

Transport and Other Legislation (Hire Services) Amendment Regulation 2016 Explanatory notes

Part 1 Preliminary

Section 1

Section 1 is procedural only and name the regulatory amendment document:

Short title

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

Section 2

This change is procedural Only and details elements of the regulation changes and their intended commencement date:

Commencement

(1) This regulation, other than the provisions mentioned in subsection (2), commences on 5 September 2016.

(2) The following provisions commence on 1 November 2016—

- (a) sections 8(3) and (4), 21, 26, 30 and 35(1);
- (b) part 8.

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

Section 3

Section 3 is procedural only and details the regulations being altered in this part:

Regulation amended

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

Section 4

Current Regulation Provides

- For specific reference to Taxi services as excluded from wearing seat belts, as per existing road rules, when accessing nature refuge or a coordinated conservation area (not on a Queensland road).
- Relates to disallowing the charging of an offence under both the road rules and the *Nature Conservation (Protected Areas Management) Regulations 2006* for the same offence.

Changes Intend to

- Includes references to Booked Hire Vehicles

This section of regulation will now read

s116 Safe use of vehicles—compliance with transport legislation

(1A) The driver of a motor vehicle (except a **booked hire vehicle**, bus or taxi) that is moving, or that is stationary but not parked, in a protected area must comply with the Queensland Road Rules, section 265(3).

Maximum penalty—20 penalty units.

(4) A person cannot be charged with an offence against subsection (1), **(1A)** (2) or (3) if the person has been charged with an offence against the relevant provision of the Queensland Road Rules or Transport Operations (Road Use Management) Act 1995 mentioned in the subsection.

(5) Each of the following terms used in this section have the meaning they have under the Queensland Road Rules—

- **booked hire vehicle**
- **bus**
- **taxi**

Part 3

Amendment of Recreation Areas Management Regulation 2007

Section 5

Section 5 is procedural only and details the Regulations being altered in this part

Regulation amended

This part amends the *Recreation Areas Management Regulation 2007*

Section 6

Amendment of s 14 (Safe use of vehicles—compliance with transport legislation)

Current Regulation Provides

- For specific reference to Taxi services as excluded from wearing seat belts, as per existing road rules, when in a declared recreation area (Not on a Queensland road).
- Relates to disallowing the charging of an offence under both the road rules and the Recreation Areas Management Regulation 2007 for the same offence.

Changes Intend to

- Includes references to Booked Hire Vehicles

Current Regulation: s14 Safe use of vehicles—compliance with transport legislation

S14

(1A) The driver of a motor vehicle (except a **booked hire vehicle**, bus or taxi) that is moving, or that is stationary but not parked, in a recreation area must comply with the Queensland Road Rules, section 265(3). Maximum penalty—20 penalty units

(4) A person cannot be charged with an offence against subsections (1) to (3) if the person has been charged with an [s 15] Recreation Areas Management Regulation 2007 Part 4 Using vehicles, vessels and recreational craft in recreation areas Current as at 1 July 2016 Page 17 Authorised by the Parliamentary Counsel offence against the relevant provision of the Queensland Road Rules or Transport Operations (Road Use Management) Act 1995 mentioned in the subsection.

(5) Each of the following terms used in this section have the meaning they have under the Queensland Road Rules

- **booked hire vehicle**
- **bus**
- **taxi**

Part 4 Amendment of State Penalties Enforcement Regulation 2014

Section 7

Section 7 is procedural only and details the regulations being altered in this part:

Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

Section 8

This is a change to infringement notice offences in Schedule 1 of the *State Penalties Enforcement Regulation 2014*. It removes several sections of the *Transport Operations (Passenger Transport) Regulation 2005* from being listed as offences for which an infringement notice may be given.

Infringements to be removed on 5 September 2016 include:

- s 63(5) – Taxi drivers must take the shortest route and avoiding excessive charges
- s 63B(2) – Taxi drivers must accept electronic payments
- s 64(1) – A taximeter must be installed in a taxi service vehicle
- s 64(2) – The taximeter must calculate fares as mandated by DTMR
- s 64(3) – The taximeter must be programmed in a way as mandated by DTMR
- s 67(1) – Maximum age of vehicles
- s 68 – Central control of doors in a taxi vehicle
- s 69(1) – Requirement to have a functioning Air Conditioner in a taxi vehicle
- s 69(2) – Requirement to use Air Conditioner if requested in a taxi vehicle
- s 70(2) – Removal of identification on a decommissioned taxi
- s 124 – Record keeping by an Operator

- s 131 – A driver must be neatly dressed
- s 137(2) – Requiring the use of the type of vehicle specified for use as a passenger vehicle (taxi and limousine exempted) - note this item is renumbered as s137(3) and added back in immediately as an offence in following changes)

Infringements to be removed on 1 November 2016 include:

- s63A(2) – itemised receipts to be provided by a taxi driver

Each of the above sections of the Transport Operations (Passenger Transport) Regulations 2005, are being removed as part of this amendment regulation. The impacts of each are change is discussed in detail in Part 5

The following sections are removed as offences in this change:

5 SEPTEMBER 2016

Section 63(5)

63 Fares and charges for taxis

(5) 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—20 penalty units.

Section 63B(2)

63B Electronic Payments

(2) The driver of the taxi must not refuse a method of electronic payment as payment of the fare for the hiring of the taxi, unless—

(a) each electronic payment system used for the electronic payment of fares for the hiring of the taxi is either—

(i) malfunctioning in a way that would prevent the driver from accepting the method of electronic payment for the fare; or

(ii) incompatible with the method of electronic payment; and Example for subparagraph (ii)—

A person offers a brand of credit card for the electronic payment of a fare for the hiring of a taxi, and each electronic payment system used for the electronic [s 64] Transport Operations (Passenger Transport) Regulation 2005 Part 6 Taxi services provided under taxi service licence Page 70 Current as at 1 July 2016 Authorised by the Parliamentary Counsel payment of fares for the hiring of the taxi does not accept the brand.

(b) another system facilitating the electronic payment of fares is not available to the driver. Maximum penalty—20 penalty units.

Section 64

64 Requirements relating to taximeters

(1) The operator of a taxi service must ensure a taxi used to provide the service is fitted with a taximeter, unless the taxi is an exempted taxi.

Maximum penalty—40 penalty units.

(2) The operator of a taxi service, for which a taxi fitted with a taximeter is used, must ensure that the taximeter records fares in a way that ensures the maximum fares under section 74A(1) of the Act are not exceeded.

Maximum penalty—40 penalty units.

(3) The operator of a taxi service for which a taxi other than an exempted taxi is used must ensure that the taximeter fitted to the taxi is programmed in a way complying with the requirements for programming taximeters approved by the chief executive by gazette notice.

Maximum penalty—40 penalty units.

Section 67(1)

67 Maximum age limits for taxis

(1) The operator of a taxi service must ensure a taxi used to provide the service is not more than the following maximum age limits—

(a) for a wheelchair accessible vehicle—8 years from the date of compliance;

(b) otherwise—6 years from the date of compliance.

Maximum penalty—20 penalty units.

Section 68

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

- (a) a prospective hirer of a taxi, or the parent or guardian of a prospective hirer, asks the driver to take control over 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.

Note— Under schedule 5, section 2(1)(c) taxis must be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver. This section requires a driver, on a specific request, to override the ability of a passenger to open a door.

Section 69(1) & (2)

69 Air conditioning in taxis

- (1) If a taxi is fitted with an air conditioner, the operator of a taxi service using the taxi must ensure the air conditioner is fully operational and in good repair.

Maximum penalty—20 penalty units.

- (2) If a taxi is fitted with an air conditioner and the driver is asked by a hirer to turn the air conditioner on or off, the driver must comply with the request.

Maximum penalty—20 penalty units.

Section 70(2)

70 Vehicle not to look like taxi unless licensed

- (2) After a vehicle stops being a taxi, the operator of a taxi service for which the vehicle was used as a taxi must ensure the vehicle no longer looks like a taxi, including by removing all of the following from the vehicle—

- (a) a hail light;
- (b) a taximeter;

(c) printing or signage relevant to the vehicle as a taxi.

Maximum penalty—20 penalty units.

Section 124

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

An operator of a public passenger service for which operator accreditation is required must keep a written record stating the following particulars for each use of a public passenger vehicle used to provide the service—

(a) the vehicle used;

(b) the registration number of the vehicle;

(c) the date and time of the use of the vehicle;

(d) the name of each driver who used the vehicle;

(e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.

Maximum penalty—20 penalty units.

Section 131

131 Dress of drivers

The driver of a public passenger vehicle must, while driving the vehicle, be neatly dressed.

Maximum penalty—10 penalty units.

Section 137 (2) (renumbered and re added in later changes – Not related to taxi and limousine)

137 Public passenger vehicles—Act, sch 3, def public passenger vehicle.

(2) A person must not operate a public passenger service mentioned in schedule 8, column 1 unless the person uses a vehicle of a type set out opposite the service in column 2.

Maximum penalty—20 penalty units

Section 63A (2)

63 Requirements for itemised receipts

(1) This section applies if the hirer of a taxi, other than an exempted taxi, for a journey requests a receipt for the fare for the hiring of the taxi for the journey.

