

Queensland



*Transport Operations (Passenger Transport) Act 1994*

# **TRANSPORT OPERATIONS (PASSENGER TRANSPORT) REGULATION 1994**

**Reprinted as in force on 20 November 1998  
(includes amendments up to SL No. 301 of 1998)**

**Reprint No. 4A**

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This regulation is reprinted as at 20 November 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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(PASSENGER TRANSPORT)  
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## **TRANSPORT OPERATIONS (PASSENGER TRANSPORT) REGULATION 1994**

[as amended by all amendments that commenced on or before 20 November 1998]

### **PART 1—PRELIMINARY**

#### **Short title**

1. This regulation may be cited as the *Transport Operations (Passenger Transport) Regulation 1994*.

#### **Definitions**

3. In this regulation—

“**code of conduct**” means the code of conduct applying in relation to school children travelling on public passenger vehicles approved by the chief executive under section 62A.

“**commercial scheduled service**”, for schedule 1, means a public passenger service (other than a community transport service, a courtesy transport service, a school service and a tourist service) conducted on an established route on a road in accordance with a regular timetable for which the operator is remunerated—

- (a) from revenue generated by passengers’ fares; or
- (b) by payments from anyone else for, or to provide, the service.

“**de facto relationship**” means the relationship between 2 persons who, although not married to each other, live in a relationship like the relationship between a married couple.

“**exempted taxi**” means a taxi not required to have a taximeter installed.

“**local conveyance committee**” means a committee elected by, consisting of and representing parents and guardians of eligible school children who use school services.

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**“other public passenger service”** means a road based public passenger service other than the following services—

- (a) an accommodation transfer service;
- (b) a charter bus service;
- (c) a community transport service;
- (d) a courtesy transport service;
- (e) a limousine service;
- (f) a long distance scheduled passenger service;
- (g) a scheduled passenger service;
- (h) a taxi service;
- (i) a tourist service;
- (j) a tourist transfer service;
- (k) an unscheduled long distance passenger service.

**“school children”** means children attending a state school or non-state school under the *Education (General Provisions) Act 1989*.<sup>1</sup>

**“taximeter”** means an instrument that—

- (a) is able to record fares for individual and multiple hiring of a taxi; and
- (b) is designed to show the fare for each hiring.

**“unscheduled long distance passenger service”** means a pre-booked road based public passenger service—

- (a) that is not scheduled; and
- (b) in which passengers are carried on an established route for a distance of at least 40 km; and
- (c) in which a passenger’s journey is not wholly within—

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<sup>1</sup> The *Acts Interpretation Act 1954*, defines a child as being under 18. Under the *Education (General Provisions) Act 1989*, a person enrolled in a preschool centre, primary school, secondary school or special school or registered in any other educational institution is a student.

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- (i) a service contract area or route; or
- (ii) a taxi service area.

## **PART 2—APPROACH**

### **Approach**

4. This regulation reflects an approach consistent with the objectives of the Act and based on—

- (a) allowing operators scope to meet emerging identified needs; and
- (b) holding operators accountable for their performance; and
- (c) placing the onus for compliance on industry rather than specifying in detail how industry is intended to act in all situations; and
- (d) a desire to ensure high levels of safety and the efficient meeting of user needs.

## **PART 3—OPERATOR ACCREDITATION AND DRIVER AUTHORISATION**

### **Definition**

5. In this part—

“**authority**” means operator accreditation or driver authorisation.

### **Granting operator accreditation or driver authorisation—Act, ss 17 and 29**

6. The chief executive may grant an authority to a person if the person complies with the Act and this regulation and also the standards applying to the authority.

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**Term of operator accreditation or driver authorisation—Act, ss 17 and 29**

**7.(1)** An authority is for a term, stated in the authority, of not longer than 5 years.

**(2)** However, an authority may be renewed for successive terms of not longer than 5 years.

**Renewing driver authorisation—medical certificates**

**7A.(1)** This section applies if—

- (a) a driver has been granted a driver authorisation; and
- (b) the driver provided a certificate of the driver’s medical fitness under section 8(2)(a) of the *Transport Operations (Passenger Transport) Standard 1995* (“**section 8(2)(a)**”) for the authorisation; and
- (c) the driver applies to renew the authorisation for a term ending less than 5 years and 1 month from the making of the certificate; and
- (d) the chief executive has no reason to believe that the driver’s medical condition has changed under the approved standard for section 8(2)(a) since the making of the certificate.

**(2)** For section 8(2)(a), the driver is taken to have provided a certificate for the driver’s medical fitness if the driver gives a copy of the certificate to the chief executive.

**(3)** This section expires 2 years after it commences.

**Requirement to prove fitness**

**7B.(1)** This section applies if—

- (a) a standard requires a person (when applying for, or renewing, a driver authorisation) to provide evidence of their medical fitness to operate a public passenger vehicle to an approved standard; and
- (b) the chief executive reasonably considers the medical fitness of the

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holder of a driver authorisation no longer meets the approved standard.

(2) The chief executive may, by written notice, require the holder to provide evidence of their medical fitness to operate a public passenger vehicle to the approved standard.

**Provisional operator accreditation or driver authorisation—Act, ss 18 and 30**

8.(1) The chief executive may grant an authority to a person on a provisional basis—

- (a) for any authority—if the person meets some but not all the standards applying to the authority; or
- (b) for operator accreditation—while the person's criminal history is being checked.

(2) A grant under subsection (1)(a) may be subject to a condition about the person meeting all the standards applying to the authority within a specified time.

(3) Despite subsection (1), the chief executive may grant driver authorisation to a person on a provisional basis without a formal application being made to ensure a public passenger service can continue to be provided in an emergency.

(4) A grant under subsection (3) is subject to the condition that the person will make a formal application for driver authorisation as soon as practicable after the grant.

(5) Operator accreditation granted on a provisional basis may be refused, amended, suspended or cancelled on the same basis as operator accreditation.

(6) Driver authorisation granted on a provisional basis may be refused, amended, suspended or cancelled on the same basis as driver authorisation.

**Refusal of operator accreditation—Act, s 17**

9.(1) The chief executive may refuse to grant operator accreditation to a

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person, or to renew operator accreditation for a person, if—

- (a) for an individual—the person has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
- (b) for a member of a partnership—the person, or another member of the partnership, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of; or
- (c) for a corporation—the person, or an executive officer of the person, has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.

(2) The chief executive may also refuse to grant operator accreditation to a person, or to renew operator accreditation for a person, if—

- (a) the person does not comply with a standard applying to the operator accreditation; or
- (b) an operator accreditation granted to the person has been cancelled or suspended; or
- (c) the person has repeatedly engaged in conduct that, in the chief executive's opinion, is damaging to the reputation of public passenger transport.

(3) Action under this section to refuse to grant or renew operator accreditation must be in accordance with section 59.<sup>2</sup>

### **Refusal of driver authorisation—Act, s 29**

**10.(1)** The chief executive may refuse to grant driver authorisation to a person, or to renew driver authorisation for a person, if the person has been convicted of a disqualifying offence or has been charged with a disqualifying offence and the charge has not been finally disposed of.

(2) The chief executive may also refuse to grant driver authorisation to a person, or to renew driver authorisation for a person, if—

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<sup>2</sup> Section 59 (Procedure to be followed—refusal to grant or renew)

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- (a) the person does not comply with a standard applying to the driver authorisation; or
- (b) a driver authorisation granted to the person has been cancelled or suspended; or
- (c) the chief executive considers the person's driving history renders the person unsuitable to hold driver authorisation; or
- (d) the person has repeatedly engaged in conduct that, in the chief executive's opinion, is damaging to the reputation of public passenger transport.

(3) Action under this section to refuse to grant or renew driver authorisation must be in accordance with section 59.<sup>3</sup>

**Amendment, suspension and cancellation of authorities—Act, ss 20 and 32**

**11.(1)** The chief executive may amend, suspend or cancel operator accreditation granted to a person if—

- (a) for an individual—the person has been convicted of a disqualifying offence; or
- (b) for a member of a partnership—the person or another member of the partnership has been convicted of a disqualifying offence; or
- (c) for a corporation—the person, or an executive officer of the person, has been convicted of a disqualifying offence.

(2) The chief executive may amend, suspend or cancel driver authorisation granted to a person if the person has been convicted of a disqualifying offence, or the chief executive considers it necessary because of the person's driving history.

