheduled passenger service that is restricted to use for 1 specific purpose;

Examples—

a scheduled passenger service that is restricted to use by—

- spectators travelling to or from a football game
- tourists travelling to or from a common tourist attraction

(b) a scheduled passenger service that—

(i) is provided for 1 specific purpose; and

(ii) is subject to a condition that prevents a person from using the service primarily for another purpose.

Example—

a hop-on hop-off style tour service that is intended to be used by tourists who want to travel to multiple tourist attractions and, because of the higher fare, practically prevents a person from using the service to go to work

(2) However, subsection (1) does not apply to a scheduled passenger service to or from the Brisbane airport unless the service is—

(a) an accommodation transfer service; or

(b) a tourist service; or

(c) a tourist transfer service; or

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(d) a service that may only be used by a person who has booked the service—

(i) for a service from a place to the Brisbane airport—before the vehicle used to provide the service arrives at the place; or

(ii) for a service from the Brisbane airport to a place—before the person arrives at the airport to use the service.

(3) In this section—

accommodation house means a place providing lodging or food and lodging to the public.

accommodation transfer service means a public passenger service, other than a booked hire service—

(a) that—

(i) is provided for travellers arriving in or departing from an area; and

(ii) operates between an airport, ferry terminal, intercity bus terminal or railway terminal and an accommodation house in the area; and

(b) that requires journeys on the service to be pre-booked and travel documentation for the journeys to be issued before the travellers arrive in the area.

tourist transfer service means a public passenger service, other than a booked hire service—

(a) that operates between—

(i) an accommodation house; and

(ii) a tourist attraction or tourist service; and

(b) for which journeys are pre-booked before the time of travel.

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266 Services excluded from passenger services—Act, sch 3, def *public passenger service*

(1) For the Act, schedule 3, definition *public passenger service*, the following services involving the carriage of persons are excluded from the Act—

(a) a service provided by the Australian Defence Force, Queensland Fire and Rescue, Rural Fire Service Queensland (other than rural fire brigades under the *Fire Services Act 1990*) or the Queensland Police Service;

(b) a service provided by an ambulance service;

(c) a service provided with a human-powered or animal-powered vehicle;

(d) a service provided for amusement other than on a road;

(e) a car pooling arrangement;

(f) a service provided as part of a funeral;

(g) a service provided as part of a street parade authorised under a law;

(h) a service provided by the hire of a person to drive a motor vehicle if the service does not include the hire of the vehicle.

(2) A vehicle breakdown service, including, for example, a towing service, to the extent it provides the driver or passengers of a broken-down vehicle with transport, is also a service excluded from the Act.

Example of a towing service—

a service that tows a vehicle, or transports a vehicle on a truck or trailer, from the place where the vehicle broke down

Examples of a broken-down vehicle—

- an inoperable vehicle
- a vehicle damaged to the extent that it can not be driven or driven safely
- a vehicle the driver stops driving as a precaution against mechanical failure or greater mechanical failure

(3) However, subsection (2) applies only if—

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(a) the broken-down vehicle is not at the vehicle's base of operations; and

(b) either—

(i) there is no reasonable alternative transport; or

(ii) the driver of the vehicle providing the transport reasonably believes the health or safety of the driver of the broken-down vehicle, or any of its passengers, is placed in unreasonable danger because of the breakdown.

(4) In this section—

ambulance service means—

(a) the Queensland Ambulance Service established under the *Ambulance Service Act 1991*; or

(b) the Ambulance Service of NSW established under the *Health Services Act 1997* (NSW); or

(c) the SA Ambulance Service Inc established under the *Health Care Act 2008* (SA); or

(d) an approved ambulance service within the meaning of the *Mental Health and Related Services Act* (NT).

car see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

truck see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

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Division 2 Other authorised persons

Subdivision 1 Authorised persons for Gold Coast light rail

267 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 the Gold Coast light rail—

(a) an employee of, or a contractor for, a light rail manager for the Gold Coast light rail;

(b) an employee of, or a contractor for, a light rail operator for the Gold Coast light rail;

(c) an employee of a contractor mentioned in paragraph (a) or (b).

268 Powers

(1) For section 114(2) of the Act, the powers of an authorised person for the Gold Coast light rail are limited to the powers given under—

(a) the following provisions of the Act—

(i) section 127;

(ii) section 143AG;

(iii) section 143AH;

(iv) section 143AHA(1);

(v) section 143AHB(1);

(vi) section 143AHC;

(vii) section 143AHD; and

(b) the following provisions of this regulation—

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(i) section 218I;

(ii) section 218J;

(iii) section 218K;

(iv) section 218L;

(v) section 255.

(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 143AE(1);

(ii) section 143AK; or

(b) the following provisions of this regulation—

(i) section 218C(1);

(ii) section 218I(4);

(iii) section 218J(3);

(iv) section 218K(3);

(v) section 218L(3);

(vi) section 232;

(vii) section 233(1);

(viii) section 234(1);

(ix) section 241(2);

(x) section 242(2);

(xi) sections 245 to 249;

(xii) section 251;

(xiii) section 252(1);

(xiv) 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

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section for an offence against the following relevant provisions for that section—

(a) section 143AE(1) of the Act;

(b) section 218C(1) of this regulation;

Note—

Section 218C(2) prescribes section 218C as a fare evasion provision for section 143AHA(4) of the Act, definition *relevant provision*, paragraph (c).

(c) section 252(1) of this regulation;

Note—

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

(d) section 377 of the *Transport Infrastructure Act 1994*.

(4) In addition, the powers are limited to being exercised only for the Gold Coast light rail.

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 an operator who is the holder of a service contract;

(b) a contractor for an operator who is the holder of a service contract or an employee of the contractor.

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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—

(a) the following provisions of the Act—

(i) section 127;

(ii) section 143AG;

(iii) section 143AH;

(iv) section 143AHA(1);

(v) section 143AHB(1);

(vi) section 143AHC;

(vii) section 143AHD; and

(b) the following provisions of this regulation—

(i) section 218I;

(ii) section 218J;

(iii) section 218K;

(iv) section 218L.

(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 143AE(1);

(ii) section 143AK; or

(b) the following provisions of this regulation—

(i) section 218C(1);

(ii) section 218I(4);

(iii) section 218J(3);

(iv) section 218K(3);

(v) section 218L(3);

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(vi) section 232;

(vii) section 233(1);

(viii) section 234(1);

(ix) section 251;

(x) section 252(1);

(xi) 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 143AE(1) of the Act;

(b) section 218C(1) of this regulation;

Note—

Section 218C(2) prescribes section 218C as a fare evasion provision for section 143AHA(4) of the Act, definition *relevant provision*, paragraph (c).

(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 (b).

(4) The powers of an authorised person for a service contract may be exercised only in relation to—

(a) a public passenger service that is required to be provided under a service contract; or

(b) public transport infrastructure used to provide a public passenger service that is required to be provided under a service contract.

(5) However, an authorised person for a service contract may exercise the person's powers in relation to a service contract only if and to the extent—

(a) the authorised person is an employee of the operator who is the holder of the service contract; or

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(b) the authorised person is a contractor of the operator who is the holder of the service contract or an employee of the contractor; or

(c) the following entities have agreed that the authorised person may exercise powers in relation to the service contract—

(i) the operator who is the holder of the service contract;

(ii) the operator who is the authorised person's employer or who engages the person or the person's employer as a contractor;

(iii) the chief executive.

Division 3 Vehicle requirements

269 Vehicle requirement for providing particular public passenger services

(1) This section applies to a public passenger service other than the following services—

(a) a booked hire service;

(b) a community transport service;

(c) a courtesy transport service;

(d) a taxi service.

(2) A person must not provide the public passenger service using a motor vehicle unless the vehicle is—

(a) a passenger vehicle; or

(b) for a tourist service—

(i) a passenger vehicle; or

(ii) a motorbike.

Maximum penalty—20 penalty units.

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270 Requirement for road-based public passenger vehicle—right-hand drive

(1) A person must not provide a public passenger service on a road using a public passenger vehicle that does not have a right-hand drive.

Maximum penalty—20 penalty units.

(2) For subsection (1), a public passenger vehicle has a right-hand drive if the centre of the steering control of the vehicle is either—

(a) to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle; or

(b) in line with the centre of the vehicle.

(3) This section does not apply in relation to an automated public passenger vehicle.

(4) In this section—

automated public passenger vehicle means a public passenger vehicle that is capable, without human input, of controlling its steering, acceleration and braking to safely navigate itself for the typical duration of a public passenger service for which it is used.

Division 4 Students

271 Transport arrangements for students

(1) If a student's parent has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements for students made under section 144 of the Act, the chief executive may exclude the student from free travel under the arrangements.

(2) Before taking the action mentioned in subsection (1) (the ***proposed action***), the chief executive must give the parent a written notice—

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(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) inviting the parent to show, within a stated period of at least 28 days, why the proposed action should not be taken.

(3) Subsection (4) applies if, after considering all written representations received from the parent under subsection (2)(d), the chief executive is satisfied the parent has been convicted of an offence against section 149(3) of the Act, in relation to transport arrangements for students made under section 144 of the Act.

(4) The chief executive may, by giving a regulation notice to the parent, exclude the student from free travel under the arrangements.

272 Code of conduct for school students

The chief executive may, by gazette notice, approve a code of conduct applying in relation to school students travelling on public passenger vehicles.

Division 5 Offences

274 Soliciting or touting

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

Example of touting for passengers—

pestering a person, or exerting pressure on a person, to be a passenger

Maximum penalty—40 penalty units.

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(2) For subsection (1), arranging for multiple hirers of a taxi at a taxi rank under section 86 is not soliciting or touting for passengers or a hiring.

275 Advertising provision of public passenger service

(1) A person must not advertise the provision of a public passenger service unless—

(a) if the service is of a kind for which operator accreditation is required under the Act—the person who is to provide the service is accredited to provide a service of that kind; and

(b) if the service is of a kind for which driver authorisation is required under the Act—the person who is to drive a vehicle to provide the service is an authorised driver for a service of that kind; and

(c) if the service is a booked hire service—the person who provides a booking service for the booked hire service is an authorised booking entity; and

(d) the vehicle to be used to provide the service is a vehicle required or permitted under the Act to be used to provide the service.

Maximum penalty—40 penalty units.

(2) A person must not use the words 'taxi', 'taxi-cab' or 'cab', or a similar expression, to advertise the provision of a public passenger service unless a taxi is the vehicle to be used to provide the service.

Maximum penalty—40 penalty units.

(3) A person must not use the words 'limousine' or 'limo', or a similar expression, to advertise the provision of a public passenger service unless a limousine is the vehicle to be used to provide the service.

Maximum penalty—40 penalty units.

(4) However, subsections (2) and (3) do not apply to a public passenger service that is an air service or a ferry service.