(2) The driver of the taxi must, before leaving the destination for the journey, give the hirer an itemised receipt for the fare.

Maximum penalty—20 penalty units.

Infringements to be added on 5 September 2016 include:

- s 42A(1) – Operating a vehicle providing a relevant service without the relevant driver authorisation
- s 124(2) – Requirement to keep records for an operator of a driver operator booked hire service
- s 131(2) – Requires the driver of a public passenger vehicle other than a taxi, limousine or booked hire vehicle to be neatly dressed
- s 137(3) –reintroduction of offence relating to the type of vehicle specified for use as a passenger vehicle against service types (Taxi, Limousine and Ride Booked service exempted)
- s 137(5) – Mandate the use of a passenger vehicle (defined term) for booked hire and taxi services

Infringements to be added on 1 November 2016 include:

- s 117A(1) – Fare estimates required for booked hire services
- s 117B(1) – Charging more than the estimated fare in a booked hire service
- s 117C(1) – Signage requirements for a booked hire service
- s 117D(1) – An owner of a vehicle must not allow it to be used without a safety certificate
- s 117D(2) – Requirement to provide the relevant safety certificate
- s 137B(2) – Requirement to provide an itemised receipt

Each of the above sections are new inclusions or edits to existing regulations in the Transport Operations (Passenger Transport) Regulations 2005. The impacts of each change is discussed in detail in Part 5

The following sections are added as offences in this change:

5 SEPTEMBER 2016

Section 42A (New Section)

42A Required driver authorisation for particular public passenger services

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

Maximum penalty—20 penalty units.

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

(2) In this section— relevant service means a booked hire service, limousine service or taxi service for which driver authorisation is required.

Section 124 (new wording)

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

(1) This section applies to—

- (a) an operator of a public passenger service for which operator accreditation is required; and
- (b) an operator of a driver operator booked hire service.

(2) The operator must keep a written record stating the following particulars for each use of a public passenger vehicle used to provide the service—

- (a) the vehicle used;
- (b) the registration number of the vehicle;
- (c) the date and time of the use of the vehicle;
- (d) the name of each driver who used the vehicle;
- (e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.

Maximum penalty—20 penalty units.

Section 131 (New wording)

131 Dress of drivers

(1) This section applies to a driver of a public passenger vehicle, other than a booked hire vehicle, taxi or limousine.

(2) The driver must be neatly dressed while driving the vehicle.

Maximum penalty—10 penalty units.

Section 137 (changed Clause numbering)

137 Public passenger vehicles—Act, sch 3, def public passenger vehicle

(1) A vehicle of a type mentioned in schedule 8, column 2 is a public passenger vehicle if it is used to provide the service set out opposite the type of vehicle in column 1.

(2) A person must not operate a public passenger service mentioned in schedule 8, column 1 unless the person uses a vehicle of a type set out opposite the service in column 2.

Maximum penalty—20 penalty units.

(3) However, subsection (2) does not apply to a booked hire service, limousine service, air service, ferry service or a public passenger service provided by a fixed track vehicle.

Section 137 (New clause)

(5) A person must not provide a booked hire service or taxi service unless the person uses a passenger vehicle. Maximum penalty—20 penalty units.

1 NOVEMBER 2016

Section 117A (1) (New Section)

117A Fare estimates for booked hire services

(1) A relevant entity must give a hirer of a booked hire service a fare estimate under this section before the service begins, unless the relevant entity has a reasonable excuse. Example of a reasonable excuse— a hirer opts out of receiving a fare estimate

Maximum penalty—

(a) for an individual—20 penalty units; or

(b) otherwise—80 penalty units.

Section 117B (1) (New Section)

117B Fares for booked hire services

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

(a) the estimated fare stated in a fare estimate; or

(b) if the fare estimate states the circumstances when the amount of the fare may be higher than the estimated fare—the estimated fare plus an additional amount worked out in the way stated in the fare estimate.

Maximum penalty—

(a) for an individual—20 penalty units; or

(b) otherwise—80 penalty units.

Section 117C (2) (New Section)

117C Booked hire service signs

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

Maximum penalty—20 penalty units.

Section 117D (1) & (2) (New Section)

117D Safety certificate requirement for particular booked hire vehicles

(1) An owner of a motor vehicle must not allow the vehicle to be used to provide a booked hire service unless a safety certificate for the vehicle has been issued within the last 12 months.

Maximum penalty—60 penalty units.

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

Maximum penalty—60 penalty units

Section 137B (2) (New Section)

137B Requirements for itemised receipts

(1) This section applies if the hirer of any of the following public passenger vehicles for a journey requests a receipt for the fare for the hiring of the vehicle for the journey—

(a) a booked hire vehicle;

(b) a limousine;

(c) a taxi, other than an exempted taxi.

(2) The driver of the public passenger vehicle must, before leaving the destination for the journey, give the hirer an itemised receipt for the fare, unless the driver reasonably believes that another entity has given, or is to give, the hirer an itemised receipt. Maximum penalty—20 penalty units.

Part 5 Amendment of Transport Operations (Passenger Transport) Regulation 2005

Section 9

Section 9 is procedural only and details the regulations being altered in this part:

Regulation amended

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

Section 10

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

This makes changes to exempt a driver operator booked hire service from needing to hold an Operator Accreditation.

Current Regulation Provides:

- Taxi Services and Limousine services operators must hold Operator Accreditation,
 - the purpose of Operator Accreditation is to encourage the high quality operation of public passenger services.
 - raise standards and awareness of operators in the areas of safety, service delivery and business acumen; and
 - ensuring operators are held accountable for complying with appropriate standards, recognising the role operators play in managing effective and safe transport services

Changes Intend to:

- Exempt booked ride drivers from being required to hold Operator Accreditation

Unintended Consequences of the Change:

- Booked hire drivers and new drivers in particular, are not practiced in seeking support from the department to understand their legislative responsibilities. This leads to informal information sharing and the reliance on incorrect and misleading information on safety and regulatory requirements.
- Informal information (Facebook and message boards) will become the de-facto source of information for drivers of booked ride services leading to excessive non-compliance by drivers putting safety at risk. This will necessitate new measures by the department and a significant increase in compliance officers to ensure public safety.

This section of the regulation will now read

Section 17

17 Requirement for operator accreditation—public passenger services to which the Act, s 12 does not apply

Section 12 of the Act does not apply to—

(a) a ferry service; or

(b) a community transport service or courtesy transport service, but only if—

(i) no more than 2 vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence under the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010; or

(ii) the service is not a service that is available to the general community; or

Example of a service that is available to the general community— 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.

(iii) the service is a locally significant event service; or

(c) a locally significant event service other than the service mentioned in paragraph (b)(iii); or

(d) a cableway service; or

(e) a monorail service.

(f) a driver operator booked hire service.

Section 11

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

Current Regulation Provides:

- Driver age limits are aimed at ensuring a minimum level of experience and capability in the delivery of public passenger services. Previously set at a minimum age of 20 years to hold a Taxi Driver Authorisation,

Changes Intend to:

- Allow younger drivers easier access to Driver Authorisation and the ability to engage as booked hire drivers in the personalised transport market

Unintended Consequences of the Change:

- Research consistently shows the impact that the comparatively impaired capability of young drivers has on safety and the increased likelihood of an accident or fatality in these groups.

This section of the regulation will now read

Section 20

20 Application for grant or renewal of driver authorisation

(1) A person who is an individual may apply to the chief executive for the grant or renewal of driver authorisation.

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 is not eligible to apply for driver authorisation for a relevant vehicle that is a taxi unless the person is at least 20 years.)~~

(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 until 2 years after the relevant day for the interlock condition or non-Queensland interlock requirement.

Note— See the Transport Operations (Road Use Management) Act 1995, section 91K (Interlock condition).

(3) An application for the grant or renewal of driver authorisation must be—

(a) made in the approved form; and

(b) accompanied by evidence that satisfies the chief executive that the person is—

(i) an Australian citizen; or

(ii) a permanent resident; or

(iii) a New Zealand citizen who is the holder of a special category visa as defined by the Migration Act 1958 (Cwlth), section 32; or

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

(c) accompanied by the fee stated in schedule 9.

(4) In this section—

driver authorisation does not include provisional driver authorisation or restricted driver authorisation. driver licence see the Transport Operations (Road Use Management) Act 1995, schedule 4.

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

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

non-Queensland interlock period 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 as defined by the Migration Act 1958 (Cwlth), section 30(1).

relevant day means—

(a) for an interlock condition for a person's driver licence—the day on which the interlock period applying to the person starts; or

(b) for a non-Queensland interlock requirement for a person's driver licence—the day on which the non-Queensland interlock period applying to the person starts.

Section 12

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

Current Regulation Provides:

- For the requirement of a Driver Authority applicant to have held a Licence for at least three consecutive years and to have held an Australian or equivalent licence for 12 months in the previous three years.

Changes Intend to:

- Include booked hire drivers to the section

Unintended Consequences of the Change:

- Driver age

This section of the regulation will now read

Section 20B

20B Requirements for operating relevant vehicles other than motorbikes

(1) An applicant for driver authorisation for the operation of a relevant vehicle, other than a motorbike, must hold a prescribed licence of the appropriate class.