(3) The chief executive may amend, suspend or cancel an authority granted to a person, or refuse to renew an authority granted to a person, if—

- (a) for an individual—the person does not comply with a standard applying to the authority or the chief executive otherwise

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<sup>3</sup> Section 59 (Procedure to be followed—refusal to grant or renew)

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- considers it necessary in the public interest; or
- (b) for a partnership—the person or another member of the partnership does not comply with a standard applying to the authority or the chief executive otherwise considers it necessary in the public interest; or
  - (c) for a corporation—the person, or an executive officer of the person, does not comply with a standard applying to the authority or the chief executive otherwise considers it necessary in the public interest; or
  - (d) in any case—fees payable for the issue or renewal of the authority remain unpaid after the day payment is required to be made.
- (4)** The chief executive may immediately suspend an authority granted to a person if—
- (aa) for an individual—the person does not comply with a notice under section 7B;<sup>4</sup> or
  - (a) for an individual—the person is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
  - (b) for a partnership—the person or another member of the partnership is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest; or
  - (c) for a corporation—the person, or an executive officer of the person, is charged with a disqualifying offence or the chief executive otherwise considers it necessary in the public interest.
- (5)** Action under this section—
- (a) to amend, suspend or cancel an authority must be in accordance with section 58;<sup>5</sup> or

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<sup>4</sup> Section 7B (Requirement to prove fitness)

<sup>5</sup> Section 58 (Procedure to be followed—amending, suspending or cancelling)



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- (b) to refuse to renew an authority must be in accordance with section 59.<sup>6</sup>

### **Notifying disqualifying offences**

**12.(1)** A notification under any of the following provisions of the Act must be made in writing and must state details of the charge (including the day when the charge will be heard)—

- section 19(1) (Applicant to notify charge for disqualifying offence etc.)
- section 21(1) (Accredited operator to notify charge for disqualifying offence etc.)
- section 22(1) and (3) (Member of partnership must inform another partner of charge for disqualifying offence etc.)
- section 31(1) (Applicant to notify charge for disqualifying offence etc.)
- section 33(1) (Authorised driver must notify charge for disqualifying offence etc.).

**(2)** A notification under section 19(2), 21(2), 22(2) or (4), 31(2) or 33(2) of the Act must be in writing.

### **Notifying suspension or cancellation**

**13.** A notification under section 34<sup>7</sup> or 35<sup>8</sup> of the Act must be in writing.

### **Return of evidence of operator accreditation or driver authorisation**

**14.** If a person's operator accreditation or driver authorisation is cancelled, or suspended for longer than 1 week, the person must, as soon as

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<sup>6</sup> Section 59 (Procedure to be followed—refusal to grant or renew)

<sup>7</sup> Section 34 of the Act (Authorised driver must notify suspension or cancellation of licence etc.)

<sup>8</sup> Section 35 of the Act (Obligation to notify accredited operator of suspension or cancellation of licence etc.)

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practicable (but within 14 days), return the certificate evidencing the operator accreditation or driver authorisation to the chief executive, unless the person has a reasonable excuse for not returning it.

Maximum penalty—10 penalty units.

**Exemption from scope of operator accreditation and driver authorisation—Act, ss 13(2)(c) and 25(2)(c)**

**15.(1)** Ferry services are exempt from the requirements for operator accreditation and driver authorisation.

**(2)** The following public passenger services are exempted from the requirements for operator accreditation—

- (b) community transport services;
- (c) courtesy transport services.

**(3)** The following public passenger services are exempted from the requirements for driver authorisation—

- (b) community transport services;
- (c) courtesy transport services.

**(4)** Subsection (2) expires 30 April 1999.

**(5)** Subsection (3) expires 31 July 1999.

**Delegation of powers relating to operator accreditation and driver authorisation**

**16.(1)** Section 16(2)<sup>9</sup> of the Act applies to the delegation of powers under the Act, sections 17<sup>10</sup> and 18<sup>11</sup> to—

- (a) the Taxi Council of Queensland Inc.; or
- (b) the Bus and Coach Association of Queensland Inc.; or

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<sup>9</sup> Section 16 of the Act (Responsibility for system of operator accreditation)

<sup>10</sup> Section 17 of the Act (Granting, renewing or refusing operator accreditation)

<sup>11</sup> Section 18 of the Act (Provisional operator accreditation)

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- (c) the Bus Operators Association (Queensland) Inc.; or
- (d) the Limousine Association Queensland Inc.

(2) Section 28(2)<sup>12</sup> of the Act applies to the delegation of powers under sections 29<sup>13</sup> and 30<sup>14</sup> of the Act to—

- (a) the Taxi Council of Queensland Inc.; or
- (b) the Bus and Coach Association of Queensland Inc.; or
- (c) the Bus Operators Association (Queensland) Inc.; or
- (d) the Limousine Association Queensland Inc.; or
- (e) the Brisbane City Council.

(3) A person who is, or has been, involved in the administration of driver authorisation or operator accreditation under a delegation mentioned in this section must not make a record of, or directly or indirectly disclose, information about an applicant including, for example, information about the applicant's criminal history and medical history.

(4) Subsection (3) does not apply to disclosing information to the chief executive, in a court or doing anything under the delegation.

## **PART 4—MARKET ENTRY RESTRICTIONS**

### **Market entry restrictions—Act, s 36**

17. For chapter 5<sup>15</sup> of the Act, 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 if the chief

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<sup>12</sup> Section 28 of the Act (Responsibility for system of driver authorisation)

<sup>13</sup> Section 29 of the Act (Granting, renewing or refusing driver authorisation)

<sup>14</sup> Section 30 of the Act (Provisional driver authorisation)

<sup>15</sup> Chapter 5 (Market entry restrictions)

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executive declares as required under section 42 or 71 of the Act<sup>16</sup> in relation to the service.

## **PART 5—SERVICE CONTRACTS**

### **Scope of service contracts—Act, s 39**

**17A.** A long distance scheduled passenger service is prescribed for section 39(e) of the Act.<sup>17</sup>

### **Matters to be considered—Act, s 59(2)(e)**

**18.** The following matters are prescribed for section 59(2)(e) of the Act<sup>18</sup>—

- (a) evidence that proposed minimum service levels will be achieved; and
- (b) evidence of financial viability; and
- (c) overall suitability of vehicles, having regard to vehicle age and accessibility; and
- (d) plans to increase patronage through marketing of services and public passenger transport.

### **Matters to be considered—Act, s 61(4)**

**18A.(1)** This section applies if an arbitrator is deciding an amount of compensation under section 61(3) of the Act.<sup>19</sup>

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<sup>16</sup> Section 42 (Declaration that service contracts are required)  
Section 71 (Taxi service areas)

<sup>17</sup> Section 39 (Scope of service contracts)

<sup>18</sup> Section 59 of the Act (Matters to be considered)

<sup>19</sup> Section 61 (Compensation)

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(2) The arbitrator must consider the following—

- (a) the present value of the future maintainable profits or future cash flows of the services (the “**services**”) of the kind provided for in the new service contract that were previously provided by an existing operator or operators who are a party or parties to the arbitration;
- (b) the capitalisation of future maintainable profits or the discounting of future cash flows as the principal valuation methodology;
- (c) the definition “**future maintainable profits**” in subsection (4) when selecting the appropriate capitalisation rate to apply to the future maintainable profits;
- (d) the definition “**future cash flows**” in subsection (4) when selecting the appropriate discount rate to apply to the future cash flows;
- (e) relevant risk factors including the life of the contract;
- (f) the value of the services derived using implied revenue multiples or other customary industry benchmarks.

(3) The arbitrator must not consider the following—

- (a) capital gains tax;
- (b) additional costs incurred by the existing operator or operators which are not related to the services acquired by the new operator, including for example costs of, or in relation to—
  - (i) advisers;
  - (ii) emotional distress;
  - (iii) loss of employment, life style or public standing;
  - (iv) mortgage or loan foreclosures;
  - (v) relocation;
- (c) income and expenses from activities outside the scope of the new service contract such as tourist and charter bus services;

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- (d) economies of scale and operating efficiencies available to a new operator but not able to be achieved or accrued by the existing operator or operators.

(4) In this section—

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

- (a) abnormal or exceptional revenue or expense items;
- (b) owners 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.

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

**Service contracts required for administration of taxi services—Act,  
s 66**

**19.** On and from a day to be fixed by the chief executive by gazette notice, the administration of taxi services in a taxi service area must be performed under a service contract.

## **PART 6—TAXI SERVICES AND LIMOUSINE SERVICES**

### *Division 1—General*

#### **Safety requirements**

**20.** The operator of a taxi or a limousine must ensure that the vehicle adequately provides for the safety and comfort of passengers.

Maximum penalty—10 penalty units.

#### **Amendment of service licence conditions—Act, ss 75(1) and 88(1)**

**21.(1)** The chief executive may amend the conditions of a taxi service licence or a limousine service licence if the chief executive is satisfied the amendment will result in a higher quality of service or will better meet the needs of users.

**(2)** Action under this section must be in accordance with section 58.<sup>20</sup>

#### **Transfer, lease or surrender of taxi or limousine service licences—Act, ss 76 and 89**

**22.(1)** The holder of a taxi service licence or limousine service licence may—

- (a) transfer or lease the licence to another person who is accredited to provide the service; or
- (b) enter into other operating arrangements about the licence with another person who is accredited to provide the service.