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(5) A person does not commit an offence against subsection (1), (2) or (3) merely because the person, as part of the person's business, prints, publishes or displays an advertisement for another person.

276 Records to be maintained

(1) If, under the Act, a person is required 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.

(2) Subsection (1) does not apply to a record required to be kept under—

(a) section 81 of the Act; or

(b) section 18I(3); or

(c) section 77C(2); or

(d) part 6, division 4; or

(e) section 224(2).

276A Record keeping requirements in relation to reviews of safety management plans

(1) This section applies in relation to a review of a safety management plan for a responsible duty holder conducted under section 77K.

(2) The responsible duty holder must ensure the outcomes of the review, and the reason for conducting the review, are included in a written report to be kept by the responsible duty holder.

Maximum penalty—20 penalty units.

(3) Also, a written report mentioned in subsection (2) must include a copy of a report given to a responsible duty holder under section 77K(2)(d).

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(4) If the safety management plan is replaced under section 77K(3), the responsible duty holder must ensure a copy of the superseded safety management plan is kept for at least 5 years from the day on which the safety management plan was replaced.

Maximum penalty—20 penalty units.

(5) In this section—

responsible duty holder see section 67Z of the Act.

277 Change of name, address, email address or postal address

(1) This section applies if the holder of a relevant authority or service contract changes any of the following—

(a) the holder's name or address;

(b) if the holder has a current email address—the email address;

(c) if the holder has a current postal address—the postal address.

(2) The holder must notify the chief executive of the change within 10 business days after the change.

Maximum penalty—10 penalty units.

(3) For a change of address of a holder of driver authorisation, the chief executive may give the holder a change of address label for the holder's authorising document for the authorisation.

(4) If a change of address label is damaged, lost or stolen, the holder must promptly ask the chief executive for a replacement label.

Maximum penalty—20 penalty units.

(5) On receipt of a change of address label or a replacement label, the holder must promptly attach the label to the back of the authorising document for the driver authorisation in the space provided for a change of details label.

Maximum penalty—20 penalty units.

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(6) In this section—

current email address, for the holder of a relevant authority or service contract, means an email address—

(a) given by the holder to the department for the department to use to send information about the relevant authority or service contract by email; and

(b) for which no written or oral notice from the holder, requiring the department to discontinue use of the email address, has been received by the department.

relevant authority means—

(a) operator accreditation; or

(b) driver authorisation; or

(c) a taxi service licence; or

(d) a limousine licence; or

(e) a booked hire service licence; or

(f) a booking entity authorisation.

Division 6 Fees and levies

278 Fees and levy

(1) The fees or levy payable under the Act are stated in schedule 8.

(2) However, for a service contract or relevant authority the term of which is not 1 year or a number of whole years, the chief executive may adjust the whole-year fee in proportion to the number of months in the term.

(3) The fee for a relevant authority may be paid—

(a) in a lump sum before the authority is issued or renewed; or

(b) by arrangement with the chief executive—yearly or in some other way approved by the chief executive; or

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(c) if the fee is an additional application fee for operator accreditation, driver authorisation or booking entity authorisation—when the application is made.

(4) The chief executive may—

(a) waive the payment of the whole, or a part, of a fee for a person; or

(b) refund the whole, or a part, of a fee paid by a person.

(5) If a person's purported payment of a fee for a relevant authority is not effective, the authority is—

(a) for an application for a relevant authority—void from the day the authority was issued; or

(b) for an application to renew a relevant authority—suspended from the renewal date until an effective payment is made; or

(c) if the payment was due under an arrangement entered into with the chief executive—suspended from the date the payment was due under the arrangement until an effective payment is made.

(6) If the State incurs expense because a person's purported payment is not effective—

(a) the person must reimburse the State for the expense; and

(b) the amount of the expense may be recovered as a debt payable by the person to the State.

(7) In this section—

relevant authority means—

(a) operator accreditation; or

(b) driver authorisation; or

(c) a booked hire service licence; or

(d) a booking entity authorisation; or

(e) a limousine licence; or

(f) a taxi service licence.

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whole-year fee, in relation to a service contract or relevant authority, means a fee payable in relation to the contract or authority for 1 year or a number of whole years.

278A Rounding of amounts expressed as numbers of fee units

(1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.

(2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded to the nearest multiple of 5 cents (rounding one-half upwards).

Example—

If a fee were 35 fee units and the value of a fee unit were $1.015, the number of dollars obtained by multiplying 35 by $1.015 would be $35.525. Because $35.525 is halfway between $35.50 and $35.55, it is rounded upwards, so the amount of the fee would be $35.55.

279 Adjustment of booking entity authorisation fee for increased fleet

(1) This section applies if the chief executive—

(a) receives a written notice under section 199(2) about a change for a person's booking entity authorisation; or

(b) becomes aware of circumstances that require a person to provide the chief executive with a written notice under section 199(2) about a change for a person's booking entity authorisation.

(2) The chief executive may give the person a written notice (a ***fee notice***) to pay an amount (an ***additional fee***) for the person's booking entity authorisation that is the relevant fee adjusted—

(a) in proportion to the term remaining for the authorisation after the change; and

(b) to take account of the most recent fee paid for the number of available vehicles under the authorisation.

(3) The fee notice must state—

(a) the additional fee payable; and

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(b) a period of at least 14 days in which the additional fee must be paid.

(4) The person must pay the additional fee within the period stated in the fee notice.

Note—

Under section 191, the chief executive may suspend or cancel a person's booking entity authorisation for failure to pay a fee for the authorisation.

(5) In this section—

relevant fee, in relation to available vehicles for a person's booking entity authorisation, means a fee mentioned in schedule 8, item 11(a)(i), (ii), (iii) or (iv) that would apply for the number of available vehicles if the person were applying for the grant or renewal of the booking entity authorisation.

Division 7 Other

280 Operation of Brisbane Airport Rail Link

(1) Employees of a rail government entity are prescribed under section 111(2)(f) of the Act as persons the chief executive may appoint to be authorised persons for BARL.

(2) To remove any doubt, it is declared that the railway operator for BARL may charge a reasonable fare for a person's use of any public passenger service the operator provides on BARL.

(3) In this section—

BARL means the railway known as the Brisbane Airport Rail Link, linking Brisbane Airport with the railway network operated by a rail government entity.

281 Non-receipt of renewal notice

(1) This section applies if—

(a) the chief executive does not send a renewal notice for an authority; or

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(b) a holder of an authority does not receive a renewal notice for the authority.

(2) The failure to send, or the non-receipt of the renewal notice, does not affect—

(a) the expiry of the authority; or

(b) the authority holder's obligation to renew the authority before it expires.

(3) In this section—

authority means—

(a) operator accreditation; or

(b) driver authorisation; or

(c) a booking entity authorisation.

renewal notice, for an authority, means a written notice stating—

(a) the day the term of the authority expires; and

(b) the day by which an application to renew the authority must be made.

Part 17 Repeal and transitional provisions

Division 1 Transitional provisions for SL No. 119 of 2018

282 Definitions for division

In this division—

authority means—

(a) operator accreditation; or

(b) driver authorisation; or

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(c) a booked hire service licence; or

(d) a limousine licence; or

(e) a taxi service licence; or

(f) a substitute vehicle authority; or

(g) a booking entity authorisation; or

(h) an authorising document for driver authorisation or booking entity authorisation.

corresponding provision, for an expired provision, means a provision of this regulation that provides for the same, or substantially the same, matter as the expired provision.

driver authorisation includes provisional driver authorisation and restricted driver authorisation.

expired provision means a provision of the expired regulation.

expired regulation means the *Transport Operations (Passenger Transport) Regulation 2005* as in force from time to time before the commencement.

reviewed decision means the chief executive's decision, on a review under section 102 of the Act, in relation to a decision made under an expired provision.

283 Section 270 does not apply in relation to particular motor vehicles

(1) This section applies in relation to a motor vehicle stated in a limousine licence, in force at the commencement, that does not have a right-hand drive in the way required under section 270.

(2) Section 270 does not apply to a person operating a public passenger service using the vehicle if—

(a) the public passenger service is a booked hire service provided using a limousine; and

(b) the person was the registered operator of the vehicle immediately before the commencement.

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(3) However, subsection (2) stops having effect when the person sells or otherwise transfers the vehicle to another person.

284 Continued use of substitute vehicles during peak patronage periods

(1) This section applies until the end of 30 September 2026.

(2) The chief executive may give an authorised booking entity a written notice stating that a substitute taxi may be used to provide a booked hire service or taxi service during a peak patronage period stated in the notice.

(3) Section 74 of the Act does not apply to a taxi service provided using a substitute taxi as stated in a peak demand exemption notice.

(4) Section 76 of the Act does not apply to a booked hire service provided using a substitute taxi as stated in a peak demand exemption notice.

(5) In this section—

peak demand exemption notice means—

(a) a written notice given under subsection (2); or

(b) a written notice given under section 158T(2) of the expired regulation; or

(c) a notice given by the chief executive under previous section 65(2) of the Act exempting a person from previous section 65(1) of the Act, if the exemption was in force immediately before 1 October 2017.

peak patronage period means a period in which demand for booked hire services or taxi services is higher than usual.

previous, for a provision of the Act, means the provision as in force immediately before 1 October 2017.

substitute taxi means a motor vehicle stated in—

(a) a substitute vehicle authority continued in force under section 285; or

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Note—

Under section 158S of the expired regulation, a substitute taxi authority that was in force under repealed part 6, division 3 of the expired regulation immediately before 1 October 2017 is continued in force as a substitute vehicle authority under part 7, division 3 of the expired regulation.

(b) a substitute vehicle authority issued under part 8, division 4.

285 Existing authorities and approvals

(1) This section applies to the following in force immediately before the commencement—

(a) an authority granted, issued, given or continued in force under an expired provision;

(b) an approval of any thing by the chief executive under an expired provision.

(2) The authority or approval—

(a) continues in force; and

(b) is taken to have been granted, issued, given or continued in force under the corresponding provision for the expired provision.

(3) The authority or approval is taken to be for the same term that applied, immediately before the commencement, to the authority or approval under the expired regulation.

(4) If the authority or approval was, immediately before the commencement, subject to a condition imposed under an expired provision, the condition—

(a) continues to apply; and

(b) is taken to have been imposed under the corresponding provision for the expired provision.

(5) This section does not limit section 290.

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286 Existing amendments, suspensions and temporary assignments

(1) This section applies if, immediately before the commencement, an amendment, suspension or temporary assignment of an authority under an expired provision was in effect.

(2) The amendment, suspension or temporary assignment—

(a) continues in effect; and

(b) is taken to have been imposed or made under the corresponding provision for the expired provision.

(3) A suspension to which this section applies is taken to be for the same term that applied, immediately before the commencement, to the suspension under the expired regulation.

(4) This section does not limit section 294(2).

(5) In this section—

amendment includes immediate amendment.

suspension includes immediate suspension.