(2) The applicant must also, subject to subsection (3)—

(a) have held continuously for at least 3 years—

(i) an open or provisional licence for a car, truck or bus; or

(ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or

(iii) a foreign driver licence for a car, truck or bus; or

(iv) a series of any of the licences mentioned in subparagraph (i), (ii) or (iii); or

(b) if the application is for driver authorisation for ~~a relevant vehicle other than a taxi~~ **the operation of a relevant vehicle other than a booked hire vehicle, limousine or taxi** have passed a competence test, approved by the chief executive, for the operation of the type of vehicle the person intends to drive under the driver authorisation.

(3) Also, for at least 2 years of the continuous 3 year period mentioned in subsection (2)(a) or for at least 2 years for an application under subsection (2)(b), the applicant must have held continuously—

(a) an open or provisional licence for a car, truck or bus; or

(b) a corresponding licence to an open or provisional licence for a car, truck or bus; or (c) a series of any of the licences mentioned in paragraph (a) or (b).

(4) However, subsection (3) does not apply if the driver authorisation applied for is for a general route service, school service, **booked hire service**, taxi service, limousine service, community transport service or courtesy transport service.

(5) This section does not apply to a person seeking a restricted driver authorisation. Note— See also the Transport Operations (Passenger Transport) Standard 2010, section 6.

Section 13

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

Current Regulation Provides:

Clear standards for drivers delivered through accredited training and assessment of competency to enable the safe delivery of passenger transport services.

Changes Intend to:

- Remove compulsory safety training,

- Remove customer service training,
- Remove English language competencies, and
- Remove area knowledge requirements.

Unintended Consequences of the Change:

- Drivers undertake service provision in extreme situations, at night and without support. Removing language requirements and essential safety training puts drivers at risk. This is especially important for booked hire drivers who are not supported by a booking entity and safety equipment in the vehicle.
- Poor language and poor area knowledge skills will put drivers at greater risk of conflict with passengers escalating an already dangerous occupation.
- These changes will result in more police involvement in issues and increased assaults, damage to vehicles and injury to drivers and passengers and is recklessly dangerous given historical context of these rules.

This section of the regulation will now read

Section 20C

(Removed Section)

~~20C An applicant for driver authorisation for the operation of a relevant vehicle that is a taxi must —~~

~~(a) have held an Australian open, provisional or probationary licence of the appropriate class for at least 1 year during the 3 year period immediately before the application; and~~

~~(b) be able to speak and understand English; and~~

~~(c) have a knowledge of common destinations and major connecting roads within the taxi service area where the applicant intends to drive the taxi; and~~

~~(d) have —~~

~~(i) attained competencies, specified by the chief executive, for the safe operation of taxis and customer service; or [s 21] Transport Operations (Passenger Transport) Regulation 2005 Part 3 Driver authorisation Current as at 1 July 2016 Page 29 Authorised by the Parliamentary Counsel~~

~~(ii) successfully finished a training course for taxi drivers that the chief executive considers is at least equivalent to the competencies.~~

~~(2) Subsection (1)(a) does not apply if the chief executive is satisfied that—~~

~~(a) the applicant has held a licence (equivalent licence) that is at least equivalent to an Australian open, provisional or probationary licence of the appropriate class for at least 1 year during the 3-year period immediately before the application; and~~

~~(b) under the equivalent licence, the applicant has gained significant practical driving experience in a driving environment similar to that found in major urban centres in Australia.~~

~~(3) An applicant for renewal of driver authorisation for a relevant vehicle that is a taxi must, if required by the chief executive, have successfully finished a training course for taxi drivers specified by the chief executive.~~

~~(4) This section is in addition to, and does not limit, section 20B. Note— See also the Transport Operations (Passenger Transport) Standard 2010, section 8.~~

(New Section)

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

(1) An applicant for driver authorisation for the operation of a relevant vehicle that is a booked hire vehicle, limousine or taxi must have held a relevant driver licence for at least 1 year.

(2) Subsection (1) does not apply if the chief executive is satisfied that the applicant has held a licence that is at least equivalent to a relevant driver licence for at least 1 year.

(3) In this section—

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

relevant driver licence means an Australian driver licence of the appropriate class that is an open licence, provisional licence or probationary licence.

Section 14

Amendment of s 21C (Expressions on authorising documents)

Current Regulation Provides:

- Codes on Driver Authorisation documents that corresponded to specific types of service provision

Changes Intend to:

- Consolidate limousine, taxi and booked hire services into a new single code BHXT
- Change wording identifying the authorisation inclusions from allowing “the provision” of services and inserting “the operation of a vehicle providing” the services
- This change intends to close loopholes in regulations and offences used to force compliance over the previous two years on illegal taxi services operated by booked hire drivers. Previous fines clearly would not have been successful in court, necessitating this change

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 21C

21C Expressions on authorising documents

~~(1) The expression ‘Taxi’ on an authorising document indicates that the authorised driver is authorised to provide taxi services.~~

~~(2) The expression ‘Limo’ on an authorising document indicates that the authorised driver is authorised to provide limousine services.~~

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

(3) The expression ‘Genr’ on an authorising document indicates that the authorised driver is authorised to ~~provide~~ **operate a vehicle providing** any of the following—

(a) accommodation transfer services;

(b) charter bus services;

(c) scheduled passenger services, other than a general route service or a school service; (d) tourist services;

(e) tourist transfer services;

(f) unscheduled long distance passenger services.

(4) The expression 'Sche' on an authorising document indicates that the authorised driver is authorised to ~~provide~~ **operate a vehicle providing** general route services and school services.

(5) The expression 'TrMc' on an authorising document indicates that the authorised driver is authorised to ~~provide~~ **operate a vehicle providing** tourist services using any of the following—

(a) a motor cycle;

(b) a motor cycle and sidecar;

(c) a motor tricycle.

Note— An authorised driver may also, under the Act, provide public passenger services other than the services stated on the authorising document.

Section 15

Insertion of new section 39A

Changes Intend to:

- Introduce a new method of identifying drivers without a current Driver Authorisation
- Replace the requirement for an operator to have access to the PT DAS database to ensure drivers have a current Drive Authorisation.
- Mandate the use of a new public website that will publish the details of all active and current Driver Authorisation numbers to be used by those with knowledge of an individual's Driver Authorisation number to identify and confirm the currency of the Authorisation.

Unintended Consequences of the Change:

- Whereas previous requirements ensured a daily update and active reconciliation by operators, reduced requirements impact public safety removing the requirement of Operators to actively ensure each driver has a current Driver Authority.
- Creates a potential for private information to be made public by putting into the public domain additional information that could be used to identify and gain information of individuals.

This section of the regulation will now read

Section 39A

39A Disclosure of driver authorisation numbers

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

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

Section 16

Insertion of new section 42A

Changes Intend to:

- Create a new offence for operating a vehicle providing a relevant service without holding the appropriate Driver Authorisation.
- This change intends to close loopholes in regulations and offences used to force compliance over the previous two years on illegal taxi services operated by booked hire drivers. Previous fines clearly would not have been successful in court, necessitating this change

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section will now read

42A (added)

42A Required driver authorisation for particular public passenger services

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

Maximum penalty—20 penalty units.

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

(2) In this section— relevant service means a booked hire service, limousine service or taxi service for which driver authorisation is required.

Section 17

Replacement of Part 6 heading (Taxi services provided under taxi service licence)

changed to Part 6, heading— (Taxi services provided using a taxi)

Current heading indicates:

- Clear requirement to indicate that the provision of taxi services is only allowed with the required licence obtained by the department.

Changes Intend to:

- Replace the term taxi service licence, and replace it with the term taxi.

Unintended Consequences of the Change:

- This heading signals the intent of future sections and creates inconsistency in application of language and is misleading, making further changes in this section unenforceable

Section 18

Replacement of s 52A (Application of pt 6)

Current Regulation Provides:

- Clearly identifying the following section applies to services provided under a taxi service licence.

Changes Intend to:

- Use regulation changes to alter the service definition of a taxi service to specify rank and hail services only

- Make booked only services no longer linked to an offence under TOPTA in section 70 (providing taxi service in a vehicle other than a taxi)
- Require booked hire service drivers to have a zero alcohol limit or be considered as providing an illegal taxi service as way of an offence.

Unintended Consequences of the Change:

- Anyone above a blood alcohol limit of zero may now be considered to be providing taxi services and can be fined regardless of any passengers in the vehicle.
- This clause offers a viable defence for drivers caught with a blood alcohol content above zero by claiming not to be a driver of a booked ride service.
- Similar issues with confirming the legality of taxi services over the past two years show that this regulatory change is not enforceable and puts the safety of the travelling public and drivers at risk.
- This makes no change to the existing laws other than exclude a single aspect of the booked hire drivers from a single offence. The remaining aspects of the legislation linkages are unenforceable which has resulted in no offences taken to court.

This section of the regulation will now read

Section 52A and 52B

~~52A Application of pt 6 This part applies only in relation to taxi services provided under a taxi service licence.~~

~~Note— See part 6A for provisions about taxi services provided other than under a taxi service licence.~~

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

(1) For section 70(4) of the Act, this section prescribes taxi services to which section 70 of the Act does not apply.

(2) A taxi service provided in a way other than as a rank and hail service is prescribed.