**(2)** A person who transfers or leases a licence to someone else must notify the chief executive in writing of the transfer or lease as soon as practicable (but within 14 days) after the transfer or lease takes effect.

Maximum penalty—20 penalty units.

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<sup>20</sup> Section 58 (Procedure to be followed—amending, suspending or cancelling)

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(2A) If a person has leased a licence to someone else, the person must give the chief executive written notice of the end of the lease as soon as practicable (but within 14 days) after the lease ends.

Maximum penalty—20 penalty units.

(3) The holder of a taxi service licence or limousine service licence may surrender the licence by written notice given to the chief executive.

(4) A surrender takes effect from the day the notice is received or a later day stated in the notice.

(5) In this section—

“**end of the lease**” includes the expiry of the lease.

**Suspension and cancellation of taxi service licences and limousine service licences—Act, ss 79 and 91**

23.(1) The chief executive may suspend or cancel a person’s taxi service licence or limousine service licence if—

- (a) the person is convicted of a disqualifying offence; or
- (b) the person contravenes a condition of the licence; or
- (c) fees payable for the licence remain unpaid after the day payment is required to be made.

(2) Action under this section must be in accordance with section 58.<sup>21</sup>

**Limitation on number of taxi service licences—Act, s 78**

24.(1) If there are more than 10 but not more than 20 taxi service licences for a taxi service area, a person must not hold more than 10 of the licences.

(2) If there are more than 20 taxi service licences for a taxi service area, a person must not hold more than 50% of the licences.

(3) For this section, a taxi service licence held by an associate of a person is taken to be held by the person.

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<sup>21</sup> Section 58 (Procedure to be followed—amending, suspending or cancelling)



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(4) In this section—  
“**hold**” includes lease.

**Associates—Act, s 78**

25. For licences, a person is an associate of another if 1 or more of the following relationships exists between them—

- (a) marriage or de facto relationship;
- (b) the relationship of ascendant or descendant, or the relationship of persons who have a parent or grandparent in common;
- (c) partnership;
- (d) the relationship of employer and employee;
- (e) a fiduciary relationship;
- (f) the relationship of persons 1 of whom is accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of the other;
- (g) the relationship of corporation and director or executive officer of the corporation;
- (h) the relationship of corporation and a person who is in a position of control or has substantial influence over the corporation’s conduct.

**Advertising taxi or limousine service**

25A. A person must not advertise a taxi service or limousine service unless the service is operated by the operator of a taxi service licence or limousine service licence.

Maximum penalty—20 penalty units.

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***Division 2—Taxis***

**Operations of taxis**

**26.(1)** The driver of a taxi available for hire must not refuse a hiring for a destination—

- (a) in the taxi service area for which the taxi is licensed; or
- (b) within 40 km of the pick up point.

Maximum penalty—5 penalty units.

**(2)** Subsection (1) is subject to section 45.<sup>22</sup>

**Fares and charges for taxis**

**27.(1)** The driver of a taxi to which the maximum fares under section 74A of the Act apply must not charge more than the maximum fare.

**(3)** The driver of a taxi mentioned in a gazette notice under section 74A(2) of the Act must not demand more than the agreed amount.

Maximum penalty—10 penalty units.

**(4)** The driver of a taxi must not drive the vehicle to the destination specified by the hirer in a way that involves excessive charging.

Maximum penalty—10 penalty units.

**(5)** The driver of a taxi may charge a person who soils the taxi an additional amount (not more than 1 penalty unit) for cleaning the taxi.

**(6)** If the driver of a taxi is of the opinion that he or she will not be able to obtain the fare at the destination, the driver may, before starting the hiring, require the payment of the estimated fare or agreed amount for the hiring as a deposit.

**Requirements for taximeters**

**28.(1)** The operator of a taxi must have a taximeter fitted to the taxi

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<sup>22</sup> Section 45 (Passengers causing nuisance etc.)

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unless the taxi service licence for the taxi exempts the operator from the requirement.

Maximum penalty—40 penalty units.

(2) The operator of a taxi to which a taximeter is fitted must ensure that the taximeter records fares in a way that ensures the maximum fares specified in a gazette notice under section 74A(1) of the Act are not exceeded.

Maximum penalty—40 penalty units.

### **Operation of taximeter by taxi driver**

**29.(1)** The driver of a taxi that has a taximeter must only activate it—

- (a) for a hail or rank hiring—when the hirer enters the taxi; or
- (b) for a booking—when the hirer is notified of the taxi's arrival; or
- (c) for a booking for a specific time—at that time or the time when the hirer enters the taxi, whichever is earlier.

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

(3) Before receiving payment or a voucher for a hiring, the driver of a taxi that has a taximeter must deactivate the taximeter on arrival at the destination.

Maximum penalty—5 penalty units.

(4) This section does not apply to a hiring of a taxi stated in a gazette notice under section 74A(2) of the Act unless the agreed fare for the hiring is to be worked out by referring to the appropriate metered fare for the journey that would otherwise be payable by the hirer for the journey had the taxi not been booked and the fare agreed.

*Examples—*

A taxi operator and a hirer agree that the fare for a hiring is to be—

- the metered fare plus \$10; or
- the metered fare plus 50% of the metered fare.

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### **Multiple hiring**

**30.(1)** The driver of a taxi may carry out at the same time 2 or more individual hirings if—

- (a) all of the hirers agree to the driver of the taxi accepting the other hirings; and
- (b) the hirers are travelling to—
  - (i) destinations in the same locality; or
  - (ii) destinations the furthest of which is in the general direction of the nearest; and
- (c) the fare payable by each hirer is less than the maximum metered 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 commences; and
- (e) the hirings are not provided to a timetable.

**(2)** A driver of a taxi must not carry out at the same time 2 or more individual hirings otherwise than under subsection (1).

Maximum penalty for subsection (2)—10 penalty units.

### **Age of taxis**

**31.(1)** The operator of a taxi to which section 68A<sup>23</sup> applies must ensure the taxi is not older than the taxi's maximum age limit specified in section 68A(2) or (4).

**(2)** The operator of a taxi to which section 68A does not apply must ensure the taxi is not older than the taxi's maximum age limit specified in schedule 4.

Maximum penalty—10 penalty units.

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<sup>23</sup> Section 68A extends the maximum age limit for some taxis that were specified for a licence to hire in force on 6 November 1994.

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### **Appearance of licensed taxi**

**32.** A person must not place, or cause or permit to be placed, any printing or sign on a vehicle that implies the vehicle is a licensed taxi unless it is a vehicle for which a taxi service licence is in force.

Maximum penalty—20 penalty units.

### **Taxi subsidy scheme—Act, s 80**

**33.(1)** This section applies to a person who, in the chief executive's opinion (based on medical advice)—

- (a) is permanently unable to walk; or
- (b) is permanently dependent on a wheel chair; or
- (c) has severe and permanent problems in walking that require—
  - (i) the permanent use of large and complex walking aids; or
  - (ii) constant assistance from someone else for mobility; or
- (d) has a total loss of vision or severe permanent vision impairment; or
- (e) has severe and uncontrollable epilepsy; or
- (f) has an intellectual disability causing behavioural problems—
  - (i) resulting in socially unacceptable behaviour; and
  - (ii) requiring the constant assistance of someone else for travel on public transport; or
- (fa) has another disability of a type specified, for this section, by the Minister in a gazette notice; or
- (g) has a disability of a type mentioned in this subsection of a temporary nature, and is undergoing medical or rehabilitative treatment for the disability, requiring the person to have access to taxi travel for a period of at least 5 months.

**(2)** A person who has been convicted of an offence against

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section 149(3)<sup>24</sup> of the Act in relation to the taxi subsidy scheme may be excluded from the scheme by the chief executive.

(3) The chief executive is to administer a scheme under which 50% of the cost of taxi travel specified in the scheme by a person to whom this section applies is funded by the State.

(4) Subsection (1)(fa) expires 2 years after it commences.

***Division 3—Limousines***

**Luxury motor vehicles—Act, sch 3, def “luxury motor vehicle”**

**34.** A luxury motor vehicle is a motor vehicle (other than a taxi)—

- (a) of a type mentioned in schedule 3, that is not older than the vehicle’s maximum age limit specified in schedule 3; or
- (b) that is a luxury vehicle under section 68(2) or (4);<sup>25</sup> or
- (c) at least 40 years old that is registered and safe.

**Issue of limousine service licences**

**35.** The chief executive is to decide the price at which limousine service licences are to be issued.

**Limousine hiring**

**36.(1)** A person must not ply or stand a limousine for hire at a place unless the place is—

- (a) the limousine owner’s premises; or
- (b) a place approved in writing by the chief executive; or
- (c) another place approved in writing by the chief executive as a place

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<sup>24</sup> Section 149 of the Act (Offences of dishonesty)

<sup>25</sup> Section 68(2) and (4) apply to some vehicles specified for a licence to hire that was in force on 6 November 1994.