287 Existing applications, directions, invitations, notices and requirements

(1) This section applies if, immediately before the commencement—

(a) an application made under an expired provision had not been decided; or

(b) a direction, invitation, notice or requirement given, published or made under an expired provision was in effect.

(2) The application, direction, invitation, notice or requirement—

(a) continues in effect; and

(b) is taken to have been given, published or made under the corresponding provision for the expired provision.

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(3) This section does not limit section 298.

(4) In this section—

notice includes—

(a) a gazette notice; and

(b) a show cause notice; and

(c) a regulation notice.

288 Existing requirement to notify, inform or give report

(1) This section applies if, immediately before the commencement—

(a) a person is required, under an expired provision, to notify, inform, or give a report to, another person; and

(b) the notification, information or report has not been given.

(2) The requirement to notify, inform or give the report—

(a) continues in force; and

(b) is taken to be imposed under the corresponding provision for the expired provision.

289 Existing signs

(1) This section applies if, immediately before the commencement, the chief executive erected, placed or approved a sign under an expired provision.

(2) The chief executive is taken to have erected, placed or approved the sign under the corresponding provision for the expired provision.

290 Expressions on existing authorising documents

(1) This section applies to an authorising document for driver authorisation—

(a) continued in force under section 285; and

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(b) that has the expression 'Limo', 'Taxi', 'Sche' or 'TrMc' on the document.

(2) The expressions 'Limo' and 'Taxi' are taken to be the expression 'BHTX' from the commencement.

(3) The expressions 'Sche' and 'TrMc' are taken to be the expression 'Genr' from the commencement.

291 Existing requirement to do a thing

(1) This section applies if, immediately before the commencement, a person—

(a) was required, under an expired provision, to do a thing; and

(b) had not yet done the thing.

(2) The requirement to do the thing—

(a) continues in effect; and

(b) is taken to be imposed under the corresponding provision for the expired provision.

292 Existing requirement to return a thing

(1) This section applies if, immediately before the commencement, a person—

(a) was required, under an expired provision, to return a thing to another person; and

(b) had not yet returned the thing.

Examples of a thing required, under an expired provision, to be returned to another person—

- a certificate evidencing operator accreditation required to be returned to the chief executive under section 14 of the expired regulation
- a temporarily assigned interim taxi driver display card required to be returned to the operator of a taxi service under section 96AX of the expired regulation

(2) The requirement to return the thing—

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(a) continues in effect; and

(b) is taken to be imposed under the corresponding provision for the expired provision.

293 Existing requirement or authorisation to keep or disclose records

(1) This section applies in relation to a record required or authorised to be kept or disclosed under an expired provision.

(2) The requirement or authorisation to keep or disclose the record—

(a) continues in effect; and

(b) is taken to be imposed or given under the corresponding provision for the expired provision.

294 Existing taxi driver display cards and interim taxi driver display cards

(1) A taxi driver display card or interim taxi driver display card issued under an expired provision in force immediately before the commencement—

(a) continues in force; and

(b) is taken to have been issued under the corresponding provision for the expired provision.

(2) If an interim taxi driver display card was assigned to a person under an expired provision and the assignment was in effect immediately before the commencement, the assignment—

(a) continues in effect; and

(b) is taken to have been effected under the corresponding provision for the expired provision.

295 Existing medical certificates

(1) This section applies to a medical certificate for a person that—

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(a) was given to the chief executive or an operator under an expired provision; and

(b) had not expired on the commencement.

(2) The medical certificate—

(a) is taken to have been given under the corresponding provision for the expired provision; and

(b) is taken to be a current medical certificate until it expires.

(3) For subsections (1)(b) and (2)(b), the medical certificate expires on the earlier of the following days—

(a) the day the certificate states that it—

(i) expires; or

(ii) should be renewed or reviewed;

(b) the day that is 5 years after the certificate is issued by a doctor.

296 Existing entitlement to review of decisions

(1) This section applies if, immediately before the commencement, a person—

(a) was entitled to apply—

(i) under section 102 of the Act for an internal review of a decision made under an expired provision; or

(ii) under section 103 of the Act for an external review of a reviewed decision; and

Note—

See also section 134 and schedule 7 of the expired regulation.

(b) had not applied for the review.

(2) The decision mentioned in subsection (1)(a)(i) or the reviewed decision mentioned in subsection (1)(a)(ii) is, for the purposes of an application for review made after the commencement, taken to have been made under the

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corresponding provision for the expired provision under which it was made.

297 Existing entitlement to QCAT notice

(1) This section applies if, immediately before the commencement, a person—

(a) was entitled to be given a QCAT information notice under section 103(1) of the Act about a reviewed decision; and

(b) had not been given the notice.

(2) For the purposes of an application for external review under section 103 of the Act, the decision confirmed, amended or substituted by the reviewed decision is taken to have been made under the corresponding provision for the expired provision under which the decision was made.

298 Existing applications for review

(1) If, immediately before the commencement, an application under section 102 of the Act for a review of a decision made under an expired provision had been made but not decided—

(a) the application continues in effect; and

(b) the decision is taken to have been made under the corresponding provision for the expired provision.

(2) If, immediately before the commencement, an application under section 103 of the Act for a review of a reviewed decision had been made but not decided—

(a) the application continues in effect; and

(b) the decision confirmed, amended or substituted by the reviewed decision is taken to have been made under the corresponding provision for the expired provision under which the decision was made.

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299 Refunds

(1) This section applies if, immediately before the commencement—

(a) an obligation to pay a refund had arisen under an expired provision; and

(b) the refund had not been paid.

(2) The obligation to pay the refund is taken to have arisen under the corresponding provision for the expired provision.

300 References to expired regulation

(1) In a document, if the context permits, a reference to the expired regulation may be taken to be a reference to this regulation.

(2) For subsection (1), a reference in the document to an expired provision may be taken to be a reference to the corresponding provision for the expired provision.

301 Application of Acts Interpretation Act 1954, s 20

This division does not limit the operation of the *Acts Interpretation Act 1954*, section 20, other than to the extent an intention contrary to that section is expressed.

Division 3 Transitional provision for Transport Operations (Passenger Transport) and Other Legislation Amendment Regulation 2019

303 Existing driver authorisations

(1) Subsection (2) applies if, immediately before the commencement, an authorising document for driver authorisation has, or is taken to have, the expression ‘BHTX’ on the document.

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(2) On the commencement, the document is taken to be an authorising document for driver authorisation (booked hire and taxi).

(3) Subsection (4) applies if, immediately before the commencement, an authorising document for driver authorisation has, or is taken to have, the expression 'Genr' on the document.

(4) On the commencement, the document is taken to be an authorising document for driver authorisation (general).

Note—

See section 290 for the circumstances in which an authorising document for driver authorisation is taken to have the expression 'BHTX' or 'Genr' on the document.

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 force immediately before the commencement.

transitional period means the period—

(a) starting on the commencement; and

(b) ending 2 months after the commencement.

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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.

Division 5 Transitional provisions for Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 2020

307 Application of s 173A to existing applications

(1) This section applies if an application under section 173 for a substitute vehicle authority was made, but not decided, before the commencement.

(2) Section 173A does not apply in relation to the application.

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Division 6 Repeal and transitional provisions for Transport and Other Legislation Amendment Regulation 2026

Subdivision 1 Repeal of Transport Operations (Passenger Transport) Standard 2010

308 Repeal

The Transport Operations (Passenger Transport) Standard 2010, SL No. 224 is repealed.

Subdivision 2 Transitional provisions

309 Definitions for subdivision

In this subdivision—

amendment regulation means the *Transport and Other Legislation Amendment Regulation 2026*.

former, in relation to a provision of this regulation, means the section as in force from time to time before the commencement.

incident report means a report complying with the repealed standard, section 36.

new, in relation to a provision of this regulation, means the section as in force from the commencement.

repealed standard means the repealed *Transport Operations (Passenger Transport) Standard 2010*.

310 Existing applications—operator accreditation

(1) This section applies if—

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(a) before the commencement, a person applied, under section 6, to the chief executive for the grant or renewal of operator accreditation; and

(b) immediately before the commencement, the chief executive—

(i) had not considered and decided the application under section 7; or

(ii) had considered the application under section 7 and decided to grant operator accreditation to the person on a provisional basis under section 8.

(2) Former part 2, division 2 continues to apply in relation to the application as if the amendment regulation had not been made.

(3) Also, an accreditation requirement under the repealed standard, section 19 that applied in relation to an application mentioned in subsection (2) under former part 2, division 2 continues to apply in relation to the application as if the amendment regulation had not been made and the repealed standard were still in force.

(4) A decision made by the chief executive under former part 2, division 2 after the commencement in relation to the application is taken to have been made under new part 2, division 2.

311 Existing grounds for amendment, suspension or cancellation—operator accreditation

(1) This section applies if—

(a) before the commencement, grounds for amendment, suspension or cancellation of a person's operator accreditation existed under former section 12; and

(b) immediately before the commencement, the chief executive had not given the person written notice under section 13.

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(2) Former part 2, division 3 continues to apply in relation to the grounds as if the amendment regulation had not been made.

(3) A decision made by the chief executive under former part 2, division 3 after the commencement in relation to the grounds is taken to have been made under new part 2, division 3.

312 Existing applications—driver authorisation

(1) This section applies if—

(a) before the commencement, a person applied, under section 23, to the chief executive for the grant or renewal of driver authorisation; and

(b) immediately before the commencement, the chief executive—

(i) had not considered and decided the application under former section 25; or

(ii) had considered the application under former section 25 and decided to grant driver authorisation to the person on a provisional basis under former section 30.

(2) Former part 3, division 2 continues to apply in relation to the application as if the amendment regulation had not been made.

(3) A decision made by the chief executive under former part 3, division 2 after the commencement in relation to the application is taken to have been made under new part 3, division 2.

313 Existing applications—restricted driver authorisation

(1) This section applies if—

(a) before the commencement, a person who is an individual applied, under section 36, to a prescribed operator for the grant of a restricted driver authorisation; and

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(b) immediately before the commencement, the application had not been decided.

(2) Former part 3, division 3 continues to apply in relation to the application as if the amendment regulation had not been made.

(3) A decision made by a prescribed operator under former part 3, division 3 after the commencement in relation to the application is taken to have been made under new part 3, division 3.

314 Existing grounds for amendment, suspension or cancellation—driver authorisation

(1) This section applies if—

(a) before the commencement, grounds for amendment, suspension or cancellation of a person's driver authorisation existed under former section 40; and

(b) immediately before the commencement, the chief executive had not given the person written notice under section 41.

(2) Former part 3, division 4 continues to apply in relation to the grounds as if the amendment regulation had not been made.

(3) A decision made by the chief executive under former part 3, division 4 after the commencement in relation to the grounds is taken to have been made under new part 3, division 4.