(3) However, a taxi service mentioned in subsection (2) is prescribed only if the driver of the motor vehicle providing the service is not over the no alcohol limit under the Transport Operations (Road Use Management) Act 1995, section 79A.

52B Application of pt 6 This part, other than section 52A, applies only in relation to taxi services provided using a taxi.

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

Section 19

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

Current Regulation Provides:

- Booking company affiliation and the need to reset the taximeter in a vehicle at the end of a passenger trip

Changes Intend to:

- Remove reference to the taximeter and reference a taximeter, recognising the change in what a taximeter may be, meaning a smartphone application or similar.

Unintended Consequences of the Change:

- Under this change to the regulations, drivers may now have multiple taximeters in their vehicles and are required to only reset one of them. This may lead to increased charges especially for vulnerable and intoxicated patrons

This section of the regulation will now read

Section 62A

62A Requirements about access to continuously operating booking service

(1) This section applies if a condition of a taxi service licence requires the operator of a taxi service under the licence to have access to a continuously operating booking service.

(2) The operator must keep a booking receiver that is in working condition in the taxi to be used to provide the taxi service.

Maximum penalty—20 penalty units.

(3) The driver of a taxi must not use the taxi under the taxi service licence unless—

(a) a booking receiver that is in working condition is in the taxi; and

(b) the booking receiver is connected to the relevant booking despatcher.

Maximum penalty—20 penalty units.

(4) The driver of a taxi used to provide a taxi service under the taxi service licence must, immediately after the taxi service ends, reset the a taximeter fitted to the taxi to remove the record of the fare amount for the taxi service.

~~Note—See sections 64 and 65 for other requirements about taximeters.~~

See section 65 for operating requirements of taximeters.

Maximum penalty—20 penalty units.

(5) In this section— booking despatcher means the part of a continuously operating booking service that is for despatching information about bookings. booking receiver means the part of a continuously operating booking service that is for receiving information about bookings.

Section 20

Amendment of s 63 (Fares and charges for taxis)

Current Regulation Provides:

- Clear regulated charges for soiling of a vehicle by a passenger and a requirement for a driver to take the most direct route.

Changes Intend to:

- Remove regulation on the fee allowable to be charged for soiling a vehicle and,
- Remove requirements for a driver of a vehicle to take the most direct route.

Unintended Consequences of the Change:

- Drivers will be unable to involve police to assist in the payment of fees for soiling a vehicle and will rely on booking services to automatically remove the fee from accounts without approval.
- Drivers of passenger services are now entitled to charge whatever fee they like for the soiling of a vehicle as long as it is advertised in advance. Drivers will seek to drive for organisations that support the highest available fee.
- Drivers can “take the long way” – and in fact the overall changes incentivise the manipulation of fares

This section of the regulation will now read

Section 63(3) & (5)

63 Fares and charges for taxis

(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.

Maximum penalty—40 penalty units.

(2) The driver of a taxi to which the maximum fares do not apply, as mentioned in section 74A(2) of the Act, must not demand more than the agreed amount.

Maximum penalty—20 penalty units.

~~(3) In addition to the fare that a driver of a taxi may charge, the driver may charge a person who soils the taxi an additional amount (not more than 1 penalty unit) for cleaning the taxi.~~

~~(4 3) If the driver of a taxi believes he or she will not be able to obtain the fare at the destination, before starting the hiring, the driver may require the hirer to pay the estimated fare or agreed amount for the hiring as a deposit.~~

~~(5) 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—20 penalty units.~~

Section 21

Omission of s 63A (Requirements for itemised receipts)

Current Regulation Provides:

- For an itemised receipt to be provided at the end of a taxi journey.

Changes Intend to:

- Align this section with November changes where a booking entities may provide the receipt instead of the driver.

Unintended Consequences of the Change:

- For the period 5 September to 1 November 2016, when section 30 of the amendments is enacted, a driver is not required by regulation to supply a receipt to a passenger.

This section is removed entirely

~~63A Requirements for itemised receipts~~

~~(1) This section applies if the hirer of a taxi, other than an exempted taxi, for a journey requests a receipt for the fare for the hiring of the taxi for the journey.~~

~~(2) The driver of the taxi must, before leaving the destination for the journey, give the hirer an itemised receipt for the fare.~~

~~Maximum penalty—20 penalty units.~~

Section 22

Omission of sections 63B, 64, 67, 68 and 69

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)
- Rules on the mandated fitting and appropriate use of a taximeter (s64)
- For the Maximum age of a vehicle used as a taxi (s67)
- Control of doors of a taxi (s68)
- Use of, and requirement for working air conditioners in vehicles (s69)

Changes Intend to:

- Remove regulation regarded as no longer required by the department.

Unintended Consequences of the Change:

- Drivers will reject fares where cash is not being paid so as to avoid lag time in the delivery of funds and the need to clear funds through a finance provider.
- Taxis hired on a rank or hailed on the street are no longer bound by the maximum fare. S64 (2) and the chief executive has lost the power to make rules around taximeters that may have corrected some unintended consequences.
- Maximum age of vehicles will increase under the intended regulatory change, Age of vehicles increased on average to 9 years of age in NSW within six months of a similar change. Older vehicles are less safe than newer vehicles – this protects drivers and customers

- That parents and guardians of children can direct the driver to control the doors to ensure the safety of the customer (minor) – this protects drivers and customers
- A driver who uses the central locking mechanism in a vehicle can be charged with deprivation of liberty even if the use of the mechanism was unintended. This is a serious offence that carries a significant penalty.
- That the vehicle is comfortable, particularly important with Queensland weather – this protects drivers and customers

These sections are removed entirely

Sections 63B, 64, 67, 68 and 69

63B Electronic payments

~~(1) This section applies to a taxi other than an exempted taxi.~~

~~(2) The driver of the taxi must not refuse a method of electronic payment as payment of the fare for the hiring of the taxi, unless—~~

~~(a) each electronic payment system used for the electronic payment of fares for the hiring of the taxi is either—~~

~~(i) malfunctioning in a way that would prevent the driver from accepting the method of electronic payment for the fare; or~~

~~(ii) incompatible with the method of electronic payment; and Example for subparagraph (ii)—A person offers a brand of credit card for the electronic payment of a fare for the hiring of a taxi, and each electronic payment system used for the electronic payment of fares for the hiring of the taxi does not accept the brand.~~

~~(b) another system facilitating the electronic payment of fares is not available to the driver.~~

~~Maximum penalty—20 penalty units.~~

~~(3) In this section—electronic payment means payment by electronic means. electronic payment system means a system for the electronic payment of fares comprising—~~

~~(a) an electronic device for use in a taxi; and~~

~~(b) an electronic system facilitating the payment.~~

64 Requirements relating to taximeters

~~(1) The operator of a taxi service must ensure a taxi used to provide the service is fitted with a taximeter, unless the taxi is an exempted taxi.~~

~~Maximum penalty—40 penalty units.~~

~~(2) The operator of a taxi service, for which a taxi fitted with a taximeter is used, must ensure that the taximeter records fares in a way that ensures the maximum fares under section 74A(1) of the Act are not exceeded.~~

~~Maximum penalty—40 penalty units.~~

~~(3) The operator of a taxi service for which a taxi other than an exempted taxi is used must ensure that the taximeter fitted to the taxi is programmed in a way complying with the requirements for programming taximeters approved by the chief executive by gazette notice.~~

~~Maximum penalty—40 penalty units.~~

~~(4) For subsection (3), the chief executive may approve requirements for programming taximeters that provide for any of the following—~~

~~(a) the automatic setting of tariffs for a particular day or time of the day;~~

~~Example of a particular day for paragraph (a)— a public holiday~~

~~(b) the automatic recording of a fare and the amounts comprising the fare;~~

~~(c) the automatic displaying of a fare and the particular amounts comprising the fare;~~

~~(d) security controls for taximeters;~~

~~(e) the printing of itemised receipts;~~

~~(f) the automatic resetting of a taximeter in particular circumstances;~~

~~(g) the automation of any other matters for ensuring the maximum fares under section 74A(1) of the Act are not exceeded.~~

~~Examples of amounts comprising a fare for paragraphs (b) and (c)— booking fee for the taxi service, total tollage~~

67 Maximum age limits for taxis

~~(1) The operator of a taxi service must ensure a taxi used to provide the service is not more than the following maximum age limits—~~

~~(a) for a wheelchair accessible vehicle—8 years from the date of compliance;~~

~~(b) otherwise—6 years from the date of compliance.~~

~~Maximum penalty—20 penalty units.~~

~~(2) Subsection (1) applies even if the taxi is a luxury motor vehicle.~~

~~(3) However, subsection (1) does not apply to an exempted taxi.~~

~~68 Control of doors of taxi The driver of a taxi must take control over opening and shutting the taxi's doors if—~~

~~(a) a prospective hirer of a taxi, or the parent or guardian of a prospective hirer, asks the driver to take control over 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.~~

~~Note— Under schedule 5, section 2(1)(c) taxis must be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver. This section requires a driver, on a specific request, to override the ability of a passenger to open a door.~~

~~69 Air conditioning in taxis~~

~~(1) If a taxi is fitted with an air conditioner, the operator of a taxi service using the taxi must ensure the air conditioner is fully operational and in good repair.~~

~~Maximum penalty—20 penalty units.~~

~~(2) If a taxi is fitted with an air conditioner and the driver is asked by a hirer to turn the air conditioner on or off, the driver must comply with the request.~~

~~Maximum penalty—20 penalty units.~~

Section 23

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)
- Rules on the mandated fitting and appropriate use of a taximeter (s64)
- For the Maximum age of a vehicle used as a taxi (s67)
- Control of doors of a taxi (s68)
- Use of, and requirement for working air conditioners in vehicles (s69)

Changes Intend to:

- Remove the requirement to de-identify a taxi when it is no longer being used as a taxi.