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where the limousine may stand for hire to set destinations or areas for set fares (a “**limousine rank**”).

- (2) The driver of a limousine must not hire the vehicle unless either—
- (a) an earlier booking has been made for the vehicle and the amount that will be charged for the hiring is agreed with the prospective hirer before the vehicle is hired; or
  - (b) the vehicle is hired at a limousine rank.

Maximum penalty—10 penalty units.

- (3) The driver of a limousine who is at a limousine rank must not—
- (a) provide, or offer to provide, a service to a destination or area unless the destination or area is displayed on a notice approved by the chief executive (the “**approved notice**”); or
  - (b) charge a fare for a service to a destination or area displayed on the approved notice that is different to the fare for the destination or area displayed on the notice.

Maximum penalty—10 penalty units.

(3A) If an approved notice is not displayed at a limousine rank, the driver of a limousine at the rank must—

- (a) carry an approved notice; and
- (b) show the approved notice to a prospective hirer on request; and
- (c) ensure that—
  - (i) prospective hirers are informed that set fares apply; or
  - (ii) a sign stating that set fares apply is placed in a position where it is likely to be seen by prospective hirers.

Maximum penalty for subsection (3A)—10 penalty units.

(3B) When a limousine is at a limousine rank, the driver—

- (a) must be available for immediate hire; and
- (b) must not refuse a hiring to a destination, or area, displayed on the approved notice.

Maximum penalty—10 penalty units.

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(4) The driver of a limousine must not demand a fare that is more than the agreed amount or set fare.

Maximum penalty—10 penalty units.

(5) If the driver of a limousine is of the opinion that he or she will not be able to obtain the fare at the destination, the driver may, before starting the hiring, require the payment of the agreed amount or set fare for the hiring as a deposit.

## **PART 7—OBLIGATIONS OF OPERATORS**

### **Equipment for vehicles**

37. The operator of a public passenger vehicle must ensure that the vehicle complies with schedule 5.

Maximum penalty—10 penalty units.

### **Advertisements etc.**

38. The operator of a public passenger vehicle must ensure that the vehicle is not driven on a road if an advertisement or other marking is displayed on the vehicle—

- (a) that causes danger to a person; or
- (b) that conceals or obliterates a sign, writing or number required by or under an Act to be placed on the vehicle or that makes the sign, writing or number difficult to read.

Maximum penalty—10 penalty units.

### **Display of evidence of operator accreditation etc.**

39. The operator of a public passenger service for which operator accreditation is required must display on each vehicle used to provide the



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service, in a way approved by the chief executive, evidence of the person's accreditation.

Maximum penalty—5 penalty units.

### **Presenting vehicles for inspection**

**40.(1)** The chief executive may, by written notice, require the operator of a public passenger vehicle to take the vehicle to a specified place, for inspection and testing, at a specified time.

(2) The operator must comply with the requirement.

Maximum penalty for subsection (2)—20 penalty units.

### **Providing safe vehicles**

**40A.** The operator of a public passenger vehicle must ensure it is in a safe condition when it is being used to provide a public passenger service.

Maximum penalty—20 penalty units.

### **Requirement for authority to enter**

**41.** The operator of a public passenger service must not allow the service to be provided to any of the following places unless the operator has the authority of the person who owns 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;
- (e) a place controlled by Aborigines or Torres Strait Islanders.

Maximum penalty—10 penalty units.

### **Restriction on bus charter**

**41A.(1)** This section applies if a charter bus service is operating in a taxi

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service area, other than an area for which a day has been fixed by the chief executive under section 66<sup>26</sup> of the Act.

(2) The operator of the service must not knowingly charter a bus for a charter in the area unless the group for which the bus is to be provided comprises at least 6 persons.

Maximum penalty—20 penalty units.

(3) Subsection (2) does not apply if the charter is arranged by a school or a genuine tourist group.

(4) This section expires 3 years after it commences.

## **PART 8—RIGHTS AND OBLIGATIONS OF PASSENGERS AND DRIVERS**

### **Smoking**

42. A person must not smoke in a public passenger vehicle.

Maximum penalty—2 penalty units.

### **Consumption of food and beverages on public passenger vehicles**

43. A person must not consume food or beverages in a public passenger vehicle without the permission of the operator or driver.

Maximum penalty—2 penalty units.

### **Standing on buses**

43A.(1) The driver of a bus being used for either of the following public passenger services must not carry standing passengers—

- (a) a long distance scheduled passenger service;

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<sup>26</sup> Section 66 (Regulation may declare that service contracts are required) of the Act

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(b) a tourist service.

(2) The driver of a bus being used for any other public passenger service must not carry standing passengers unless—

- (a) the bus is specifically designed and constructed for that purpose; and
- (b) each standing passenger travels for less than 20 km; and
- (c) the bus travels on a road that is not a road notified by the chief executive, by public notice, as a road on which a bus must not carry standing passengers.

Maximum penalty—20 penalty units.

### **Seating capacity**

**43B.** If a standard makes a requirement about seating capacity, the driver of a public passenger vehicle must comply with the requirement.

Maximum penalty—20 penalty units.

### **Carrying animals**

**44.(1)** The driver of a public passenger vehicle may refuse to carry an animal.

(2) However, subsection (1) does not apply to an animal—

- (a) accompanying a person who has a disability; and
- (b) that is specifically trained to give assistance to the person in relation to the disability.

### **Passengers causing nuisance etc.**

**45.(1)** If the driver or operator of a public passenger vehicle or an authorised person believes, on reasonable grounds that, a person who is on, or about to enter, a public passenger vehicle is causing, or is likely to cause—

- (a) a nuisance or annoyance to the driver or passengers on the

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vehicle; or

- (b) danger to themselves or others;

the driver, operator or authorised person may direct the person to leave, or not to enter, the public passenger vehicle.

(2) A person must not contravene the direction, unless the person has a reasonable excuse.

Maximum penalty—2 penalty units.

(3) A person who contravenes, without reasonable excuse, a direction under this section to leave a public passenger vehicle may be removed from the public passenger vehicle by a police officer.

(4) A driver, operator or authorised person must not give a direction under this section if—

- (a) complying with the direction is likely to endanger the safety of a person; or
- (b) for school children—the direction is inconsistent with the code of conduct.

Maximum penalty for subsection (4)—5 penalty units.

### **Fares and charges**

**46.(1)** A passenger in a public passenger vehicle who has not paid the required fare must pay it on demand by the driver of the vehicle.

Maximum penalty—40 penalty units.

- (2) In this section—

“**fare**” for a public passenger vehicle that is a taxi, includes a cleaning charge under section 27(5).

### **Identification of drivers**

**47.(1)** A person must not drive a public passenger vehicle for which driver authorisation is required unless the person carries evidence of his or her driver authorisation.

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Maximum penalty—5 penalty units.

*(2) Subsection (1) does not apply to a driver unless the chief executive has notified the driver that the subsection applies.*

*(3) Subsection (2) and this subsection expire 3 years after the commencement.<sup>27</sup>*

### **Dress of drivers**

**48.** The driver of a public passenger vehicle must be neatly dressed.

Maximum penalty—2 penalty units.

### **Help to passengers**

**49.** If a passenger or intending passenger on a public passenger vehicle asks for reasonable help to board or leave the vehicle, or with luggage, the driver of the vehicle must, if reasonable, give the help.

Maximum penalty—5 penalty units.

### **Drivers of motorcycles**

**50.** The driver of a motorcycle or motor tricycle that is used to provide a public passenger service must ensure each passenger who uses the service is in appropriate condition to ride as a passenger so that the safety of the driver or passengers is not unreasonably put at risk.

Maximum penalty—5 penalty units.

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<sup>27</sup> These provisions have expired and are included in the reprint for informational purposes only. They will be omitted in the next reprint.

## **PART 9—REVIEW OF DECISIONS**

### **Review of decisions**

**55.(1)** A person whose interests are affected by a decision specified in schedule 6 may apply, under chapter 10<sup>28</sup> of the Act, for a review of the decision as if the decision were specified in schedule 2 of the Act.

**(2)** A person who may seek a review of a decision is entitled to receive a statement of reasons for the decision.

**(3)** An appeal may be made against a decision on reconsideration to the court specified in schedule 6 opposite to the reference to the decision that was reviewed.