315 Application of new provisions about ending immediate suspensions

New sections 15(2)(b)(iii), 167(3)(c) and 194(3)(c) apply in relation to an immediate suspension whether the suspension started before or after the commencement of this section.

316 Records about fatigue management under former pt 6, div 4, sdiv 2

(1) This section applies if—

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(a) before the commencement—

(i) an authorised booking entity provided booking services for a booked hire service; or

(ii) an operator of a booked hire service provided the booked hire service using a taxi or a taxi service; and

(b) immediately before the commencement—

(i) the authorised booking entity or operator was required, under former section 101, to keep a written record about a driver of a relevant public passenger vehicle used to provide a relevant public passenger service; and

(ii) the period for keeping the record under former section 102(2) had not ended.

(2) New part 5A, division 1 applies in relation to the authorised booking entity and operator as if—

(a) the entity or operator were a fatigue-regulated duty holder to which that division applies; and

(b) the driver of a relevant public passenger vehicle used to provide the relevant public passenger service were a driver of a motor vehicle used to provide a fatigue-regulated service provided by a fatigue-regulated duty holder to whom that division applies.

(3) In this section—

relevant public passenger service means—

(a) for the authorised booking entity—

(i) the booked hire service; or

(ii) another public passenger service for which the entity arranges bookings using a relevant vehicle; or

(b) for an operator—the booked hire service provided using the taxi or the taxi service.

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relevant public passenger vehicle means a booked hire vehicle, limousine or taxi.

317 Notices given under former s 102

(1) This section applies if—

(a) before the commencement—

(i) an authorised booking entity provided booking services for a booked hire service; or

(ii) an operator of a booked hire service provided the booked hire service using a taxi or taxi service; and

(b) before the commencement, the chief executive gave a written notice to the entity or operator under former section 102(1); and

(c) immediately before the commencement, the time for complying with the requirement under former section 102(2) had not ended.

(2) Former section 102(2) continues to apply in relation to the notice as if the amendment regulation had not been made.

318 Safety management plans developed during transitional period

(1) This section applies if—

(a) a safety management plan for a responsible duty holder is developed during the transitional period in compliance with the requirements under new part 5A, division 2; and

(b) the safety management plan states that the plan takes effect on a day that is during the transitional period.

(2) To remove any doubt, it is declared that the 3 year period mentioned in new section 77K(1) for a comprehensive review of the safety management plan starts from the day on which the safety management plan takes effect during the transitional period.

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Note—

See also section 223 of the Act.

(3) In this section—

transitional period see section 219 of the Act.

319 Existing no standing passenger roads

(1) This section applies if, immediately before the commencement, a road had been notified by the chief executive, by gazette notice, as a road on which a relevant vehicle that is a bus must not carry standing passengers under the repealed standard, schedule 4, definition *no standing passenger road*.

(2) On and after the commencement, the road continues to be a no standing passenger road under this regulation as amended by the amendment regulation until the gazette notice is amended or repealed by another gazette notice.

320 Driver training under repealed standard

(1) This section applies to an operator of a relevant service if—

(a) before the commencement, the operator was giving a driver of a vehicle used to provide the service an introduction to the driver's obligations under the Act, or training under a documented training program, under the repealed standard, section 20; and

(b) immediately before the commencement, the introduction or training was not complete.

(2) The operator may continue to give the introduction or training to the driver as if the amendment regulation had not been made and the repealed standard, section 20 were still in force.

(3) The introduction or training given in compliance with the repealed standard, section 20 is taken to be introductory training or driver training given under new section 18J(1) or (2).

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321 Driver training records to be kept under repealed standard

(1) This section applies if, before the commencement, an operator of a relevant service was required to keep a record under the repealed standard, section 20(5).

(2) The repealed standard, section 20(5) continues to apply to the operator in relation to the record as if the amendment regulation had not been made and the repealed standard, section 20(5) were still in force.

Note—

See also section 276.

322 Servicing and other maintenance being performed under repealed standard

(1) This section applies if immediately before the commencement, servicing or other maintenance on a vehicle used to provide a relevant service was being performed.

(2) New section 18I applies in relation to the servicing and maintenance performed on the vehicle.

323 Record keeping for servicing and other maintenance under repealed standard

(1) This section applies if—

(a) before the commencement, an operator of a relevant service was required to keep a record of servicing or other maintenance, including a record of the daily pre-trip inspection, on a vehicle used to provide the service under the repealed standard, section 29(3); and

(b) immediately before the commencement, the period for maintaining the record under former section 276 had not ended.

(2) Former section 276 continues to apply to the operator as if the amendment regulation had not been made.

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324 Requirement to keep incident reports under repealed standard

(1) This section applies if, before the commencement, an operator filled in an incident report under the repealed standard, section 34(2).

(2) The repealed standard, section 34(3) continues to apply in relation to the operator as if the amendment regulation had not been made and the repealed standard, section 34(3) were still in force.

Note—

See also section 276.

325 Requirement to fill in incident reports under repealed standard

(1) This section applies if—

(a) before the commencement, an operator of a relevant service was required to ensure an incident report was filled in under the repealed standard, section 34(2); and

(b) immediately before the commencement—

(i) the period for filling in the incident report had not ended; and

(ii) the incident report had not been filled in or was incomplete.

(2) The repealed standard, section 34(2) continues to apply to the operator as if the amendment regulation had not been made and the repealed standard, section 34(2) were still in force.

(3) If an incident report is filled in or completed under the repealed standard, section 34(2) as continued under subsection (2), the incident report is taken to be an incident report under new section 18K(2).

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326 Directions for review of incident management plan under repealed standard

(1) This section applies if, before the commencement, the chief executive gave an operator of a relevant service a direction under the repealed standard, section 37(2) to review the operator's current incident management plan.

(2) The repealed standard, section 37(3) continues to apply in relation to the direction as if the amendment regulation had not been made and the repealed standard, section 37(3) were still in force.

(3) In this section—

incident management plan means a plan complying with the repealed standard, section 35.

327 Requirement to keep maintenance records under repealed standard

(1) This section applies if—

(a) before the commencement, an operator of a relevant service that used a bus to provide the service was required to keep a written record of the maintenance done on the bus under the repealed standard, schedule 1, section 33; and

(b) immediately before the commencement, the period for keeping the record under the repealed standard, schedule 1, section 33(1) had not ended.

(2) The repealed standard, schedule 1, section 33(1) continues to apply in relation to the operator as if the amendment regulation had not been made and the repealed standard, schedule 1, section 33(1) were still in force.

328 Service life extension applications under repealed standard

(1) This section applies in relation to an operator of a relevant service if—

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(a) before the commencement—

(i) the operator used a heavy bus to provide the service; and

(ii) the operator had applied for a 5-year service life extension under the repealed standard, schedule 2, part 1 for the bus, or an age zero refurbishment service life extension under the repealed standard, schedule 2, part 2 for the bus (each a ***service life extension application***); and

(b) immediately before the commencement, the service life extension application had not been decided.

(2) The repealed standard, schedule 2 continues to apply to the service life extension application for the purpose of obtaining the 5-year service life extension, or the age zero refurbishment service life extension, as if the amendment regulation had not been made and the repealed standard, schedule 2 were still in force.

(3) If the service life extension application is granted, the 5-year service life extension, or the age zero refurbishment service life extension, is taken to have been granted under new schedule 1AA, part 3.

329 Service life extensions under repealed standard

(1) This section applies if—

(a) before the commencement, the chief executive had granted an operator of a relevant service—

(i) a 5-year service life extension (a ***service life extension***) for a heavy bus under the repealed standard, schedule 2, section 1; or

(ii) an age zero refurbishment service life extension (also a ***service life extension***) for a heavy bus under the repealed standard, schedule 2, section 10; and

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(b) immediately before the commencement, the service life extension had not ended.

(2) For new schedule 1AA, section 4, the service life of the heavy bus is taken to have been extended under new schedule 1AA, part 3.

330 References to repealed standard

(1) In an instrument—

(a) a reference to the repealed standard may, if the context permits, be taken to be a reference to this regulation; and

(b) a reference to a provision of the repealed standard may, if the context permits, be taken to be a reference to the equivalent provision of this regulation.

(2) In this section—

equivalent provision, for a provision of the repealed standard, means the provision of this regulation dealing with the same subject matter as the provision of the repealed standard.

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Schedule 1AA Requirements in relation to buses used to provide relevant services

sections 18I, 18N, 18P and 18Q

Part 1 Preliminary

1 Definitions for schedule

In this schedule—

ADR means a national road vehicle standard determined under the *Road Vehicle Standards Act 2018* (Cwlth), section 12.

approved person means a person accredited as an approved person under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*.

high-back seat, for a bus, means a seat having a height of 1m or more when measured from the floor of the bus, where the passenger's heels touch, to the top of the seat back, excluding any head restraint.

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

local classification bus has the meaning given by section 2(3).

maintenance record, for part 5, see section 25.

minimum padded zone, for part 8, see section 34.

non-route service bus means a bus that is not designed with spaces for standing passengers.

open classification bus has the meaning given by section 2(1).

prescribed inspection entity means—

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(a) an approved person; or

(b) an authorised officer under the *Transport Operations (Road Use Management) Act 1995*, section 20, other than a police officer.

regional classification bus has the meaning given by section 2(2).

route service bus means a bus designed with spaces for standing passengers.

2 Meaning of particular classifications of buses

(1) A bus is an ***open classification bus*** if it operates over an unlimited distance.

(2) A bus is a ***regional classification bus*** if it operates within a radius of 350km from the first passenger pick-up point.

(3) A bus is a ***local classification bus*** if it operates—

(a) within a radius of 40km from the first passenger pick-up point; or

(b) if the journey is entirely within a single or contiguous urban area—within a radius of more than 40km from the first passenger pick-up point.

3 Application of schedule

This schedule applies if an operator of a relevant service uses a bus to provide the service.

Part 2 Maximum age

4 Maximum age

(1) The bus must not be older than the maximum age for the bus stated in subsection (2) unless—

(a) the service life of the bus has been extended under part 3; and

(b) the extension has not ended.

(2) For subsection (1), the maximum age is—

(a) for a heavy bus that is—

(i) an open classification bus—

(A) if the bus was manufactured on or after 1 January 1990 and is a bus for which the chief executive granted a 5-year service life extension under the repealed *Transport Operations (Passenger Transport) Standard 2010* as in force immediately before 9 December 2011—30 years; or

Note—

On 9 December 2011 the *Transport Operations (Passenger Transport) Amendment Standard (No. 1) 2011* amended the *Transport Operations (Passenger Transport) Standard 2010*, schedule 2, part 1 as it was then in force.

(B) if the bus was manufactured on or after 1 January 1995 and is a bus for which the chief executive did not grant a 5-year service life extension under the repealed *Transport Operations (Passenger Transport) Standard 2010* as in force immediately before 9 December 2011—25 years; or

(C) otherwise—15 years; or

(ii) a regional classification bus—25 years; or

(iii) a local classification bus—25 years; or

(b) for a light bus that is—

(i) an open classification bus—10 years; or

(ii) a regional classification bus—20 years; or

(iii) a local classification bus—20 years.

