

Transport (Road Passenger Services) Bill 2018

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Defined terms

Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

Transport (Road Passenger Services) Bill 2018

A Bill for

An Act to —

- **provide for the regulation of the road passenger transport industry; and**
 - **repeal the *Taxi Act 1994* and the *Taxi Drivers Licensing Act 2014*; and**
 - **make consequential amendments to the *Transport Co-ordination Act 1966* and other Acts,**
- and for related purposes.**

The Parliament of Western Australia enacts as follows:

1 **Part 1 — Preliminary**

2 **1. Short title**

3 This is the *Transport (Road Passenger Services) Act 2018*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) Part 1 — on the day on which this Act receives the
7 Royal Assent;
- 8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Objects of Act**

11 The objects of this Act are —

- 12 (a) to provide for a safe, flexible, responsible, innovative
13 and customer-focused road passenger transport industry;
14 and
- 15 (b) to enable the development and operation of innovative
16 and accessible road passenger transport services that
17 contribute to the mobility and safety of the people of
18 Western Australia; and
- 19 (c) to provide for an industry-funded buyback scheme for
20 owners of taxi plates issued under the *Taxi Act 1994*;
21 and
- 22 (d) to provide for adjustment assistance grants for certain
23 country taxi-car licensees operating in the Mandurah
24 and Murray local government districts.

25 **4. Terms used**

26 (1) In this Act, unless the contrary intention appears —

27 ***approved*** means approved in writing by the CEO;

28 ***approved medical report*** means a report complying with the
29 requirements of the regulations for a medical report;

1 **associated booking service**, in relation to an authorised
2 on-demand booking service (the **principal booking service**),
3 means another on-demand booking service the provider of
4 which has an association arrangement with the provider of the
5 principal booking service in accordance with section 27;

6 **association arrangement** means an arrangement between
7 providers of booking services that meets the prescribed
8 requirements;

9 **authorised officer** has the meaning given in section 166;

10 **authorised on-demand booking service** means an on-demand
11 booking service the provider of which is authorised under Part 3
12 to provide the service;

13 **authorised regular passenger transport service** means a regular
14 passenger transport service the provider of which is authorised
15 under Part 4 to provide the service;

16 **business of providing a prescribed passenger transport**
17 **service** —

- 18 (a) includes a business of a kind that the regulations provide
19 is a business of providing a prescribed passenger
20 transport service; and
21 (b) does not include a business of a kind that the regulations
22 provide is not a business of providing a prescribed
23 passenger transport service;

24 **category of passenger transport service** means a category of
25 passenger transport service listed in section 125;

26 **CEO** means the chief executive officer of the Department;

27 **close associate** has the meaning given in section 12;

28 **Commissioner of Police** means the person holding or acting in
29 the office of Commissioner of Police under the *Police Act 1892*;

30 **community transport service** has the meaning given in
31 section 8;

32 **controlled operations officer** means a person authorised under
33 section 215;

s. 4

- 1 **conviction** includes a finding of guilty, or the acceptance of a
2 guilty plea, whether or not a conviction is recorded;
- 3 **courtesy transport service** has the meaning given in section 9;
- 4 **criminal record check** means a document issued by the Police
5 Force of Western Australia, the Australian Federal Police or
6 another body or agency approved by the CEO that sets out, or
7 summarises in a manner acceptable to the CEO, the convictions
8 of an individual for offences under a law of this State, the
9 Commonwealth, another State or a Territory;
- 10 **Department** means the department of the Public Service
11 principally assisting the Minister in the administration of this
12 Act;
- 13 **driver authorisation document** means a driver authorisation
14 document issued under section 102;
- 15 **driver's licence** has the meaning given in the *Road Traffic*
16 *(Authorisation to Drive) Act 2008* section 3(1);
- 17 **driving authorisation** means —
- 18 (a) a driver's licence; or
- 19 (b) a licence or other authorisation under a law of another
20 State or a Territory authorising the person to drive a
21 vehicle on a road other than solely for the purpose of
22 learning to drive a vehicle;
- 23 **hire or reward** has the meaning given in section 11;
- 24 **infringement notice** means a notice issued to a person under a
25 written law —
- 26 (a) alleging the commission of an offence; and
- 27 (b) offering the person an opportunity, by paying an amount
28 of money prescribed under the written law and specified
29 in the notice, to have that matter dealt with out of court;
- 30 **interstate driver authorisation** means an authorisation issued
31 under a law of another State or a Territory that —
- 32 (a) authorises a person to drive a vehicle to transport
33 passengers for hire or reward; and