**(4)** Chapter 10 of the Act applies to a review under this section.

## **PART 10—GENERAL**

### **Services excluded from passenger services—Act, sch 3, def “public passenger service”**

**56.** The following services are excluded from the Act—

- (a) a military service;
- (b) an ambulance service;
- (c) a police service;
- (d) a fire service;
- (e) a service provided with a human or animal powered vehicle;

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<sup>28</sup> Chapter 10 of the Act (Review of and appeals against decisions)

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- (f) a service provided for amusement other than on a road;
- (g) car pooling arrangements;
- (h) a funeral service;
- (i) a service provided as part of a street parade authorised by law.

**Public passenger vehicles—Act, sch 3, def “public passenger vehicle”**

**57.(1)** A vehicle mentioned in schedule 7, column 2 is a public passenger vehicle if it is used to provide the service mentioned in column 1.

**(2)** A person must not operate a public passenger service unless they use a vehicle listed opposite the service in column 2.

Maximum penalty—20 penalty units.

**(3)** Despite subsection (2), a person may operate a long distance scheduled passenger service using a passenger car if—

- (a) the service is operated under a licence or permit issued under the *State Transport Act 1960* on 6 November 1994; and
- (b) at the commencement of this section, the service is being operated using a passenger car.

**Procedure to be followed—amending, suspending or cancelling**

**58.(1)** This section applies if the chief executive considers that grounds exist—

- (a) to amend, suspend or cancel operator accreditation or driver authorisation; or
- (b) to amend the conditions of a taxi service licence or a limousine service licence; or
- (c) to suspend or cancel a taxi service licence or limousine service licence (the “**proposed action**”).

**(2)** Before taking the proposed action, the chief executive must give the holder of the accreditation, authorisation or licence (the “**authority**”), 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) if the proposed action is amendment of the authority—stating the proposed amendment; and
- (e) if the proposed action is suspension of the authority—stating the proposed suspension period; and
- (f) inviting the holder to show, within a stated time of at least 28 days, why the proposed action should not be taken.

**(3)** If, after considering all written representations made within the stated time, the chief executive still considers grounds to take the proposed action exist, the chief executive may—

- (a) if the proposed action was to amend the authority—amend the authority in the way stated in the notice or in another way having regard to the representations; or
- (b) if the proposed action was to suspend the authority—suspend the authority for no longer than the period stated in the notice; or
- (c) if the proposed action was to cancel the authority—cancel the authority or suspend it for a period.

**(4)** The chief executive must inform the holder of the decision by written notice.

**(5)** If the chief executive decides to amend, suspend or cancel the authority, the notice must state—

- (a) the reasons for the decision; and
- (b) that the holder may apply within 28 days for review of the decision; and
- (c) how the holder may apply for review of the decision.

**(6)** Despite subsection (2), if the chief executive considers it necessary in the public interest, the chief executive may (by written notice given to the holder) immediately suspend an authority until the earlier of the following—



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- (a) the chief executive informs the holder of the chief executive's decision by notice under subsection (4), given after complying with subsections (2) and (3);
  - (b) the end of 56 days after the notice is given to the holder.
- (7) A notice of immediate suspension under subsection (6) must state—
- (a) the reasons for the decision; and
  - (b) that the holder may apply within 28 days for review of the decision to immediately suspend the authority; and
  - (c) how the holder may apply for review of the decision; and
  - (d) that the holder may apply for a stay of the decision if the holder applies for a review.
- (8) Subsections (1) to (7) do not apply if the chief executive proposes to amend the authority only—
- (a) for a formal or clerical reason; or
  - (b) in another way that does not adversely affect the holder's interests; or
  - (c) if the holder asks.
- (9) The chief executive may make amendments of a type mentioned in subsection (8) by written notice given to the holder.

**Procedure to be followed—refusal to grant or renew**

**59.(1)** The chief executive may refuse to grant or renew operator accreditation or driver authorisation for a person by written notice given to the person.

- (2) The notice must state—
- (a) the reasons for the decision; and
  - (b) that the holder may apply within 28 days for review of the decision; and
  - (c) how the holder may apply for review of the decision.

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### **Notifying operators**

**60.** If—

- (a) a person operates a vehicle for an accredited operator; and
- (b) the chief executive suspends or cancels the person’s driver authorisation;

the chief executive may advise the operator of the action.

### **Disqualifying offences—Act, sch 3, def “disqualifying offence”, para (d)**

**61.** The following offences are also disqualifying offences—

- (a) an offence against the Act;
- (b) an offence against this regulation for which the maximum penalty is at least 20 penalty units;
- (c) an offence against section 45(4) of this regulation.

### **Transport arrangements for pupils**

**62.** A child of a parent or guardian who has been convicted of an offence against section 149(3)<sup>29</sup> of the Act, in relation to transport arrangements made under section 144<sup>30</sup> of the Act, may be excluded (by written notice from the chief executive) from free travel under the arrangements.

### **Code of conduct for school children**

**62A.** The chief executive, by gazette notice, may approve a code of conduct applying in relation to school children travelling on public passenger vehicles.

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<sup>29</sup> Section 149 of the Act (Offences of dishonesty)

<sup>30</sup> Section 144 of the Act (Transport arrangements for pupils)

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### **Local conveyance committees**

**63.(1)** The chief executive may refuse to award a government funded service contract for transporting eligible school children unless—

- (a) parents and guardians of the eligible school children who will use the service to be provided under the contract have established a local conveyance committee; and
- (b) the chief executive is satisfied that the committee is established, and is operating in accordance with, local conveyance committee guidelines approved by the chief executive.

**(2)** In awarding government funded service contracts for transporting eligible school children, the chief executive must ensure that the views of any relevant local conveyance committee are taken into account.

**(3)** Local conveyance committees will have an ongoing role in—

- (a) monitoring the performance of the holders of government funded service contracts; and
- (b) assisting the holders of government funded service contracts in the development of timetabling and route design; and
- (c) assisting school principals and the holders of government funded service contracts in maintaining discipline of school children.

### **Touting etc.**

**64.(1)** A person must not solicit or tout for passengers for a public passenger vehicle or for a hiring of a public passenger vehicle.

Maximum penalty—10 penalty units.

**(2)** Attempting to arrange a multiple hiring for a taxi at a taxi rank under section 30(1)<sup>31</sup> is not soliciting or touting for passengers or a hiring.

### **Records to be maintained**

**65.** If the Act, this regulation or a standard requires a person to maintain

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<sup>31</sup> Section 30 (Multiple hiring)

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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.

### **Change of name and address**

**66.(1)** This section applies to the holder of operator accreditation, driver authorisation, a service contract, a taxi service licence or a limousine service licence.

**(2)** If the holder's name or address changes, the holder must notify the chief executive in writing of the new name or address within 10 business days after the change.

Maximum penalty—2 penalty units.

### **Fees and charges**

**67.(1)** The fees specified in schedule 8 are payable for the issue or renewal of authorities mentioned in the schedule for each year for which the authority is in force.

**(2)** The fees may be paid—

- (a) in a lump sum before the authorities are issued or renewed; or
- (b) by arrangement with the chief executive—yearly or in some other way approved by the chief executive.

**(3)** The chief executive may—

- (a) waive the payment of a fee for a person; or
- (b) refund the whole, or a part, of a fee paid by a person.

**(4)** Despite section 58,<sup>32</sup> if a person's cheque for payment of the fee for an authority is dishonoured, the authority is—

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<sup>32</sup> Section 58 (Procedure to be followed—amending, suspending or cancelling)

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- (a) for an application for an authority—void from the day it was issued; or
- (b) for an application to renew an authority—suspended from the renewal date until a valid payment is made; or
- (c) if the payment was made under an arrangement entered into under subsection (2)(b)—suspended from the date the payment was due under the arrangement until a valid payment is made.

(5) If the State incurs expense because a person's cheque is dishonoured—

- (a) the person must reimburse the expense; and
- (b) the amount of the expense may be recovered as a debt payable by the person to the State.

(6) In this section—

“**cheque**” includes a method of payment other than by cash.

“**dishonoured**” includes not honoured on presentation.

**Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles**

**68.(1)** Subsection (2) applies to a vehicle if—

- (a) on 6 November 1994, the vehicle's registered owner held, or leased, a licence to hire-private hire car, specifying the vehicle for the licence; and
- (b) the vehicle is of any type, other than a type mentioned in schedule 3, group A, B or D; and
- (c) the date of the vehicle's manufacture is after 7 November 1987.

(2) The vehicle is a luxury motor vehicle until 7 years after the date of the vehicle's manufacture.

(3) Subsection (4) applies to a vehicle if—

- (a) on 6 November 1994, the vehicle's registered owner held or leased a licence to hire-private hire car specifying the vehicle for the licence; and

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(b) the date of the vehicle's manufacture is after 7 November 1954 but before 7 November 1964.

(4) The vehicle is a luxury motor vehicle until 40 years after the date of the vehicle's manufacture.