5 Working out age of buses

(1) For this schedule—

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(a) the age of a bus is worked out starting on the following date (the ***starting date***)—

(i) if the date of first registration of the bus in Queensland or elsewhere is available—that date;

(ii) if the date of first registration is not available and a dated receipt for the first or only sale of the bus is available—the date of the receipt;

(iii) if neither of the dates mentioned in subparagraph (i) or (ii) is available—the date of manufacture of the bus's original body;

(iv) if none of the dates mentioned in subparagraph (i), (ii) or (iii) is available—the date of manufacture of the bus's original chassis; and

(b) a bus is an age in years at the beginning of the anniversary, for the age, of the starting date.

(2) Subsection (1)(a) applies subject to section 15(4).

Part 3 Heavy bus service life extensions

Division 1 5-year service life extension

6 How to obtain a 5-year service life extension

(1) An operator that uses a heavy bus to provide the service may obtain a 5-year service life extension from the chief executive if sections 7 to 14 and division 3 have been complied with for the bus.

(2) Sections 7 to 13, 19(1) and 21 are taken to have been complied with for the heavy bus if the operator gives the chief executive—

(a) a copy of a certificate from a prescribed inspection entity, in relation to the 5-year service life extension being sought by the operator, stating that on a particular

day the prescribed inspection entity inspected the frame of the bus and found the bus to be in a satisfactory structural condition; and

(b) a copy of a certificate from a prescribed inspection entity, in relation to the 5-year service life extension being sought by the operator, stating that on a particular day the prescribed inspection entity inspected the bus and found no defect that would affect the bus's safe use on the road.

(3) If the operator satisfies the chief executive that sections 7 to 14 and division 3 have been complied with for the bus, the chief executive must, by written notice given to the operator—

(a) grant the 5-year service life extension; and

(b) state the date the 5-year service life extension is granted.

(4) However, the chief executive may grant a 5-year service life extension for the bus only if—

(a) the bus is an open classification bus, regional classification bus or local classification bus that is at least 18 but not more than 25 years old; and

(b) a 5-year service life extension has not previously been granted for the bus under the Act.

(5) If a 5-year service life extension is granted for a heavy bus, the maximum age of the bus under section 4(2) is extended by 5 years.

Examples—

1 If an open classification bus mentioned in section 4(2)(a)(i)(B) is granted a 5-year service life extension, it may continue to be used as an open classification bus until it is 30 years old.

2 If a regional classification bus is granted a 5-year service life extension, it may continue to be used as a regional classification bus until it is 30 years old.

3 If a local classification bus is granted a 5-year service life extension, it may continue to be used as a local classification bus until it is 30 years old.

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7 ADRs

A heavy bus must comply with the ADRs that applied to the bus when it was 5 years old, other than ADRs for the control of exhaust emissions.

8 Body

(1) The body of the heavy bus must be in good structural condition.

(2) A body framework inspection must be performed if—

(a) the body of the heavy bus shows signs of structural damage, or signs of corrosion of the frame, for example, rust stains, loose rivets or loose or rusted panels; or

(b) the heavy bus has not been inspected under section 22, and found to be satisfactory, within the last 5 years.

(3) Interior trim material of the heavy bus must be in good condition and not be damaged.

(4) If the heavy bus is a regional classification bus, any side facing seats must be replaced with forward or rearward facing seats.

(5) Seats, partitions and exposed handrails of the heavy bus must be padded to the extent required under part 8 of this schedule.

(6) Floor coverings of the heavy bus that are damaged or not non-slip must be replaced with suitable non-slip floor coverings.

(7) Windows and window sealing must be in good condition.

(8) Paintwork must be in good condition.

9 Chassis and suspension

(1) All components of the chassis or suspension of the heavy bus must be cleaned and inspected to ensure they are rust-free, structurally sound and within safe service wear limits.

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(2) Also, a component of the chassis or suspension of the heavy bus must be crack tested if the inspection gives rise to a suspected crack in the component.

10 Steering

(1) Power steering components of the heavy bus must be free of leaks.

(2) Cracked or oil-affected hydraulic hoses of power steering components must be replaced.

(3) Stub axles and steering arms, including pitman arms and drag links—

(a) must be crack tested; and

(b) must be replaced if they are defective; and

(c) must not be repaired using a heating or welding process.

11 Brakes

(1) The braking system of the heavy bus must be fully refurbished, including replacement of flexible air or hydraulic lines, valve seals and diaphragms.

(2) All replacement braking system components must comply with the Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, section 84(2).

(3) The parking brakes of the heavy bus must be tested to ensure they comply with the Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, section 87(5).

12 Electrical components

(1) Electrical fittings, lights, reflectors, lenses and wiring of the heavy bus must be in a serviceable condition.

(2) Light or reflector lenses must be free of cracks, and have serviceable reflective surfaces.

Example—

Discoloured or cracked lenses must be replaced.

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(3) Electrical wiring and wiring conduit must be secure, shielded from the effects of excessive heat, and in a serviceable condition.

(4) The voltage under load, with the engine running, at each lamp must not be more than 10% below the nominal voltage of the electrical system of the heavy bus.

Example—

For a system with a nominal voltage of 12V, the voltage at each lamp must be at least 10.8V.

13 Engine and driveline

(1) Each component of the engine and driveline of the heavy bus must be inspected and may require dismantling if necessary to ensure the component is reliable and mechanically sound.

(2) Without limiting subsection (1), ensuring each component of the engine and driveline is reliable and mechanically sound, includes ensuring—

(a) there is adequate engine power output; and

(b) the engine and driveline are free of oil, water, air, vacuum and exhaust leaks; and

(c) the engine and driveline are not excessively noisy; and

(d) the engine does not emit visible smoke continuously for more than 10 seconds when operated under load; and

(e) each component of the transmission or driveline is free of oil leaks and excessive wear; and

(f) the driveline is free of excessive backlash; and

(g) rubber mounts and dampers are free of oil impregnation, cracking and deterioration.

(3) Each axle hub assembly must be removed, dismantled, cleaned and inspected to ensure it is reliable and mechanically sound.

(4) Each hub oil seal or gasket must be replaced.

(5) Wheel bearings that are excessively worn must be replaced.

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14 Certificate by prescribed inspection entity

The operator must obtain a certificate from a prescribed inspection entity stating that—

(a) the body, chassis, suspension, steering and brake components of the heavy bus are structurally sound and serviceable; and

(b) the heavy bus complies with the ADRs that applied to the heavy bus when it was 5 years old, other than ADRs for the control of exhaust emissions.

Division 2 Age zero refurbishment service life extension

15 How to obtain an age zero refurbishment service life extension

(1) An operator that uses a heavy bus to provide the service may obtain a service life extension for the bus (an ***age zero refurbishment service life extension***) from the chief executive if sections 16 to 18 and division 3 are complied with for the bus.

(2) Sections 16, 17(1), (3), (4) and (5), 19(1) and 21 are taken to have been complied with for the heavy bus if the operator gives the chief executive—

(a) a copy of a certificate from a prescribed inspection entity, in relation to the age zero refurbishment service life extension being sought by the operator, stating that on a particular day the prescribed inspection entity inspected the frame of the heavy bus and found it to be in a satisfactory structural condition; and

(b) a copy of a certificate from a prescribed inspection entity, in relation to the age zero refurbishment service life extension being sought by the operator, stating that on a particular day the prescribed inspection entity inspected the heavy bus and it had no defect that would affect its safe use on the road.

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(3) If the operator satisfies the chief executive that sections 16 to 18 and division 3 have been complied with for the heavy bus, the chief executive must, by written notice given to the operator—

(a) grant the age zero refurbishment service life extension; and

(b) state the date the age zero refurbishment service life extension is granted.

(4) If an age zero refurbishment service life extension is granted for a heavy bus, the age of the bus is to be worked out starting on the day of the grant.

16 ADRs

The heavy bus must—

(a) if the operator intends the bus to be used as an open classification bus or regional classification bus—comply with the ADRs applying to a non-route service bus that are in force when the refurbishment of the bus for the extension is finished; or

(b) if the operator intends the bus to be used as a local classification bus—comply with the ADRs applying to a route service bus that are in force when the refurbishment of the bus for the extension is finished.

17 Body, brakes and mechanical or structural components

(1) A new body, including all interior and exterior fittings and equipment, must be fitted to the heavy bus.

(2) The operator must give a prescribed inspection entity written evidence verifying that all mechanical components, including the engine, gearbox, steering, suspension and axles, have been rebuilt, including the replacement of all gaskets, seals, bearings and wearing components.

(3) Each structural component of the heavy bus, including, for example, the chassis or spring hangers—

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(a) must be dismantled, inspected and crack tested if necessary to ensure the component is structurally sound; and

(b) must then be replaced or refurbished if necessary to ensure the component is structurally sound.

(4) The braking system of the heavy bus must be fully rebuilt, including—

(a) replacement or refurbishment of all wearing components; and

(b) replacement of all flexible air or hydraulic lines, valve seals, diaphragms and springs.

(5) Each component of the braking system must comply with the Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, section 84(2).

18 Certificate by prescribed inspection entity

The operator must obtain a certificate from a prescribed inspection entity stating that—

(a) the body, chassis, suspension, steering and brake components of the heavy bus are structurally sound, and serviceable; and

(b) the heavy bus complies with the ADRs required to be complied with under this regulation for an age zero refurbishment service life extension for the bus.

Division 3 Further provisions applying to 5-year service life extensions and age zero refurbishment service life extensions

19 Inspection and testing of critical components

(1) Each mechanical component and each structural component that is critical to the safety of the heavy bus must be—

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(a) inspected; and

(b) crack tested if necessary to ensure the component is mechanically or structurally sound.

(2) The operator of a heavy bus mentioned in division 1 or 2 must obtain a certificate from a prescribed inspection entity stating that each mechanical component and each structural component that is critical to the safety of the heavy bus has been—

(a) inspected by the prescribed inspection entity; and

(b) crack tested if necessary to ensure the component is mechanically or structurally sound.

20 Previous refurbishment or replacement

(1) If a vehicle system or component of the heavy bus is required to be refurbished or replaced under this part for a 5-year service life extension or an age zero service life extension, the system or component need not be refurbished or replaced if it has been refurbished or replaced within—

(a) 1 year immediately before the extension is obtained; and

(b) the last 50,000km travelled by the bus.

(2) However, written evidence of the replacement or refurbishment must be given to a prescribed inspection entity.

21 Rating of particular components of heavy bus, and evaluation of heavy bus, under code

(1) The operator of a heavy bus mentioned in division 1 or 2 must—

(a) have an approved person perform a rating of particular components of the heavy bus, and approve the rating, under section S4 or S5 of the code; and

(b) have an approved person perform an evaluation of the heavy bus, and approve the evaluation, under section S6 of the code.