Unintended Consequences of the Change:

- Once a taxi has been decommissioned it need no longer be changed such that it no longer looks like a taxi: this is a safety issue for potential victims of violent crime (“Jinker Track Murder”). This change negatively impacts the confidence of customers seeking passenger transport services.

This section of the regulation will now read

Section 70

70 Vehicle not to look like taxi unless licensed

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

Maximum penalty—20 penalty units.

~~(2) After a vehicle stops being a taxi, the operator of a taxi service for which the vehicle was used as a taxi must ensure the vehicle no longer looks like a taxi, including by removing all of the following from the vehicle—~~

~~(a) a hail light;~~

~~(b) a taximeter;~~

~~(c) printing or signage relevant to the vehicle as a taxi.~~

Maximum penalty—20 penalty units.

(3) This section does not apply to a vehicle used as a substitute taxi under a substitute taxi authority.

Section 24

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

This Section is procedural only and makes simple changes numbering references in the regulations

This section of the regulation will now read

Section 80

80 When vehicle not used as a substitute taxi

(1) If a substitute taxi is not being used as a substitute taxi, the authorised provider must—

(a) at the request of the chief executive, make the substitute taxi available for inspection by the chief executive; and

(b) unless the substitute taxi is being used other than for providing a taxi service, keep the substitute taxi at a place that is not a public place; and

(c) not stand the substitute taxi in a place or in a way that would reasonably imply that the substitute taxi is available for hire as a taxi.

Maximum penalty—40 penalty units.

(2) If an authorised provider of a substitute taxi uses the vehicle to provide a public passenger service other than as a substitute taxi, the authorised provider must keep a written record of the particulars mentioned in section ~~124(b)~~ 124(2)(b), (c), (d) and (e) in relation to the vehicle while it is used to provide the public passenger service other than as a substitute taxi.

Maximum penalty—20 penalty units.

Section 25

Replacement of part 6A, heading (Taxi services provided other than under taxi service licence)

This Section is procedural only and changes the name of the part in regulations to align with the following sections intent.

This section of the regulation will now read

~~Part 6A Taxi services provided other than under taxi service licence~~

(added)

Part 6A Cross-border taxi services

Section 26

Insertion of new Part 7A Sections 117A, 117B, 117C and 117D

Changes Intend to:

- Provide the requirement for passengers to receive a fare estimate prior to accessing booked hire services. (s117A)
- Require a fare estimate to include parameters for how the fare may be higher than quoted. (s117A)
- A driver may not charge more than the fare estimate unless it varies in a way stipulated prior to the booking how a fare may deviate from the agreed price. (s117B)
- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 117A, 117B, 117C and 117D

(added)

Part 7A Booked hire services

117A Fare estimates for booked hire services

(1) A relevant entity must give a hirer of a booked hire service a fare estimate under this section before the service begins, unless the relevant entity has a reasonable excuse.

Example of a reasonable excuse— a hirer opts out of receiving a fare estimate

Maximum penalty—

(a) for an individual—20 penalty units; or

(b) otherwise—80 penalty units.

(2) A fare estimate for a booked hire service must—

(a) state an estimate of the amount of the fare (the estimated fare); and

(b) state the circumstances (if any) when the amount of the fare may be higher than the estimated fare and how the additional amount is worked out in those circumstances; and

Examples for paragraph (b)—

1 The fare may be higher than the estimated fare if the time taken for the journey is longer because of heavy traffic, and the additional amount is worked out on the basis of a stated amount per minute of the journey.

2 The fare may be higher than the estimated fare if the distance travelled for the journey is longer because the passenger asks that a detour be taken, and the additional amount is worked out on the basis of a stated amount per kilometre of the journey.

(c) be written and expressed in Australian currency.

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

(4) In this section— relevant entity, for a booked hire service, means—

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

Example for paragraph (a)— an entity that receives a request for a service from a hirer through an app and communicates the booking for the service to the driver

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

117B Fares for booked hire services

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

(a) the estimated fare stated in a fare estimate; or

(b) if the fare estimate states the circumstances when the amount of the fare may be higher than the estimated fare—the estimated fare plus an additional amount worked out in the way stated in the fare estimate.

Maximum penalty—

(a) for an individual—20 penalty units; or

(b) otherwise—80 penalty units.

(2) In this section— fare estimate means a fare estimate given under section 117A

117C Booked hire service signs

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

(2). Maximum penalty—20 penalty units.

(2) The sign must—

(a) reasonably imply that the vehicle is a booked hire vehicle, for example, by displaying a trademark; and

(b) be fitted on or towards the rear of the vehicle; and (c) be clearly visible from outside the vehicle.

117D Safety certificate requirement for particular booked hire vehicles

(1) An owner of a motor vehicle must not allow the vehicle to be used to provide a booked hire service unless a safety certificate for the vehicle has been issued within the last 12 months.

Maximum penalty—60 penalty units.

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

Maximum penalty—60 penalty units.

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

(4) In this section—

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

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

Section 27

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)
- Rules on the mandated fitting and appropriate use of a taximeter (s64)
- For the Maximum age of a vehicle used as a taxi (s67)
- Control of doors of a taxi (s68)
- Use of, and requirement for working air conditioners in vehicles (s69)

Changes Intend to:

- Remove the requirement to de-identify a taxi when it is no longer being used as a taxi.

Unintended Consequences of the Change:

- Operator driver with no other reference in the act or regulation. It has no definition nor relates to a legal entity

This section of the regulation will now read

Section 124

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

~~An operator of a public passenger service for which operator accreditation is required must keep a written record stating the following particulars for each use of a public passenger vehicle used to provide the service—~~

~~(a) the vehicle used;~~

~~(b) the registration number of the vehicle;~~

~~(c) the date and time of the use of the vehicle;~~

~~(d) the name of each driver who used the vehicle;~~

~~(e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.~~

~~Maximum penalty—20 penalty units.~~

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

(1) This section applies to—

(a) an operator of a public passenger service for which operator accreditation is required; and

(b) an operator of a driver operator booked hire service.

(2) The operator must keep a written record stating the following particulars for each use of a public passenger vehicle used to provide the service—

(a) the vehicle used;

(b) the registration number of the vehicle;

(c) the date and time of the use of the vehicle;

(d) the name of each driver who used the vehicle;

(e) the driver's driver authorisation number other than for a driver who has restricted driver authorisation.

Maximum penalty—20 penalty units.

Section 28

Replacement of s 131 (Dress of drivers)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)
- Rules on the mandated fitting and appropriate use of a taximeter (s64)

Changes Intend to:

- Remove the requirement to de-identify a taxi when it is no longer being used as a taxi.

Unintended Consequences of the Change:

- Operator driver with no other reference in the act or regulation. It has no definition nor relates to a legal entity

This section of the regulation will now read

Section 131

131 Dress of drivers

~~The driver of a public passenger vehicle must, while driving the vehicle, be neatly dressed.~~

~~Maximum penalty—10 penalty units.~~

(1) This section applies to a driver of a public passenger vehicle, other than a booked hire vehicle, taxi or limousine.

(2) The driver must be neatly dressed while driving the vehicle.

Maximum penalty—10 penalty units.

Section 29

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

- Rules on the mandated fitting and appropriate use of a taximeter (s64)

Changes Intend to:

- Remove the requirement to de-identify a taxi when it is no longer being used as a taxi.

Unintended Consequences of the Change:

- Operator driver with no other reference in the act or regulation. It has no definition nor relates to a legal entity

This section of the regulation will now read

Section 137

137 Public passenger vehicles—Act, sch 3, def public passenger vehicle

(1) A vehicle of a type mentioned in schedule 8, column 2 is a public passenger vehicle if it is used to provide the service set out opposite the type of vehicle in column 1.

~~(1A) 2) A booked hire vehicle is a public passenger vehicle.~~

~~(2) 3) A person must not operate~~ provide a public passenger service mentioned in schedule 8, column 1 unless the person uses a vehicle of a type set out opposite the service in column 2.

Maximum penalty—20 penalty units.

~~(3) 4) However, subsection (2) does not apply to a limousine service~~ (3) does not apply to a **booked hire service, limousine service, taxi service, air service, ferry service or a public passenger service provided by a fixed track vehicle.**

Note— The conditions of limousine service licences provide for the vehicles that may be used for limousine services. See section 87(2)(b) of the Act.

(5) A person must not provide a booked hire service or taxi service unless the person uses a passenger vehicle.

Maximum penalty—20 penalty units.