(5) Subsections (2) and (4) cease to apply—

- (a) if the vehicle's registered owner held the licence to hire on 6 November 1994—if the licence to hire, or a corresponding limousine service licence, specifying the vehicle for the licence, is transferred; or
- (b) if the vehicle's registered owner was the lessee of the licence to hire on 6 November 1994—if the lessee ceases (other than on expiry of a licence) to be the lessee of the licence to hire, or a corresponding limousine service licence, specifying the vehicle for the licence.

**Transitional—maximum age limits extended for certain vehicles specified for a licence to hire**

**68A.(1)** Subsection (2) applies to a vehicle if—

- (a) on 6 November 1994, the vehicle's registered owner held, or leased, a licence to hire-taximeter cab specifying the vehicle for the licence; and
- (b) the vehicle is of a type not mentioned in schedule 3, group C; and
- (c) the licence does not require a wheelchair accessible vehicle.

(2) The vehicle's maximum age limit is extended to the end of the first month in which, after 6 years from the vehicle's date of manufacture, the licence to hire expires or there falls an anniversary of the expiry of the licence to hire.

(3) Subsection (4) applies to a vehicle if—

- (a) on 6 November 1994, the vehicle's registered owner held, or leased, a licence to hire-taximeter cab specifying the vehicle for the licence; and
- (b) the vehicle's type is mentioned in schedule 3, group C or the

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licence requires a wheelchair accessible vehicle.

(4) The vehicle's maximum age limit is extended to the end of the first month in which, after 8 years from the vehicle's date of manufacture, the licence to hire expires or there falls an anniversary of the expiry of the licence to hire.

(5) Subsections (2) and (4) cease to apply—

- (a) if the vehicle's registered owner held the licence to hire on 6 November 1994—if the licence to hire, or a corresponding taxi service licence, specifying the vehicle for the licence, is transferred; or
- (b) if the vehicle's registered owner was the lessee of the licence to hire on 6 November 1994—the lessee ceases (other than on expiry of a licence) to be the lessee of the licence to hire, or a corresponding taxi service licence, specifying the vehicle for the licence.

**Transitional—Mercedes Benz C class**

**69.(1)** This section applies to a Mercedes Benz C class vehicle if, on 7 November 1997, the vehicle's registered owner held or leased a limousine service licence specifying the vehicle for the licence.

(2) The vehicle is a luxury motor vehicle until 15 years after it was manufactured.

(3) Subsection (2) stops applying if the vehicle's registered owner—

- (a) transfers the licence; or
- (b) stops leasing the licence, other than on expiry of the licence.

## SCHEDULE 1

### MARKET ENTRY RESTRICTIONS

section 17

| <b>Column 1</b>                  | <b>Column 2</b>  |
|----------------------------------|--|
| <b>Public passenger service</b>  | <b>Area or route</b>   |
| 1. Commercial scheduled services | 1. Cities and towns having a population more than 7 500.<br>2. Routes for distances not more than 40 km between cities or towns each having a population more than 7 500.<br>3. Routes for distances not more than 40 km between a village and a city or town if the village has a population more than 500 and the city or town has a population more than 7 500. |
| 2. School services               | Routes serving schools.  |
| 3. Taxi services                 | Queensland.  |
| 4. Air services                  | 1. Toowoomba /St. George /Cunnamulla /Thargomindah /Cunnamulla /St. George /Toowoomba.<br>2. Brisbane /Roma /Charleville /Quilpie /Windorah /Birdsville /Bedourie /Boulia /Bedourie /Birdsville /Windorah /Quilpie /Charleville /Roma /Brisbane.<br>3. Boulia /Mount Isa /Boulia.  |



## SCHEDULE 1 (continued)

4. Brisbane /Roma /Charleville  
/Longreach /Charleville /Roma  
/Brisbane.
5. Brisbane /Roma /Longreach /Roma  
/Brisbane.
6. Brisbane /Blackall /Longreach  
/Blackall /Brisbane.
7. Brisbane /Barcaldine /Longreach  
/Barcaldine /Brisbane.
8. Townsville /Hughenden /Winton  
/Longreach /Winton /Hughenden  
/Townsville.
9. Townsville /Hughenden /Richmond  
/Julia Creek /Cloncurry / Julia Creek  
/Richmond /Hughenden /Townsville.
10. Cloncurry /Mount Isa /Cloncurry.
11. Cairns /Weipa /Cairns.
12. Cairns/ Horn Island/ Cairns.

## SCHEDULE 3

### LUXURY MOTOR VEHICLES AND TAXIS

sections 27(2), 34 and 68

| <b>Make of vehicle</b>   | <b>Maximum age limit for luxury motor vehicles</b>                           |
|--|--|
| <b>Group A</b>   |  |
| <ul style="list-style-type: none"> <li>• Bentley</li> <li>• Rolls Royce</li> <li>• Other vehicles approved by the chief executive</li> </ul>   | unlimited  |
| <b>Group B</b>   |  |
| <ul style="list-style-type: none"> <li>• BMW 7 Series</li> <li>• Cadillac</li> <li>• Daimler</li> <li>• Jaguar</li> <li>• Mercedes Benz S or E class</li> <li>• Toyota Lexus LS 400</li> <li>• Other vehicles approved by the chief executive</li> </ul> | 15 years from the date of manufacture  |
| <b>Group C</b>   |  |
| <ul style="list-style-type: none"> <li>• Ford Fairlane/LTD</li> <li>• Holden Statesman/Caprice</li> <li>• Volvo 960</li> <li>• Other vehicles approved by the chief executive</li> </ul>   | 6 years from the date of manufacture   |
| <b>Group D</b>   |  |
| A stretched version of any of the sedans in this schedule  | 3 years more than would otherwise apply (if approved by the chief executive) |

## SCHEDULE 4

### AGE LIMITS FOR TAXIS

section 31

| <b>Type of licence</b>  | <b>Maximum age limit</b>             |
|---|--------------------------------------|
| Taxi service licence (other than for an exempted taxi)—               |                                      |
| (a) for a wheelchair accessible vehicle                               | 8 years from the date of manufacture |
| (b) otherwise   | 6 years from the date of manufacture |
| Taxi service licence (for a type of vehicle mentioned in schedule 3)— |                                      |
| (a) for a wheelchair accessible vehicle                               | 8 years from the date of manufacture |
| (b) otherwise   | 6 years from the date of manufacture |
| Taxi service licence (wheelchair accessible)                          | 8 years from the date of manufacture |
| Taxi service licence for an exempted taxi                             | age limit stated in the licence      |

## **SCHEDULE 5**

### **EQUIPMENT FOR VEHICLES**

section 37

#### **Off-road passenger vehicles**

**1.(1)** Off-road passenger vehicles operating tourist services must be fitted with—

- (a) an approved fire extinguisher; and
- (b) a device to prevent a damaged tailshaft from striking the ground.

**(2)** If a tourist service is of more than 1 days duration, the following equipment must also be fitted to the vehicle and in working order—

- winch
- first aid kit
- Royal Flying Doctor radio.

#### **Taxis**

**2.(1)** Taxis 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; or
- (b) if luggage is carried in the passenger compartment—be constructed or have equipment fitted to secure the luggage.

**(2)** Taxis must also be constructed so that the passengers have control over the opening and shutting of the doors of the vehicle independently of the driver.

SCHEDULE 5 (continued)

**(3)** Taxis (other than exempted taxis or taxis operating as taxis mentioned in section 27(2)) must be fitted with—

- a green distress light
- a hail light
- a child restraint anchorage bolt.

## SCHEDULE 6

### APPEALS AGAINST DECISIONS

section 55

| <b>Section</b> | <b>Description of decision</b>  | <b>Court</b> |
|----------------|---|--------------|
| 33(2)          | Exclusion from taxi subsidy scheme                                      | Magistrates  |
| 36(1)          | Refusal to approve a place where a limousine may ply or stand for hire  | Magistrates  |
| 36(3)(a)       | Refusal to approve a notice about the hiring of a limousine             | Magistrates  |
| 62             | Exclusion from free travel  | Magistrates  |
| sch 3          | Refusal to approve a vehicle as a luxury motor vehicle or a luxury taxi | Magistrates  |
|                | Refusal to approve an age extension for a stretched version of a sedan  | Magistrates  |
| sch 4          | Maximum age limit stated in taxi service licence for an exempted taxi   | Magistrates  |

## SCHEDULE 7

### VEHICLE TYPES

section 57

| <b>Column 1</b>                           | <b>Column 2</b>  |
|---|--|
| <b>Service category</b>                   | <b>Vehicle type</b>  |
| Scheduled passenger service               | forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus<br><br>passenger car for which a taxi service licence or limousine service licence is in force |
| Long distance scheduled passenger service | forward-control passenger vehicle, off-road passenger vehicle, light bus or a heavy bus  |
| Charter bus service                       | light bus or heavy bus   |
| Community transport service               | motor vehicle  |
| Courtesy transport service                | motor vehicle  |
| Taxi service                              | passenger car, forward-control passenger vehicle or an off-road passenger vehicle<br><br>light bus having up to 12 seating positions, including the driver's position                |
| Tourist service                           | off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and sidecar, motor tricycle or forward-control passenger vehicle  |