(2) In this section—

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code means the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications.

Notes—

1 The code is available on the National Heavy Vehicle Regulator's website.

2 At the commencement of this definition, the code was prescribed under the Heavy Vehicle (Vehicle Standards) National Regulation, section 12.

Part 4 Structural inspection and repairs

22 Inspection of heavy buses

(1) An operator that uses a heavy bus to provide the service must, when the bus is 20 years old but before it is 21 years old, ensure a prescribed inspection entity inspects the body framework of the bus for signs of weakening caused by rust or incorrect repair.

Note—

See section 5 for how to work out the age of a heavy bus.

(2) Subsection (3) applies if an operator wants to introduce a heavy bus that is at least 21 years old into service in Queensland.

(3) Before introducing the heavy bus into service in Queensland, the operator must ensure a prescribed inspection entity inspects the body framework of the bus for signs of weakening caused by rust or incorrect repair.

(4) Subsection (1) does not apply if—

(a) a prescribed inspection entity inspected the body framework of the heavy bus—

(i) when the bus was 19 years old but before it was 20 years old; and

(ii) within the last 50,000km travelled by the bus; and

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(b) the inspection showed that the body framework was in a satisfactory structural condition.

(5) Subsection (3) does not apply if—

(a) a prescribed inspection entity has inspected the body framework of the heavy bus—

(i) within 1 year immediately before the operator introduces the bus into service in Queensland; and

(ii) within the last 50,000km travelled by the bus; and

(b) the inspection shows that the body framework is in a satisfactory structural condition.

(6) Subsections (1) to (3) do not apply if an age zero refurbishment service life extension has been obtained for the bus under part 3 and the extension is in force.

(7) An operator that uses a heavy bus to provide the service must ensure a prescribed inspection entity inspects the body framework of the bus for signs of weakening caused by rust if the bus has substantial rust that may affect the structural integrity of the bus.

23 Repairs to bus structures

The operator must ensure that a repair to the frame, bows or sheeting of the bus is performed by a qualified tradesperson in the trade to which the repair relates.

24 Inspection of structural repairs

(1) This section applies if, because of corrosion or accident damage, it is necessary to carry out structural repairs to the bus.

(2) The operator must ensure a prescribed inspection entity inspects the repairs.

(3) The operator must arrange for the inspection before any painting of the frame or refitting of the body panels.

(4) After the inspection, the operator must obtain a written statement from the prescribed inspection entity that states the

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name and qualifications of each person who performed the repairs.

Part 5 Maintenance records

25 Definition for part

In this part—

maintenance record, for a bus, means a written record of all servicing and other maintenance performed on the bus that must be made under section 18I(3) of this regulation.

26 Maintenance record to include statement by prescribed inspection entity

The operator must ensure the maintenance record for the bus includes a statement obtained by the operator under section 24(4).

27 Operator to obtain endorsement on maintenance record

(1) This section applies if a prescribed inspection entity—

(a) inspects a bus under part 4; and

(b) considers the bus is in a satisfactory condition.

(2) The operator must obtain from the prescribed inspection entity an endorsement on the maintenance record for the bus that the bus has been inspected and is a satisfactory condition.

(3) The endorsement must be signed and dated by the prescribed inspection entity.

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Part 6 Buses carrying school students on no standing passenger road

28 Light buses built to carry not more than 16 passengers and used to provide school services

(1) This section applies if the bus—

(a) is a light bus built to carry not more than 16 passengers, whether seated or standing, not including the driver and crew; and

(b) is being used to provide a school service.

(2) Each passenger seat fitted to the bus must comply with ADR 68/00.

29 Light buses built to carry more than 16 passengers

(1) This section applies if the bus is a light bus built to carry more than 16 passengers, whether seated or standing, not including the driver and crew.

(2) The bus must comply with ADR 59/00.

(3) If the bus is being used to provide a school service, each passenger seat fitted to the bus must comply with ADR 68/00.

30 Heavy buses

(1) If the bus is a heavy bus, it must—

(a) be a single-decked bus; and

(b) comply with ADR 59/00.

(2) If the bus is being used to provide a school service, each passenger seat fitted to the bus must comply with ADR 68/00.

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Part 7 Design

31 Requirements about design generally

(1) Subject to subsection (2), the bus must comply with the following ADRs as in force when the bus was manufactured—

(a) if it is an open classification bus—the ADRs applying to a non-route service bus with high-back seats;

(b) if it is a regional classification bus—the ADRs applying to a non-route service bus with high-back seats or low-back seats;

(c) if it is a local classification bus—the ADRs applying to a route service bus.

(2) If the bus is used in the wilderness, it must comply with the ADRs applying to a non-route service bus that were in force when the bus was manufactured.

(3) The seating of the bus must be—

(a) if it is an open classification bus—forward or rearward facing, coach-style, high-back seats; or

(b) if it is a regional classification bus or local classification bus—forward, rearward or side facing seats.

(4) The brakes of the bus must be a dual circuit system.

(5) If the bus is a regional classification bus and has side facing seats, the seats must be fitted with lap seatbelts complying with ADR 4/00 and ADR 5/00.

(6) In this section—

low-back seat, for a bus, means a seat having a height of less than 1m when measured from the floor of the bus, where the passenger's heels touch, to the top of the seat back, excluding any head restraint.

wilderness see the *Nature Conservation Act 1992*, schedule.

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Part 8 Bus padding

32 Purpose of part

The purpose of this part is to ensure padding is fitted to each hard surface in a bus that is likely to be struck by the head of a seated passenger if the bus is involved in a frontal collision.

33 Application of part

This part applies to each of the following—

(a) a regional classification bus;

(b) a local classification bus if the bus was introduced into service in Queensland after 31 December 1996;

(c) a school bus that—

(i) was introduced into service in Queensland after 31 December 1996; or

(ii) is a light bus and was less than 18 years old as at 5 July 2005; or

(iii) is a heavy bus and was less than 23 years old as at 5 July 2005.

Note—

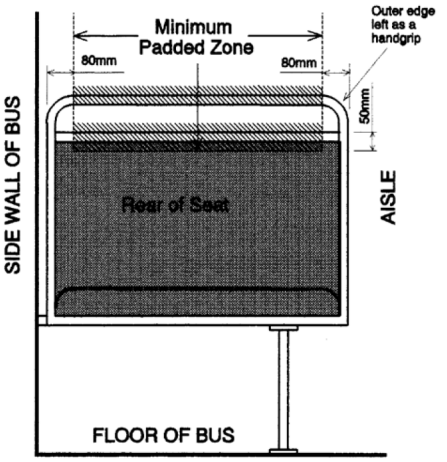
See section 5 for how to work out the age of a bus.

34 Definition for part

In this part—

minimum padded zone means the minimum padded zone for bus seating—

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35 Tops of seats

(1) If the top face or the rear face of the seat of the bus is a hard surface, padding must be fitted to the face.

Example of when padding need not be fitted under this subsection—

if the seat of the bus is a coach-style, high-back seat that has foam-backed upholstery or moulded foam coverings and does not have hard surfaces

(2) The padding of the rear face of the seat must extend at least 50mm down the back of the seat from the top face of the seat.

(3) The top face and the upper 50mm of the rear face of the seat must be padded at least across the minimum padded zone to within—

(a) 80mm of the outside edge of the seat; and

(b) 80mm of the aisle side of the seat.

36 Handrails

(1) An exposed handrail directly in front of a seat of the bus must be padded at least on the top, rear and front faces of the handrail at least across the minimum padded zone to within—

(a) 80mm of the outside edge of the seat; and

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(b) 80mm of the aisle side of the seat.

Note—

This allows for the handrail at the aisle to be retained as a handgrip—see the figure in section 34.

(2) However, handrails with a bend may be padded up to the start of the bend if the padding—

(a) is not more than 120mm or not less than 80mm from the outside edge of the seat; or

(b) is not more than 120mm or not less than 80mm from the aisle side of the seat.

37 Partitions

(1) Partitions directly in front of a seat of the bus must be padded so that the top face and the upper 50mm of the rear face of the partition are padded at least across the minimum padded zone.

(2) If the aisle side of the partition has a bend, the bend need not be padded.

38 Padding materials and fastening

(1) The padding must be—

(a) semi-rigid moulded polyurethane, self-skinning rigid moulded polyurethane, closed-cell polyethylene foam or closed-cell EVA foam that—

(i) is at least 25mm, but not more than 30mm, thick; and

(ii) has a density of at least 270kg/m^3, but not more than 300kg/m^3; or

(b) a material that is of a thickness and density that gives at least the same level of protection as is given under paragraph (a).

(2) The padding must be securely fastened to the seat, handrail or partition with fastenings that are protected to ensure they do not cause injury.

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39 Fittings on back of seat or partition

Each fitting, on the back of a seat or partition of the bus, that is outside the minimum padded zone must not be likely to cause injury to a passenger from an impact from a frontal collision.

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Schedule 1 Market entry restrictions

section 71

Column 1		Column 2	
Public passenger service		**Area or route**	
1	general route services, other than air services and ferry services	1	cities and towns with a population of more than 7,500
		2	routes for distances not more than 40km between cities or towns each with a population of more than 7,500
		3	routes for distances not more than 40km between a village and a city or town if the village has a population of more than 500 and the city or town has a population of more than 7,500
		4	Airlie Beach, Cannonvale, Proserpine, Shute Harbour, Shute Haven and the routes between them
		5	routes between Proserpine and Proserpine Airport
2	school services	routes serving schools	
3	taxi services	Queensland	
4	air services	a route, other than an excluded route or a route to the extent that it includes an excluded route, serving any of the following places— • Barcaldine • Bedourie • Birdsville	

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Column 1		Column 2	
Public passenger service		**Area or route**	
		• Blackall • Boulia • Burketown • Charleville • Cunnamulla • Doomadgee • Gununa • Hughenden • Julia Creek • Longreach • Mt Isa • Normanton • Quilpie • Richmond • Roma • St George • Thargomindah • Toowoomba • Windorah • Winton	
5	ferry services	1	routes between Coochiemudlo Island and Victoria Point
		2	routes between Karragarra Island, Lamb Island, Macleay Island, Russell Island and Weinam Creek
		3	routes between Magnetic Island and Townsville

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Column 1 Public passenger service	Column 2 Area or route
4	routes between Townsville and Palm Island

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Schedule 2 Taxi service areas for taxi industry security levy

section 115

Brisbane

Cairns

Gold Coast

Ipswich

Mackay

Rockhampton

Sunshine Coast

Toowoomba

Townsville Thuringowa

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Schedule 3 Prescribed areas

schedule 9, definition *prescribed area*

Bribie Island

Brisbane

Bundaberg

Cairns

Gladstone

Gold Coast

Gympie

Hervey Bay

Innisfail

Ipswich

Mackay

Maryborough

Mt Isa

Redcliffe

Rockhampton

Sunshine Coast

Toowoomba

Townsville Thuringowa

Warwick

Yeppoon

Schedule 4 Relevant security camera areas for approved security camera systems

section 202, definition *relevant security camera area*

Brisbane

Bundaberg

Cairns

Gladstone

Gold Coast

Gympie

Hervey Bay

Innisfail

Ipswich

Mackay

Maryborough

Mt Isa

Redcliffe

Rockhampton

Sunshine Coast

Toowoomba

Townsville Thuringowa

Yeppoon

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Schedule 5 Equipment requirements for particular public passenger vehicles

section 219

Column 1 Vehicle	Column 2 Requirements
1 An off-road passenger vehicle, if the vehicle is used to provide tourist services	1 The vehicle must be fitted with— (a) a fire extinguisher that complies with the Australian Standard for fire extinguishers; and (b) a device to prevent a damaged tail shaft from striking the ground. 2 If the vehicle is being used to provide a tourist service of more than 1 day's duration, the following equipment must be fitted to the vehicle and in working order— (a) a winch; (b) a first aid kit; (c) a Royal Flying Doctor radio or a telephone that operates in conjunction with a satellite.