Section 30

Insertion of new section 137B

Changes Intend to:

- Provide the requirement for passengers to receive a fare estimate prior to accessing booked hire services. (s117A)
- Require a fare estimate to include parameters for how the fare may be higher than quoted. (s117A)
- A driver may not charge more than the fare estimate unless it varies in a way stipulated prior to the booking how a fare may deviate from the agreed price. (s117B)
- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 137B

137B Requirements for itemised receipts

(1) This section applies if the hirer of any of the following public passenger vehicles for a journey requests a receipt for the fare for the hiring of the vehicle for the journey—

(a) a booked hire vehicle;

(b) a limousine;

(c) a taxi, other than an exempted taxi.

(2) The driver of the public passenger vehicle must, before leaving the destination for the journey, give the hirer an itemised receipt for the fare, unless the driver reasonably believes that another entity has given, or is to give, the hirer an itemised receipt.

Maximum penalty—20 penalty units.

(3) In this section— itemised receipt, for the fare for a hiring of a public passenger vehicle for a journey, means a written receipt that includes—

(a) the following details about the driver—

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

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

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

Examples of amounts comprising a fare for paragraph (b)— booking fee for the service, total tollage

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

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

Section 31

Amendment of s 141 (Soliciting or touting)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

141 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.

Maximum penalty— ~~20~~ **40** penalty units.

(2) For subsection (1), attempting to arrange a multiple hiring for a taxi at a taxi rank, under section 66(1), is not soliciting or touting for passengers or a hiring.

Section 32

Insertion of new Part 12, Division 7, Section 158I, 158J, 158K

Changes Intend to:

- Provide the requirement for passengers to receive a fare estimate prior to accessing booked hire services. (s117A)
- Require a fare estimate to include parameters for how the fare may be higher than quoted. (s117A)
- A driver may not charge more than the fare estimate unless it varies in a way stipulated prior to the booking how a fare may deviate from the agreed price. (s117B)
- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 158I, 158J and 158K

158I Extended term of operator accreditation for limousine services and taxi services

(1) This section applies to an operator accreditation for a limousine service, taxi service or limousine and taxi service if the term of the accreditation ends within 1 year after the commencement.

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

158J Renewal of expired operator accreditation for limousine services and taxi services

(1) This section applies to an operator accreditation for a limousine service, taxi service or limousine and taxi service that expired on a day between 1 August 2016 and the commencement.

(2) The operator accreditation—

(a) is taken to have been renewed on the day that it would, apart from this section, have expired (the initial expiry date); and

(b) continues in force until the day 1 year after the commencement.

(3) To remove any doubt, it is declared that a thing done during the period starting on the initial expiry date and ending on the commencement is taken to have been as validly done as it would have been if the operator accreditation had been renewed immediately before the initial expiry date.

158K Application of s 42A to particular authorised drivers

(1) This section applies to an authorised driver if, immediately before the commencement, the driver's authorising document states the expression 'Genr'.

(2) Section 42A does not apply to the driver operating a vehicle providing a booked hire service during the transition period for the driver.

(3) In this section— transition period, for an authorised driver, means the period starting at the commencement and ending at the end of the earlier of the following days—

(a) the day the driver's driver authorisation expires or otherwise ends under the Act;

(b) 14 August 2017.

Section 33

Amendment of Schedule 5 (Equipment for vehicles)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Schedule 5, Section 2

2 Taxis

(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; and

(b) if luggage is carried in the passenger compartment—be constructed, or have equipment fitted, to secure the luggage; and

~~(c) be constructed so passengers have control over the opening and shutting of the vehicle's doors independently of the driver.~~

(2) Taxis must be fitted with the following—

(a) a green distress light;

(b) a hail light;

(c) a child restraint anchorage bolt.

(3) However, subsection (2) does not apply to—

(a) an exempted taxi; or

(b) a luxury motor vehicle that is a taxi.

Section 34

Amendment of Schedule 9 (Fees and levy) Schedule 9, items 7, 8 and 9

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Schedule 9, items 7, 8 and 9

7 Application for grant of driver authorisation for a **booked hire vehicle**, limousine or taxi (s 20)—the total of the following—

(a) the fee payable for the period of the authorisation—

(i) for 1 year 140.65

(ii) for 2 years 218.65

(iii) for 3 years 291.40

(iv) for 4 years 364.20

(v) for 5 years 437.10

(b) the additional application fee payable under item 10.

8 Application for renewal of driver authorisation for a **booked hire vehicle**, limousine or taxi (s 20)—

(a) for 1 year 140.65

(b) for 2 years 218.65

(c) for 3 years 291.40

(d) for 4 years 364.20

(e) for 5 years 437.10 9

9 Application for grant of driver authorisation other than for a **booked hire vehicle**, limousine or taxi (s 20) 41.05

Section 35

Amendment of Schedule 11 (Dictionary)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Schedule 11

~~itemised receipt, for the fare for a hiring of a taxi for a journey, means a written receipt that includes all of the following information—~~

- ~~(a) any fleet number for the taxi;~~
- ~~(b) the ABN for the driver of the taxi for the journey;~~
- ~~(c) the driver's driver authorisation number;~~
- ~~(d) the fare and the amounts comprising the fare;~~

~~Examples of amounts comprising a fare for paragraph~~

- ~~(d)— booking fee for the taxi service, total tollage~~
- ~~(e) the time at which the hiring started and finished;~~
- ~~(f) the origin of, and destination for, the journey.~~

booked hire service means a public passenger service provided by the hire of a motor vehicle and a person to drive the vehicle other than—

- (a) an excluded public passenger service; and**
- (b) a rank and hail service.**

booked hire vehicle means a motor vehicle, other than a limousine or taxi, used to provide a booked hire service while it is being used to provide the service.

driver operator booked hire service means a booked hire service provided by an individual who is the operator and the only driver providing the service.

rank and hail service means a public passenger service, provided by a motor vehicle, under which the vehicle—

- (a) is able, when not hired, to be hailed for hire by members of the public; or**
- (b) plies or stands for hire on a road.**

Section 36 is procedural only and details the regulations being altered in this part

Regulation amended

This part amends the *Transport Operations (Passenger Transport) Standard 2010*.

Section 37

Omission of s 8 (Person not to operate taxi without knowledge of taxi service area)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 8

~~8 Person not to operate taxi without knowledge of taxi service area A person must not operate a relevant vehicle that is a taxi unless the person has a knowledge of common destinations and major connecting roads within the taxi service area where the person intends to drive the taxi.~~

Section 38

Amendment of s 12 (Seating)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 12 (abridged)

(3) Also, an infant passenger may occupy the same seat as another passenger if—

(a) the vehicle is a bus; or

(b) the vehicle is a **booked hire service, limousine or taxi** and the infant passenger does so in circumstances that do not contravene the Queensland Road Rules.

Section 39

Amendment of s 13 (Customer service)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)

- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 13

13 Customer service

~~(1) A driver of a relevant vehicle must be reasonably courteous to passengers and the public.~~

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

~~(1A 2) The driver must be reasonably courteous to passengers and the public.~~

~~(2 3) A driver of a vehicle providing a general route service or a school service~~ **If the driver operates the vehicle to provide a general route service or a school service**, the driver must provide the service in accordance with the advertised schedules of the operator of the vehicle unless—

(a) the driver is prevented from doing so by an unforeseeable circumstance; or Examples of an unforeseeable circumstance—

- an incident
- an accident, whether or not involving the vehicle providing the public passenger service
- flooding or storm damage Example of a foreseeable circumstance— traffic volume

(b) the schedules, and services under the schedules, are not realistically achievable.

~~(3 4) If an incident happens, a driver of a relevant vehicle~~ **the driver** must tell passengers in the vehicle—

(a) the reason for the disruption or prevention of the provision of the relevant service; and

(b) the arrangements being made for the completion of the relevant service.

~~(4) A taxi driver must have a knowledge of common destinations and major connecting roads within the taxi service area where the driver drives the taxi.~~

Section 40

Amendment of s 18 (Purpose of pt 4)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 18

18 Purpose of Part 4

The purpose of this part is to enhance the level of safety and customer service provided by operators in the provision of public passenger services by imposing obligations on—

(a) applicants for a grant or renewal of operator accreditation; and

(b) operators of relevant services.

(c) operators of driver operator booked hire services.

Section 41

Amendment of s 26 (Seating)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 26

26 Seating

(1) An operator of a relevant service 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 primary school or pre-school children may sit in a bench type bus seat designed for 2 adults if—

(a) either—

(i) the seat is not fitted with any seat belts 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; and

(c) no child sits in the seat for more than a total of 90 minutes while any 2 other children sit in the seat.

(3) Also, an infant passenger may occupy the same seat as another passenger if—

(a) the vehicle is a bus; or

(b) the vehicle is a ~~taxi~~ **booked hire vehicle, limousine or taxi** and the infant passenger does so in circumstances that do not contravene the Queensland Road Rules.

Note— See the Queensland Road Rules, sections 266 (Wearing of seatbelts by passengers under 16 years old) and 267 (Exemptions from wearing seatbelts).

Section 42

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 27

27 Type and age of vehicles etc.

~~(1) An operator of a relevant service may only use a vehicle to provide the service if the vehicle is of a type and age suitable to provide the service.~~

(1) This section applies to—

(a) an operator of a relevant service; and

(b) an operator of a driver operator booked hire service.