SCHEDULE 7 (continued)

|   |          |  |
|---|----------|--|
|   |          | passenger car or forward-control passenger vehicle for which a taxi service licence or limousine service licence is in force |
| Limousine service                           |          | passenger car  |
| Accommodation service                       | transfer | forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus  |
|   |          | passenger car for which a taxi service licence or limousine service licence is in force                                      |
| Tourist transfer service                    |          | forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus  |
|   |          | passenger car for which a taxi service licence or limousine service licence is in force                                      |
| Unscheduled long distance passenger service |          | forward-control passenger vehicle, off-road passenger vehicle, light bus or heavy bus  |
| Other public passenger service              |          | light bus or heavy bus.  |

### **Vehicle type definitions**

In this schedule—

**“forward-control passenger vehicle”** means a passenger vehicle, other than an off-road passenger vehicle, having up to 9 seating positions, including the driver’s position, and in which the centre of the steering wheel is in the forward quarter of the vehicle’s total length, and includes a Chrysler Voyager, Honda Odyssey, Mazda MPV, Mitsubishi Nimbus, Mitsubishi Starwagon and Toyota Tarago.



SCHEDULE 7 (continued)

**“heavy bus”** means a bus with a gross vehicle mass of more than 5 t.

**“light bus”** means a bus with a gross vehicle mass of not more than 5 t.

**“motor cycle”** means a 2 wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50 ml; or
- (b) a maximum speed of more than 50 km/h.

**“motor cycle and sidecar”** means a motor vehicle with 3 wheels asymmetrically in relation to the longitudinal median axis and with either—

- (a) an engine cylinder capacity of more than 50 ml; or
- (b) a maximum speed of more than 50 km/h.

**“motor tricycle”** means a motor vehicle with 3 wheels symmetrically arranged in relation to the longitudinal median axis with—

- (a) a gross vehicle mass of not more than 1 t; and
- (b) either—
  - (i) an engine cylinder capacity of more than 50 ml; or
  - (ii) a maximum speed of more than 50 km/h.

**“motor vehicle”** has the meaning given by the *Traffic Act 1949*, section 9.

**“off-road passenger vehicle”** means a passenger vehicle that has up to 9 seating positions, including the driver’s position, designed with special features for off-road operation as defined by the Australian Design Rules.

**“passenger car”** means a passenger vehicle, other than an off-road passenger vehicle or a forward-control passenger vehicle, having up to 9 seating positions, including the driver’s position.

**“passenger vehicle”** means a motor vehicle constructed primarily for the carriage of persons and having at least 4 wheels.

## SCHEDULE 8

### ANNUAL FEES

|           |                                   | section 67 |
|-----------|-----------------------------------|------------|
|           |                                   | \$         |
| <b>1.</b> | Service contract—                 |            |
|           | (a) commercial—                   |            |
|           | (i) 1–10 vehicles .....           | 102.00     |
|           | (ii) 11–20 vehicles .....         | 254.00     |
|           | (iii) 21–50 vehicles .....        | 508.00     |
|           | (iv) more than 50 vehicles .....  | 1 016.00   |
|           | (b) taxi administration—          |            |
|           | (i) 1–50 vehicles .....           | 102.00     |
|           | (ii) 51–100 vehicles .....        | 254.00     |
|           | (iii) 101–200 vehicles .....      | 508.00     |
|           | (iv) more than 200 vehicles ..... | 1 016.00   |
| <b>2.</b> | Service licence—                  |            |
|           | (a) taxi .....                    | 102.00     |
|           | (b) exempted taxi .....           | 51.00      |
|           | (c) limousine .....               | 102.00     |
| <b>3.</b> | Operator accreditation—           |            |
|           | (a) scheduled passenger .....     | 102.00     |
|           | (b) long distance—                |            |
|           | (i) 1–10 vehicles .....           | 203.00     |
|           | (ii) 11 or more vehicles .....    | 1 016.00   |
|           | (c) tourist—                      |            |
|           | (i) 1–10 vehicles .....           | 203.00     |
|           | (ii) 11 or more vehicles .....    | 1 016.00   |
|           | (d) charter—                      |            |
|           | (i) 1–10 buses .....              | 203.00     |
|           | (ii) 11 or more buses .....       | 1 016.00   |
|           | (e) community .....               | 102.00     |
|           | (f) courtesy .....                | 102.00     |

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## SCHEDULE 8 (continued)

|                                 |        |
|---------------------------------|--------|
| (g) taxi . . . . .              | 102.00 |
| (h) exempted taxi . . . . .     | 51.00  |
| (i) limousine . . . . .         | 102.00 |
| <b>4. Driver authorisation—</b> |        |
| (a) taxi . . . . .              | 43.00  |
| (b) limousine . . . . .         | 43.00  |

## ENDNOTES

### 1 Index to endnotes

|   |   | Page |
|---|---|------|
| 2 | Date to which amendments incorporated . . . . . | 58   |
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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 20 November 1998. Future amendments of the Transport Operations (Passenger Transport) Regulation 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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### 3 Key

**Key to abbreviations in list of legislation and annotations**

|        |   |                              |        |   |                                |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA    | = | Acts Interpretation Act 1954 | prev   | = | previous                       |
| amd    | = | amended                      | (prev) | = | previously                     |
| amdt   | = | amendment                    | proc   | = | proclamation                   |
| ch     | = | chapter                      | prov   | = | provision                      |
| def    | = | definition                   | pt     | = | part                           |
| div    | = | division                     | pubd   | = | published                      |
| exp    | = | expires/expired              | R[X]   | = | Reprint No.[X]                 |
| gaz    | = | gazette                      | RA     | = | Reprints Act 1992              |
| hdg    | = | heading                      | reloc  | = | relocated                      |
| ins    | = | inserted                     | renum  | = | renumbered                     |
| lap    | = | lapsed                       | rep    | = | repealed                       |
| notfd  | = | notified                     | s      | = | section                        |
| o in c | = | order in council             | sch    | = | schedule                       |
| om     | = | omitted                      | sdiv   | = | subdivision                    |
| p      | = | page                         | SIA    | = | Statutory Instruments Act 1992 |
| para   | = | paragraph                    | SL     | = | subordinate legislation        |
| prec   | = | preceding                    | sub    | = | substituted                    |
| pres   | = | present                      | unnum  | = | unnumbered                     |

### 4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included   | Reprint date     |
|-------------|-----------------------|------------------|
| 1           | none                  | 18 November 1994 |
| 2           | to SL No. 134 of 1994 | 1 June 1995      |
| 3           | to SL No. 400 of 1995 | 1 February 1996  |
| 3A          | to SL No. 66 of 1996  | 24 June 1996     |
| 3B          | to SL No. 343 of 1996 | 13 December 1996 |
| 3C          | to SL No. 120 of 1997 | 4 July 1997      |
| 3D          | to SL No. 396 of 1997 | 2 December 1997  |
| 3E          | to SL No. 97 of 1998  | 20 May 1998      |
| 4           | to SL No. 97 of 1998  | 21 August 1998   |

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## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

| Name of table          | Reprint No. |
|------------------------|-------------|
| Corrected minor errors | 1           |

## 6 List of legislation

### **Transport Operations (Passenger Transport) Regulation 1994 SL No. 379**

made by the Governor in Council on 27 October 1994

notfd gaz 28 October 1994 pp 813–15

ss 1–2 commenced on date of notification

remaining provisions commenced 7 November 1994 (see s 2, 1994 SL No. 378)

exp 27 October 2004 (see SIA s 54)

as amended by—

### **Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 1995 SL No. 134**

notfd gaz 19 May 1995 pp 809–11

ss 1–2 commenced on date of notification

s 8 commenced 7 November 1994 (see s 2)

remaining provisions commenced 21 May 1995 (see s 2)

### **Department of Transport (Variation of Fees) Regulation 1995 SL No. 168 ss 1–2, 3(p) sch 16**

notfd gaz 9 June 1995 pp 1165–71

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 1995 (see s 2)

### **Transport Operations (Passenger Transport) Amendment Regulation (No. 2) 1995 SL No. 367**

notfd gaz 15 December 1995 pp 1560–5

ss 1–2 commenced on date of notification

remaining provisions commenced 18 December 1995 (see s 2)

### **Transport Operations (Passenger Transport) Amendment Regulation (No. 3) 1995 SL No. 400**

notfd gaz 22 December 1995 pp 1672–6

commenced on date of notification

### **Transport Operations (Passenger Transport) Amendment Regulation (No. 1) 1996 SL No. 66**

notfd gaz 12 April 1996 pp 1595–6

ss 1–2 commenced on date of notification

remaining provisions commenced 15 April 1996 (see s 2)