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Column 1 Vehicle	Column 2 Requirements
2 A taxi	The vehicle 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; and (b) if luggage is carried in the passenger compartment—be constructed, or have equipment fitted, to secure the luggage; and (c) for a vehicle other than an exempted taxi, be fitted with the following equipment that is in working order— (i) a green distress light; (ii) a hail light; (iii) a child restraint anchorage bolt.

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Schedule 6 Reviewable decisions

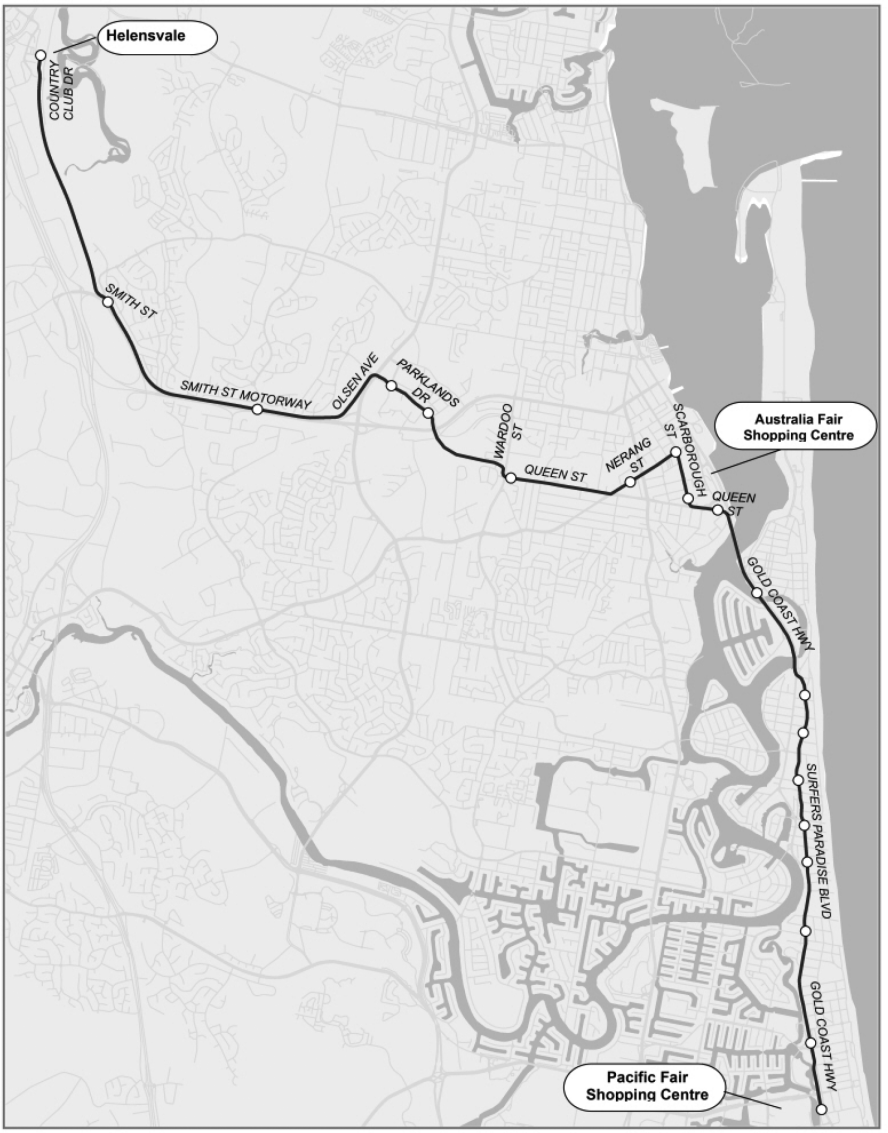
section 260

Section	Description of decision
47(2)	imposition of condition when granting driver authorisation or amendment of driver authorisation imposing condition
90(4)	refusal to approve sign
120(4)	refusal of application for membership of taxi subsidy scheme
121	cancellation of approval under taxi subsidy scheme
161(4)	refusal of application for approval to transfer licence
162(4)	refusal of application for approval to lease licence
174	grant of substitute vehicle authority with conditions
176	refusal of application to issue substitute vehicle authority
178	cancellation of substitute vehicle authority
213(1)(a)	approval of vehicle security camera system with conditions
213(1)(b)	cancellation of approval for vehicle security camera system
271	exclusion of student from free travel

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Schedule 7 Gold Coast light rail

schedule 9, definition *Gold Coast light rail*, paragraph (a)



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Schedule 8 Fees

section 278

		Fee units
1	Application under section 6 for grant of operator accreditation to provide a service mentioned in item 2—the total of the following—	
	(a) an amount equal to the fee payable under whichever of item 2(a), (b), (c) or (d) mentions the service, for each year of accreditation	
	(b) the additional application fee payable under item 12	
2	Application under section 6 for renewal of operator accreditation to provide the following, for each year of accreditation—	
	(a) 1 or more general route services or school services	193.85
	(b) a community transport service	193.85
	(c) a courtesy transport service	193.85
	(d) a public passenger service for which no fee is payable under paragraph (a), (b) or (c), for each service—	
	(i) accreditation under which 1 to 10 vehicles may be used to provide the service	388.55
	(ii) accreditation under which more than 10 vehicles may be used to provide the service	1,944.80
3	Application for grant of driver authorisation (booked hire and taxi) (s 23(3)(b)(ii))—the total of the following—	
	(a) the fee payable for the term of the authorisation—	
	(i) for 1 year	159.50

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		Fee units
	(ii) for 2 years	247.95
	(iii) for 3 years	330.45
	(iv) for 4 years	413.00
	(v) for 5 years	495.65
	(b) the additional application fee payable under item 12	
4	Application for renewal of driver authorisation (booked hire and taxi) (s 23(3)(b)(ii))—	
	(a) for 1 year	159.50
	(b) for 2 years	247.95
	(c) for 3 years	330.45
	(d) for 4 years	413.00
	(e) for 5 years	495.65
5	Application for grant of driver authorisation (general) (s 23(3)(b)(ii))	46.50
6	Service contract, or a renewal of a service contract, if the holder of the contract is, under the contract, remunerated from revenue generated by passenger fares, for each year the contract is in force—	
	(a) 1 to 10 vehicles	194.40
	(b) 11 to 20 vehicles	486.20
	(c) 21 to 50 vehicles	972.40
	(d) more than 50 vehicles	1,944.80
7	Taxi service licence, or a renewal of a taxi service licence, for an exempted taxi, for each year of the licence	97.15
8	Taxi service licence, or a renewal of a taxi service licence, other than for an exempted taxi, for each year of the licence	194.40

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		Fee units
9	Renewal of a limousine licence under section 91I of the Act—	
	(a) if the licence is a special purpose limousine licence	2,813.15
	(b) otherwise, for each year of the licence	194.40
10	Application for grant of booked hire service licence, for each year of the licence (s 152(2)(c))	259.95
11	Application for grant or renewal of booking entity authorisation (s 185(2)(b))—the total of the following—	
	(a) for each year of the authorisation—	
	(i) 1 to 5 vehicles	273.90
	(ii) 6 to 20 vehicles	766.95
	(iii) 21 to 50 vehicles	2,191.30
	(iv) more than 50 vehicles	5,478.25
	(b) the additional application fee payable under item 12	
12	Additional application fee for item 1(b), 3(b) or 11(b) if the individual, partner, executive officer or representative mentioned in any of paragraphs (a), (b), (c) or (d) is a person about whom the chief executive proposes, under section 148(2) of the Act, to ask the commissioner of the police service for a written report about the person's criminal history for the application—	
	(a) if the applicant is an individual and paragraph (b) does not apply	46.50
	(b) if the applicant is a partner—for each partner of the partnership when the application is made	46.50
	(c) if the applicant is a corporation—for each executive officer of the corporation when the application is made	46.50
	(d) if the applicant is applying for the grant or renewal of booking entity authorisation—	

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		Fee units
(i)	for an applicant who is a foreign person—	
	(A) if the applicant's local nominee or proposed local nominee is an individual	46.50
	(B) if the applicant's local nominee or proposed local nominee is a corporation, for each executive officer of the corporation when the application is made	46.50
(ii)	for each executive officer of a related body corporate of the applicant when the application is made	46.50

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Schedule 9 Dictionary

section 3

accreditation number, for an operator accreditation, means the unique identification number issued by the chief executive for the operator accreditation.

accreditation requirements, for part 2, see section 4.

ADR, for schedule 1AA, see schedule 1AA, section 1.

approved card reader, for part 6, see section 78.

approved method, for providing information, for part 6, division 4, see section 99.

approved person, for schedule 1AA, see schedule 1AA, section 1.

approved relevant person, for part 6, see section 78.

approved security camera system, for part 9, see section 202.

approved security camera system sign, for part 9, see section 202.

approved vehicle, for part 9A, see section 218B.

assistance animal means an animal that—

(a) accompanies a person who has a disability; and

(b) is specifically trained to give help to the person in relation to the disability.

associated document, for part 5A, division 2, see section 77H(2) and (3).

authorisation requirement, for part 3, see section 21.

authorised purpose, for a security recording, for part 9, see section 202.

available vehicles, for a booking entity authorisation, means the motor vehicles used, or to be used, to provide booked hire services under the authorisation.