(1A 2) The operator may only use a vehicle to provide the service if the vehicle—

(a) is of a type suitable to provide the service; and

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

(2 3) The operator is taken to comply with subsection ~~(1)~~(2) if—

(a) the vehicle complies with the requirements for the vehicle, if any, stated in schedule 1; and

(b) if the Heavy Vehicle (Vehicle Standards) National Regulation, schedule 2, part 6, division 16 (the division) applies to the vehicle—either of the following applies—

(i) the vehicle complies with the requirements for the vehicle, if any, stated in the division;

(ii) if the vehicle does not comply with a requirement mentioned in subparagraph (i)—the vehicle is the subject of a vehicle standards exemption under the Heavy Vehicle National Law (Queensland), granted for the requirement.

~~(3 4) Also, an operator of a relevant service~~ Also, the operator must comply with the obligations that apply in relation to the vehicle under schedule 1, sections 8(2), 9(2), 10, 29(3), 30(1), (3) and (7), 31, 32(2), (3) and (4), 33(1) and 34(2).

Section 43

Amendment of s 29 (Maintenance of vehicles)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)

- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 29

29 Maintenance of vehicles

~~(1) An operator of a relevant service must have and comply with a documented maintenance program for each vehicle providing the service.~~

(1) This section applies to—

(a) an operator of a relevant service; and

(b) an operator of a driver operator booked hire service.

~~(1A 2)~~ **The operator must have and comply with a documented maintenance program for each vehicle providing the service.**

~~(2 3)~~ The 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

(c) a system to ensure—

(i) defects in 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 the vehicle is recorded.

~~(3 4) An operator of a relevant service~~ **The operator** must keep a record of all servicing or other maintenance, including a record of the daily pre-trip inspection, on each vehicle used to provide the service.

~~(4 5)~~ Subsection ~~(3 4)~~ applies to all maintenance, whether or not performed under the program.

Section 44

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 30

30 Vehicles to be maintained in clean, tidy and comfortable condition etc.

(1) This section applies to an operator of a relevant service that is a general ~~route service, school service, taxi service or limousine service~~ **route service or school service.**

(2) The operator must take reasonable steps to ensure that each vehicle providing the service—

(a) complies with any requirements for the vehicle stated in schedule 3, part 1; and

(b) is maintained in a clean, tidy and reasonably comfortable condition.

(3) The operator is taken to comply with subsection (2)(b) if the vehicle is maintained in the way stated in schedule 3, part 2.

Section 45

Insertion of new Section 30A

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 30A

30A Additional vehicle requirements for taxis

(1) This section applies to an operator of a relevant service that is a taxi service provided by a taxi.

(2) The operator must take reasonable steps to ensure that each taxi providing the service complies with the following requirements—

(a) the fare sticker must be fixed to the taxi; and

(b) the taximeter, if fitted, must be working; and

(c) the fleet number of the taxi must be clearly displayed in the interior and on the exterior of the taxi.

Section 46

Amendment of s 13 (Customer service)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 31

31 Customer service

(1) An operator of a relevant service that is a ~~taxi service or a service providing scheduled services~~ **scheduled passenger service** must take reasonable steps to ensure the operator's drivers are competent in providing customer service

(2) Without limiting subsection (1), ~~an operator of a relevant service providing scheduled services~~ **The operator** must take reasonable steps to ensure drivers are aware of the timetables and routes for the services.

Section 47

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 32

32 Access to information about services provided

~~(1) This section applies to an operator of a relevant service that is—~~

~~(a) a general route service or school service; or~~

~~(b) a taxi service, if bookings for the service are not taken by a service for the administration of taxi services.~~

(1) This section applies to an operator of a relevant service that is a general route service or school service.

(2) The operator must provide the public with a convenient way of obtaining information about the general route service, school service or taxi service **route service or school service.**

Example— ensuring information about the service is obtainable by telephone during appropriate hours

Section 48

Amendment of s 35 (Requirements of incident management plan)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 35

35 Requirements of incident management plan An incident management plan must—

(a) be in writing; and

(b) set out procedures to be followed by the operator of a relevant service and employees of the operator, including the driver of a relevant vehicle, if an incident happens; and

(c) state that, if an incident happens, a driver of a relevant vehicle must tell the operator of the relevant service and passengers in the relevant vehicle about the matters mentioned in section 13(~~3~~ **4**); and

(d) state that, if an incident happens and the relevant service is a school service, the operator of the relevant service must, as soon as reasonably practicable—

(i) tell the school about the matters mentioned in section 13(~~3~~ **4**); or

(ii) if the school is unattended and the operator of the relevant service has reasonable access to the contact details of a parent of a student who is a passenger on the school service—tell the parent about the matters mentioned in section 13(3).

Section 49

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Schedule 1

Part 1 Preliminary

1 Purpose of Schedule 1

This schedule states the following—

- (a) the requirements, under section ~~27(2)~~ **27(3)** of this standard, for a vehicle used to provide a relevant service;
- (b) the obligations, under section ~~27(3)~~ **27(4)** of this standard, for an operator of a relevant service.

2 Meaning of prescribed vehicle A prescribed vehicle is a relevant vehicle that is—

- (a) a bus; or
- (b) a forward-control passenger vehicle; or

(c) an off-road passenger vehicle; or

(d) a people mover.

3 Meaning of particular classifications of prescribed vehicles

(1) A prescribed vehicle is an open classification vehicle if it operates over an unlimited distance.

(2) A prescribed vehicle is a regional classification vehicle if it operates within a radius of 350km from the first passenger pick-up point.

(3) A prescribed vehicle is a local classification vehicle 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.

Part 2 Maximum age, design and luggage

4 Maximum age

(1) A prescribed vehicle, **other than a booked hire vehicle, limousine or taxi**, used for providing a relevant service must not be older than the maximum age for the vehicle stated in subsection

(2), unless—

(a) the service life of the vehicle has been extended under schedule 2; 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 vehicle—

(A) if the vehicle was manufactured on or after 1 January 1990 and is a vehicle for which the chief executive has granted a 5-year service life extension under former schedule 2, part 1—30 years; or

(B) if the vehicle was manufactured on or after 1 January 1995 and is a vehicle for which the chief executive has not granted a 5-year service life extension under former schedule 2, part 1—25 years; or

(C) otherwise—15 years; or

(ii) a regional classification vehicle—25 years; or

(iii) a local classification vehicle—25 years; or

(b) for a light bus that is—

(i) an open classification vehicle—10 years; or

(ii) a regional classification vehicle—20 years; or

(iii) a local classification vehicle—20 years.

(3) In this section— former schedule 2, part 1 means schedule 2, part 1 as in force immediately before the commencement of the Transport Operations (Passenger Transport) Amendment Standard (No. 1) 2011.

Section 50

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Part 1 Vehicle requirements

1 Vehicle requirements

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

~~(a) a taxi service;~~

~~(b) a limousine service;~~

~~(c) a general route service, or school service, that uses a bus to provide the service.~~

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

(a) a general route service that uses a bus to provide the service;

(b) a school service that uses a bus to provide the service.

(2) Body panels must not be excessively dented.

(3) Exterior paintwork must not be excessively scratched, dirty or discoloured, so as to detract from the vehicle's general appearance.

(4) If the vehicle is a bus, any non-illuminated destination sign displayed on the bus must be clearly visible and legible.

~~(5) If the vehicle is a taxi—~~

~~(a) the fare sticker must be fixed to the taxi; and~~

~~(b) the taximeter, if fitted, must be working; and~~

~~(c) the fleet number of the taxi must be clearly displayed in the interior and on the exterior of the taxi.~~

Part 2 Way to maintain vehicle

~~2 Way to maintain vehicle Sections 3 to 5 state the way a vehicle used to provide the following relevant service must be maintained for section 30(3)—~~

~~(a) a taxi service;~~

~~(b) a limousine service;~~

~~(c) a general route service, or school service, that uses a bus to provide the service.~~

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

(a) a general route service that uses a bus to provide the service;

(b) a school service that uses a bus to provide the service.

3 Seating

(1) Seat covers must not be torn or frayed and must be kept clean.

(2) Seat springs must not be broken or sagging. (3) Seatbelt webbing must not be shabby or dirty. 4

Interior appearance and fittings

(1) Interior trim panels must not be loose or missing and must be in good condition.

(2) Interior trim must not be soiled or dusty so as to cause discomfort to a passenger or soil clothing.

(3) The interior compartment must be free of odour.

(4) Floor coverings must be clean and intact.

(5) The luggage compartment must be clean and tidy.

(6) If the vehicle is a bus—

(a) window adornments, for example, curtains, must be clean; and

(b) the disembark light must work; and

(c) interior safety padding must be in good condition; and

(d) buzzers or bells for requesting the bus to stop must be in working order.

~~(7) If the vehicle is a taxi—~~

~~(a) a safety screen, if fitted, must be clean and intact; and~~

~~(b) a cargo barrier, if fitted, must be clean and intact.~~

5 Windscreen

The windscreen must be clean.

Section 51

Amendment of Schedule 4 (Dictionary)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This Dictionary of the regulation will now read

Definition deleted -

~~relevant service means a public passenger service for which operator accreditation is required.~~

Definition inserted -

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

relevant service means—

(a) generally—a public passenger service for which operator accreditation is required; and

(b) for schedule 1—a driver operator booked hire service or a public passenger service for which operator accreditation is required.