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**Transport Operations (Passenger Transport) Amendment Regulation (No. 2)  
1996 SL No. 300**

notfd gaz 25 October 1996 pp 764–7  
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 3)  
1996 SL No. 343**

notfd gaz 22 November 1996 pp 1155–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 24 November 1996 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1)  
1997 SL No. 98**

notfd gaz 24 April 1997 pp 1696–7  
commenced on date of notification

**Department of Transport (Variation of Fees) Regulation (No. 1) 1997 SL No. 120  
ss 1–2, 3(j) sch 10**

notfd gaz 16 May 1997 pp 242–4  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 1997 (see s 2)

**Transport Operations (Passenger Transport) Amendment Regulation (No. 2)  
1997 SL No. 357**

notfd gaz 24 October 1997 pp 786–8  
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 3)  
1997 SL No. 396**

notfd gaz 21 November 1997 pp 1294–5  
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 4)  
1997 SL No. 425**

notfd gaz 5 December 1997 pp 1515–17  
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 1)  
1998 SL No. 97**

notfd gaz 24 April 1998 pp 1730–2  
commenced on date of notification

**Transport Operations (Passenger Transport) Amendment Regulation (No. 2)  
1998 SL No. 301**

notfd gaz 13 November 1998 pp 982–3  
commenced on date of notification

## 7 List of annotations

### Commencement

s 2 om R3 (see RA s 37)

### Definitions

s 3 def “code of conduct” ins 1997 SL No. 425 s 3  
 def “commercial scheduled service” ins 1997 SL No. 98 s 3  
 def “high occupancy taxi” ins 1995 SL No. 367 s 4  
 om 1996 SL No. 343 s 4  
 def “other public passenger service” ins 1998 SL No. 97 s 3  
 def “school children” ins 1997 SL No. 425 s 3  
 def “unscheduled long distance passenger service”  
 ins 1998 SL No. 97 s 3

### Renewing driver authorisation—medical certificates

s 7A ins 1997 SL No. 98 s 4  
 amd 1998 SL No. 97 s 4  
exp 24 April 1999 (see s 7A(3))

### Requirement to prove fitness

s 7B ins 1997 SL No. 396 s 3

### Amendment, suspension and cancellation of authorities—Act, ss 20 and 32

prov hdg amd 1997 SL No. 396 s 4(1)  
 s 11 amd 1997 SL No. 396 s 4(2)

### Exemption from scope of operator accreditation and driver authorisation—Act, ss 13(2)(c) and 25(2)(c)

s 15 sub 1997 SL No. 396 s 5  
(2) exp 30 April 1999 (see s 15(4))  
(3) exp 31 July 1999 (see s 15(5))  
 amd 1998 SL No. 301 s 3

### Market entry restrictions—Act, s 36

s 17 sub 1997 SL No. 98 s 5

### Scope of service contracts—Act, s 39

s 17A ins 1997 SL No. 98 s 6

### Matters to be considered—Act, s 59(2)(e)

s 18 amd 1997 SL No. 396 s 6

### Matters to be considered—Act, s 61(4)

s 18A ins 1997 SL No. 98 s 7

### Service contracts required for administration of taxi services—Act, s 66

s 19 amd 1997 SL No. 357 s 3

### Amendment of service licence conditions—Act, ss 75(1) and 88(1)

s 21 amd 1997 SL No. 396 s 7



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**Transfer, lease or surrender of taxi or limousine service licences—Act,  
ss 76 and 89)**

s 22           amd 1998 SL No. 97 s 5

**Advertising taxi or limousine service**

s 25A       ins 1997 SL No. 396 s 8

**Fares and charges for taxis**

prov hdg   sub 1996 SL No. 343 s 5(1)

s 27       amd 1995 SL No. 367 s 5; 1996 SL No. 343 s 5(2)–(4)

**Requirements for taximeters**

s 28       amd 1996 SL No. 343 s 6

**Operation of taximeter by taxi driver**

s 29       amd 1996 SL No. 343 s 7

**Age of taxis**

s 31       sub 1995 SL No. 134 s 4

**Taxi subsidy scheme—Act, s 80**

s 33       amd 1997 SL No. 396 s 9

(1)(fa) exp 21 November 1999 (see s 33(4))

**Luxury motor vehicles—Act, sch 3, def “luxury motor vehicle”**

s 34       sub 1995 SL No. 134 s 5

**Limousine hiring**

s 36       amd 1997 SL No. 396 s 10; 1998 SL No. 97 s 6

**Presenting vehicles for inspection**

s 40       sub 1997 SL No. 396 s 11

**Providing safe vehicles**

s 40A      ins 1997 SL No. 396 s 11

**Restriction on bus charter**

s 41A      ins 1997 SL No. 357 s 4

exp 24 October 2000 (see s 41A(4))

**Standing on buses**

s 43A      ins 1997 SL No. 396 s 12

**Seating capacity**

s 43B      ins 1997 SL No. 396 s 12

**Passengers causing nuisance etc.**

s 45       amd 1997 SL No. 425 s 4

**Fares and charges**

prov hdg   sub 1996 SL No. 343 s 8(1)

s 46       amd 1996 SL No. 343 s 8(2)

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**Identification of drivers**

- s 47**            amd 1996 SL No. 300 s 3  
                    (2)–(3) exp 7 November 1997 (see s 47(3))  
                    amd 1997 SL No. 396 s 13

**Drivers of motorcycles**

- s 50**            sub 1995 SL No. 134 s 6

**PART 9—REVIEW OF DECISIONS**

- pt hdg**        sub 1998 SL No. 97 s 7

**Procedure of review panels—Act, s 106**

- s 51**            om 1998 SL No. 97 s 8

**Conditions of appointment**

- s 52**            om 1998 SL No. 97 s 8

**Member of review panel unable to finish review**

- s 53**            om 1998 SL No. 97 s 8

**Representation before review panel**

- s 54**            om 1998 SL No. 97 s 8

**Review of decisions**

- s 55 hdg**      amd 1998 SL No. 97 s 9

**Services excluded from passenger services—Act, sch 3, def “public passenger service”**

- s 56**            amd 1997 SL No. 396 s 14

**Public passenger vehicles—Act, sch 3, def “public passenger vehicle”**

- s 57**            amd 1997 SL No. 396 s 15

**Procedure to be followed—amending, suspending or cancelling**

- s 58**            amd 1997 SL No. 396 s 16

**Disqualifying offences—Act, sch 3, def “disqualifying offence”, para (d)**

- s 61**            amd 1997 SL No. 425 s 5

**Transport arrangements for pupils**

- s 62**            amd 1997 SL No. 396 s 17

**Code of conduct for school children**

- s 62A**        ins 1997 SL No. 425 s 6

**Records to be maintained**

- s 65**            amd 1997 SL No. 396 s 18

**Fees and charges**

- s 67**            amd 1997 SL No. 396 s 19

**Transitional—certain vehicles specified for a licence to hire are luxury motor vehicles**

- s 68**            sub 1995 SL No. 134 s 7

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**Transitional—maximum age limits extended for certain vehicles specified for a licence to hire**

s 68A ins 1995 SL No. 134 s 8

**Transitional—Mercedes Benz C class**

s 69 prev s 69 om R1 (see RA s 40)  
pres s 69 ins 1997 SL No. 396 s 20

**Amendment of Transport Infrastructure (Roads) Regulation 1991**

s 70 om R1 (see RA s 40)

**SCHEDULE 1—MARKET ENTRY RESTRICTIONS**

amd 1996 SL No. 66 s 4; 1996 SL No. 300 s 4  
sub 1997 SL No. 98 s 8

**SCHEDULE 2—MAXIMUM FARES FOR TAXIS**

sub 1995 SL No. 134 s 9; 1995 SL No. 400 s 3  
om 1996 SL No. 343 s 9

**SCHEDULE 3—LUXURY MOTOR VEHICLES AND TAXIS**

amd 1997 SL No. 396 s 21

**SCHEDULE 4—AGE LIMITS FOR TAXIS**

sub 1997 SL No. 396 s 22

**SCHEDULE 7—VEHICLE TYPES**

amd 1997 SL No. 396 s 23; 1998 SL No. 97 s 10

**SCHEDULE 8—ANNUAL FEES**

sub 1995 SL No. 168 s 3(p) sch 16  
amd 1996 SL No. 300 s 5  
sub 1997 SL No. 120 s 3(j) sch 10

**SCHEDULE 9—AMENDMENT OF STATE TRANSPORT REGULATION 1987**

om R1 (see RA s 40)

**SCHEDULE 10—AMENDMENT OF TRANSPORT INFRASTRUCTURE (ROADS) REGULATION 1991**

om R1 (see RA s 40)