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busway transport infrastructure see the *Transport Infrastructure Act 1994*, schedule 6.

categorised, in relation to a vehicle category for a motor vehicle, means the motor vehicle—

(a) is of that category under a national road vehicle standard; or

(b) has a compliance plate on it that states the vehicle is of that category; or

(c) is stated to be of that category in the RAV.

code of conduct means a code of conduct approved by the chief executive under section 272.

compliance plate means a plate authorised to be placed on a motor vehicle, or taken to have been placed on a motor vehicle, under—

(a) the repealed *Motor Vehicle Standards Act 1989* (Cwlth); or

(b) the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, part 3, division 1.

corresponding Australian licence, for part 3, see section 21.

corresponding foreign licence, for part 3, see section 21.

cross-border taxi service means a taxi service that is provided—

(a) using a NSW taxi; and

(b) for a journey that starts at a cross-border taxi rank and ends in New South Wales.

current postal address, for a person, means a postal address—

(a) given by the person to the department for use by the department (whether or not it was given for the purpose of the Act); and

(b) for which no written or oral notice from the person, requiring the department to discontinue use of the postal address, has been received by the department.

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damaged, in relation to an authorising document—

(a) means damaged as defined under section 34A(2) of the Act; and

(b) does not include the authorising document being destroyed as required under section 54(5) or 65(1).

dealt with, in relation to a charge for an offence against a person, means—

(a) the person has been acquitted of the charge; or

(b) the charge has been withdrawn or dismissed; or

(c) a nolle prosequi or no true bill has been presented in relation to the charge.

defined urban area means—

(a) the area of the City of Brisbane under the *City of Brisbane Act 2010*; or

(b) an area for which a service contract is required under section 42 of the Act for the provision of road-based general route services that are not—

(i) school services only; or

(ii) services only for the carriage of eligible school students.

driver authorisation (booked hire and taxi) see section 23(1)(a).

driver authorisation (general) see section 23(1)(b).

driver authorisation number, for a person, means the unique identification number issued by the chief executive for the person's driver authorisation.

eligible school students means students who travel to and from school or another educational establishment under an arrangement made by the chief executive under section 144 of the Act.

excluded route means any of the following routes—

(a) Brisbane direct to, or from, Mt Isa;

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(b) Brisbane direct to, or from, Toowoomba;

(c) Cairns direct to, or from, Mt Isa;

(d) Toowoomba direct to, or from, Roma;

(e) Townsville direct to, or from, Mt Isa.

exempted taxi means a taxi that is not required under the taxi service licence for the taxi to be fitted with a taximeter.

fatigue-regulated duty holder, for part 5A, division 1, see section 77A(1).

fatigue-regulated service, for part 5A, division 1, see section 77A(2).

fee includes charge and tax.

fleet number, of a taxi used to provide a taxi service, means a sequence of numbers used by the operator of the taxi service to identify the taxi.

front or rear camera system, for part 9, see section 202.

fully operational, for an approved security camera system, for part 9, see section 202.

Gold Coast light rail means—

(a) the light rail, shown on the map in schedule 7, known as the Gold Coast light rail; and

(b) any other public transport infrastructure operated by, or under the control of, a light rail manager, or a light rail operator, for the Gold Coast light rail.

government entity, for part 8, see section 151.

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

heavy vehicle means a heavy vehicle for the purposes of the Heavy Vehicle National Law (Queensland), as provided for in section 6 of that Law.

high-back seat, for schedule 1AA, see schedule 1AA, section 1.

image recording, for part 9, see section 202.

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incident report means a report complying with section 18K(3).

infant passenger means a passenger under 1 year old.

injured, for part 2, division 3A, subdivision 3, see section 18C.

interim taxi driver display card means a card that—

(a) is headed 'Authorised Queensland Taxi Driver'; and

(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.

interim transport authority, for part 3, see section 21.

licence, for part 8, division 3, see section 157.

lift payment see section 136A(1)(a).

lift payment scheme see section 136A(1).

light bus, for schedule 1AA, see schedule 1AA, section 1.

light rail platform means—

(a) a place for the taking on and letting off of light rail vehicle passengers using the Gold Coast light rail; and

(b) a place, adjoining a place mentioned in paragraph (a), where a public passenger vehicle other than a light rail vehicle takes on or lets off passengers.

local classification bus, for schedule 1AA, has the meaning given by schedule 1AA, section 2(3).

locally significant event service means a public passenger service—

(a) operating in or near a local government area with a population of less than 2,500 people according to the most recent estimated resident population for the area stated on the Australian Bureau of Statistics website; and

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(b) provided, free of charge, for carrying passengers to or from an event that is—

(i) held not more than twice a year in or near the area; and

(ii) open to attendance by the general public, either free of charge or on payment of an entry fee; and

Example for paragraph (b)—

an annual show day

(c) for which no more than 2 motor vehicles are available, at any time, to provide the service.

maintenance record, for schedule 1AA, part 5, see schedule 1AA, section 25.

manual card reader, for part 6, see section 78.

medical certificate, for a person, means a certificate from a doctor stating that the person complies with the medical standards for licensing, commercial standards, stated in the document called 'Assessing fitness to drive' published by Austroads Ltd ACN 136 812 390.

membership card, for part 6, see section 78.

minimum padded zone, for schedule 1AA, part 8, see schedule 1AA, section 34.

motorbike see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

moving expenses, for part 14, see section 257.

National Disability Insurance Scheme, for part 6, see section 78.

national road vehicle standard means a standard determined under the *Road Vehicle Standards Act 2018* (Cwlth), section 12.

NDIS Act, for part 6, see section 78.

NDIS participant, for part 6, see section 78.

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nominated vehicle fitted with a prescribed interlock see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

non-route service bus, for schedule 1AA, see schedule 1AA, section 1.

no standing passenger road means a road notified by the chief executive, by gazette notice, as a road on which a relevant vehicle that is a bus must not carry standing passengers.

off-road passenger vehicle means a motor vehicle categorised as the vehicle category off-road passenger vehicle (MC).

open classification bus, for schedule 1AA, has the meaning given by schedule 1AA, section 2(1).

open licence, for part 3, see section 21.

parent, of a student, means—

(a) if the student is a child—a person who is a parent of the child under the *Education (General Provisions) Act 2006*, section 10; or

(b) if the student is an adult—a person who was a parent of the adult under the *Education (General Provisions) Act 2006*, section 10, immediately before the student stopped being a child.

passenger vehicle means a motor vehicle categorised as any of the following vehicle categories—

(a) passenger car (MA);

(b) forward-control passenger vehicle (MB);

(c) off-road passenger vehicle (MC);

(d) light omnibus (MD);

(e) heavy omnibus (ME).

prescribed area means a taxi service area mentioned in schedule 3.

prescribed driver authorisation requirement, for part 3, see section 21.

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prescribed incident, for part 2, division 3A, subdivision 3, see section 18D.

prescribed inspection entity, for schedule 1AA, see schedule 1AA, section 1.

prescribed operator means an operator who holds operator accreditation to provide a community transport service or courtesy transport service.

prescribed operator accreditation requirement, for part 2, see section 4.

probationary licence, for part 3, see section 21.

properly fitted, for an approved security camera system, for part 9, see section 202.

property, for part 14, see section 254.

proposed action—

(a) for part 2, division 3, see section 13; or

(b) for part 3, division 4, see section 41(3); or

(c) for part 8, division 3, see section 165(2); or

(d) for part 8, division 5, subdivision 3, see section 192(2).

proposed local nominee, for part 8, division 5, see section 184.

provisional driver authorisation, for part 3, see section 30(1).

provisional licence, for part 3, see section 21.

quarter, for a financial year, for part 6, division 4, see section 99.

RAV means the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cwlth).

regional classification bus, for schedule 1AA, has the meaning given by schedule 1AA, section 2(2).

registered operator, of a vehicle, see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

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registration number, of a vehicle, see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, schedule 8.

regulated area, for part 12, see section 240.

regulation notice means a written notice about a decision under this regulation that includes—

(a) the decision and a statement of reasons for the decision; and

(b) an information notice for the decision.

related body corporate means—

(a) for an individual—

(i) a corporation of which the individual is a majority shareholder, director or secretary or in which the individual has an interest of 50% or more; or

(ii) a body corporate that is a related body corporate, within the meaning of the Corporations Act, section 50, to a corporation mentioned in subparagraph (i); or

(b) for a corporation—a body corporate that is a related body corporate within the meaning of the Corporations Act, section 50.

relevant associate, of a person, for part 2, see section 4.

relevant person—

(a) for part 6, see section 78; or

(b) for part 8, division 5, see section 184.

relevant place, for an approved security camera system sign in or on a vehicle, for part 9, see section 202.

relevant security camera area, for part 9, see section 202.

relevant service means a public passenger service for which operator accreditation is required.

relevant transport legislation means relevant transport legislation under section 69 of the Act.

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relevant vehicle means a vehicle used to provide a public passenger service, other than a booked hire service or taxi service, for which driver authorisation is required.

responsible officer, for part 14, see section 256(2).

responsible person means—

(a) for a busway or busway transport infrastructure—the chief executive; or

(b) for light rail—

(i) the chief executive; or

(ii) a light rail manager or light rail operator for the light rail; or

(iii) a contractor for a light rail manager or light rail operator for the light rail.

restricted licence, for part 3, see section 21.

rolling stock see the *Transport Infrastructure Act 1994*, schedule 6.

route service bus, for schedule 1AA, see schedule 1AA, section 1.

school means—

(a) a State school under the *Education (General Provisions) Act 2006*; or

(b) an accredited school under the *Education (Accreditation of Non-State School) Act 2017*.

school bus means a bus that is used to provide a school service outside, or partly outside, a defined urban area, even though the bus may be used for other purposes at other times.

security recording, for part 9, see section 202.

smartcard transport authority, for part 3, see section 21.

sound recording, for part 9, see section 202.

special purpose limousine licence see section 91I(5) of the Act.

substitute vehicle authority see section 171.

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tap off, for part 9A, see section 218B.

tap on, for part 9A, see section 218B.

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

(a) is headed 'Authorised Driver—Booked Hire and Taxi'; and

(b) states the driver's driver authorisation number; and

(c) states an expiry date; and

(d) contains a digital photo of the driver; and

(e) indicates that the card is issued by the Queensland Government.

taximeter, for part 6, see section 78.

taxi subsidy scheme see section 119(1).

terms or conditions, for part 9A, see section 218B.

token, for part 9A, see section 218B.

token reader, for part 9A, see section 218B.

tourist service means a pre-booked public passenger service operated in accordance with a publicly available itinerary to—

(a) a common scenic or tourist attraction; or

(b) if the service is not wholly within a service contract area or route—a major sporting or cultural event.

ultimate approved lessee, of a taxi service licence or limousine licence, for part 8, see section 151.

vehicle requirements, for a booked hire service licence, limousine licence or taxi service licence, for part 8, see section 151.

vehicle security camera system, for part 9, see section 202.

wheelchair includes a motorised mobility device within the meaning of the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

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wheelchair accessible taxi means a taxi that has the capacity to accommodate at least 1 wheelchair and the occupant of the wheelchair.

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