Part 7 **Amendment of Transport Operations (Road Use Management—Road Rules)
Regulation 2009**

Section 52

Section 52 is procedural only and details the regulations being altered in this part

Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*

Section 53

Amendment of s 265 (Wearing of seatbelts by passengers 16 years old or older)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Section 265

265 Wearing of seatbelts by passengers 16 years old or older (1) A passenger in or on a motor vehicle that is moving, or that is stationary but not parked, must comply with subsection (2) if the passenger— (a) is 16 years old or older; and (b) is not exempt from wearing a seatbelt under section 267. Maximum penalty—20 penalty units. (2) The passenger— (a) must occupy a seating position that is fitted with an approved seatbelt; and (b) must not occupy the same seating position as another passenger (whether or not the other passenger is

exempt from wearing a seatbelt under section 267); and (c) must wear the seatbelt properly adjusted and fastened. (3) The driver of a motor vehicle (except a bus or taxi) that is moving, or that is stationary but not parked, must ensure that each passenger in or on the vehicle who is 16 years old or older complies with subsection (2), unless the passenger is exempt from wearing a seatbelt under section 267. Maximum penalty—20 penalty units. (4) Subsection (2)(b) does not apply to a passenger in a bus, taxi or tow truck who has a child who is less than 1 year old seated in the passenger's lap if— (a) no suitable approved child restraint is fitted and available for use; and (b) the bus, taxi or tow truck has 2 or more rows of seats—the passenger is not in the front row of seats. (5) A relevant detention officer who is the driver of a detention vehicle in relation to a passenger who is a detained person need not comply with subsection (3)— (a) if— (i) the vehicle has 2 or more rows of seats; and (ii) the passenger is not in the front row of seats unless there is no seating position in which the passenger can sit because all other seating positions are occupied by other passengers; or (b) if— (i) the vehicle has a caged or other secured area designed for the carriage of passengers; and (ii) the passenger occupies a seating position in the caged or secured area.

Section 54

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

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

266 Wearing of seatbelts by passengers under 16 years old (Abridged)

(5) The driver of a taxi is exempt from subsections (2), (2A) and (2B) in relation to a passenger if— (a) there is no suitable approved child restraint available in the taxi for the passenger; and (b) if the taxi has 2 or more rows of seats—the passenger is not in the front row of seats.

Section 55

Amendment of s 267 (Exemptions from wearing seatbelts)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

267 Exemptions from wearing seatbelts (Abridged)

(8C) A passenger on a **booked hire vehicle, bus**, taxi or tow truck is exempt from wearing a seatbelt if— (a) the passenger is less than 1 year old; and (b) no suitable approved child restraint is fitted and available for use by the passenger; and (c) if the bus, taxi or tow truck has 2 or more rows of seats—the passenger is not in the front row of seats; and (d) the passenger is seated in the lap of another passenger who is 16 years of age or older; and (e) if the vehicle is a tow truck—the person is a passenger in the tow truck because the vehicle in which the person was a passenger is being towed.

(8D) To remove any doubt, it is declared that subsection (8C) does not limit the exemption given to— (a) a ~~bus driver~~ **driver of a bus** in relation to a passenger under section 266(1); or (b) a **driver of a booked hire service vehicle or taxi** ~~taxi driver~~ in relation to a passenger under section 266(5).

Section 56

Amendment of sch 5 (Dictionary)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This Dictionary of the regulation will now read

Definition inserted -

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

Part 8 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010

Section 57

Section 57 is procedural only and details the regulations being altered in this part

Regulation amended

This part amends the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010

Section 58

Amendment of s 28 (Currency of certificates)

Current Regulation Provides:

- That vehicles travelling substantial kilometres for commercial purposes, that is carrying customers, will be inspected twice annually – this protects drivers and customers

Changes Intend to:

- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- That vehicles travelling substantial kilometres for commercial purposes, that is carrying customers, will be inspected twice annually – this protects drivers and customers

This section of the regulation will now read

28 Currency of certificates (1) A safety certificate is current— (a) for a vehicle being disposed of by a motor dealer—for 3 months after its issue, or until the vehicle has been driven a further 1000km after its issue, whichever happens first; or (b) otherwise—for 2 months after its issue or until the vehicle has been driven a further 2000km after its issue, whichever happens first. (2) A certificate of inspection is current— ~~(a) for a public passenger vehicle—for 6 months from and including the effective date; and~~

(a) for a public passenger vehicle— (i) if the vehicle is a limousine or taxi—for 1 year from and including the effective date; or (ii) otherwise—for 6 months from and including the effective date; and

(b) for a bus not included in paragraph (a), other than a bus built to carry up to 12 seated adults (including the driver) or a bus used for private use or driver tuition—for 6 months from and including the effective date; and (c) for a vehicle not included in paragraph (a) or (b) that is used by a school to carry students attending the school—for 6 months from and including the effective date; and (d) for a primary production vehicle for which concessional registration has been granted—for 2 years from and including the effective date; and (e) otherwise—for 1 year from and including the effective date. (3) However, a vehicle’s inspection certificate ceases to be current if— (a) the vehicle is a private vehicle that has been disposed of, other than to a motor dealer, since the certificate was issued; or (b) the vehicle’s registration under a registration law is cancelled; or (c) the vehicle is modified and the modification is not approved under section 13; or (d) there has been a significant change in the condition or construction of the vehicle after the certificate is issued. (4) In this section— COI period, for a vehicle for which a previous COI has expired, means the following— (a) for a vehicle mentioned in subsection (2)(a), (b) or (c)—6 months after the previous COI expired; (b) for a vehicle mentioned in subsection (2)(d)—2 years after the previous COI expired; (c) otherwise—1 year after the previous COI

expired. current COI, for a vehicle, means a certificate of inspection currently issued for the vehicle. effective date, for a certificate of inspection, means— (a) if the certificate is the first certificate issued for a vehicle—the date of issue of the certificate; or (b) if the certificate is issued not more than 1 month before the current COI for a vehicle expires—the day after the current COI expires; or (c) if the certificate is issued more than 1 month before the current COI for a vehicle expires—the date of issue of the certificate; or (d) if the certificate is issued after a previous COI for a vehicle has expired but before the COI period has elapsed—the day after the previous COI expired; or (e) if the certificate is issued after both a previous COI for a vehicle has expired and the COI period has elapsed—the date of issue of the certificate; or (f) if the certificate is issued for a vehicle after the vehicle’s registration under a registration law has been cancelled—the date of issue of the certificate. previous COI, for a vehicle, means a certificate of inspection for the vehicle issued at some time before the current COI for the vehicle was issued. primary production vehicle has the meaning given by the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010.

Section 59

Insertion of new Part 7, Division 6

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

This section of the regulation will now read

Division 6 Transitional provision for Transport and Other Legislation (Hire Services) Amendment Regulation 2016

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

Section 60

Amendment of Schedule 4 (Dictionary)

Current Regulation Provides:

- Drivers must accept electronic payments (s63B)

Changes Intend to:

- Requires booked hire services to display a notice in the window to allow identification as a booked hire vehicle. (s117C)
- Place requirements for a booked hire vehicle to undertake an annual safety certificate and provide the certificate when requested by an authorised officer (117D)

Unintended Consequences of the Change:

- The new wording fails to address the issue and will encourage continued illegal activity through lack of enforceability. No clear legislative changes targeting non-compliance results in ongoing and protracted failed legal proceedings and wasted compliance activity by the department.

The Dictionary of the regulation will now read

Definition altered -

COI vehicle means each of the following—

(a) a vehicle that is a public passenger vehicle under the Transport Operations (Passenger Transport) Regulation 2005, section 137, ~~other than a public passenger vehicle mentioned there~~ **other than a booked hire vehicle or a public passenger vehicle mentioned in the section** that—

(i) is built mainly to carry not more than 9 seated adults, including the driver; and

(ii) is used to provide a community or courtesy transport service under the Transport Operations (Passenger Transport) Act 1994;

(b) a bus not mentioned in paragraph (a), other than a bus built mainly to carry not more than 12 seated adults, including the driver, that is used for—

(i) private purposes; or

(ii) commercial purposes, other than for the business of carrying passengers; **that is— (A) used as a booked hire vehicle; or (B) used for commercial purposes other than for the business of carrying passengers;**

(c) a vehicle, ~~not mentioned~~ **that is not a booked hire vehicle and is not mentioned** in paragraph (a), that is used by a school to carry students attending the school;

(d) a driver training vehicle;

(e) a vehicle licensed as a tow truck under the Tow Truck Act 1973;

(f) any other motor vehicle not mentioned in paragraphs (a) to (e) with a GVM of more than 4.5t; (g) a trailer with an ATM of more than 3.5t

SC vehicle means—

(a) a private vehicle **including a private vehicle that is used as a booked hire vehicle**, other than a trailer with an ATM of not more than 3.5t; or

(b) a trailer with an ATM of more than 0.75t but not more than 3.5t; or

(c) a vehicle with a GVM of not more than 4.5t that is used for transporting dangerous goods.

Definition inserted -

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

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