- 1 (b) meets the prescribed criteria;
- 2 **interstate vehicle authorisation** means an authorisation issued
- 3 under a law of another State or a Territory that —
- 4 (a) authorises a vehicle to transport passengers for hire or
- 5 reward; and
- 6 (b) meets the prescribed criteria;
- 7 **learner's permit** has the meaning given in the *Road Traffic*
- 8 *(Authorisation to Drive) Act 2008* section 3(1);
- 9 **levy** means the on-demand passenger transport levy referred to
- 10 in section 245;
- 11 **medical practitioner** means a person registered under the
- 12 *Health Practitioner Regulation National Law (Western*
- 13 *Australia)* in the medical profession;
- 14 **officer**, in relation to a provider of an on-demand booking
- 15 service, a passenger transport service or a passenger transport
- 16 vehicle —
- 17 (a) in relation to a body corporate, has the same meaning as
- 18 officer has in relation to a corporation under the
- 19 *Corporations Act 2001* (Commonwealth) section 9; and
- 20 (b) in relation to any other provider, means an individual
- 21 who has the capacity to make decisions in relation to the
- 22 operations of the on-demand booking service or
- 23 passenger transport service or the provision of passenger
- 24 transport vehicles;
- 25 **on-demand booking service** has the meaning given in
- 26 section 10;
- 27 **on-demand booking service authorisation** means an
- 28 authorisation under Part 3 to provide an on-demand booking
- 29 service;
- 30 **on-demand charter passenger transport service** means an
- 31 on-demand passenger transport service that does not include a
- 32 rank or hail service;

s. 4

- 1 **on-demand driver** means a person who drives an on-demand
2 vehicle for use in providing an on-demand passenger transport
3 service;
- 4 **on-demand passenger transport service** has the meaning given
5 in section 5;
- 6 **on-demand rank or hail passenger transport service** means an
7 on-demand passenger transport service that includes a rank or
8 hail service;
- 9 **on-demand vehicle** means a vehicle used or intended to be used
10 in providing an on-demand passenger transport service;
- 11 **passenger** includes a person acting in the capacity of controlled
12 operations officer but does not include a person carrying out
13 work or on duty in any of the following capacities —
- 14 (a) a person employed in relation to the provision of a
15 passenger transport service;
- 16 (b) a person carrying out work for the provider of a
17 passenger transport service;
- 18 (c) an authorised officer;
- 19 **passenger transport authorisation** means —
- 20 (a) an on-demand booking service authorisation; or
21 (b) a regular passenger transport service authorisation; or
22 (c) a passenger transport driver authorisation; or
23 (d) a passenger transport vehicle authorisation;
- 24 **passenger transport driver** means a person who drives a vehicle
25 for the purpose of transporting passengers for hire or reward;
- 26 **passenger transport driver authorisation** means a passenger
27 transport driver authorisation under Part 5;
- 28 **passenger transport service** means —
- 29 (a) an on-demand passenger transport service; or
30 (b) a regular passenger transport service; or
31 (c) a tourism passenger transport service; or
32 (d) a prescribed passenger transport service;

1 ***passenger transport vehicle*** means a vehicle used or intended to
2 be used in providing a passenger transport service;

3 ***passenger transport vehicle authorisation*** means a passenger
4 transport vehicle authorisation under Part 6;

5 ***prescribed*** means prescribed by the regulations;

6 ***prescribed passenger transport service*** means a service for the
7 transport of passengers by vehicle for hire or reward that is
8 prescribed;

9 ***provide a prescribed passenger transport service*** means carry
10 on the business of providing a prescribed passenger transport
11 service;

12 ***provide a regular passenger transport service*** has the meaning
13 given in section 6(2);

14 ***provide a tourism passenger transport service*** has the meaning
15 given in section 7(2);

16 ***provide an on-demand booking service*** has the meaning given
17 in section 10(2);

18 ***provide an on-demand passenger transport service*** has the
19 meaning given in section 5(2);

20 ***provider of an on-demand booking service*** means a person who
21 provides an on-demand booking service;

22 ***provider of an on-demand vehicle*** means a person who carries
23 on the business of providing one or more vehicles for use in
24 providing an on-demand passenger transport service but does
25 not include a person in a prescribed class of person;

26 ***provider of a passenger transport service*** means a person who
27 provides a passenger transport service;

28 ***provider of a passenger transport vehicle*** means a person who
29 carries on the business of providing one or more vehicles for use
30 in providing a passenger transport service but does not include a
31 person in a prescribed class of person;

32 ***provider of a regular passenger transport service*** means a
33 person who provides a regular passenger transport service;

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- 1 **rank or hail service** means an on-demand passenger transport
2 service under which a person can hail or hire an on-demand
3 vehicle while it is standing or plying or touting for hire on a
4 road or in another place accessible to the public;
- 5 **regular passenger transport service** has the meaning given in
6 section 6;
- 7 **regular passenger transport service authorisation** means an
8 authorisation under Part 4 to provide a regular passenger
9 transport service;
- 10 **responsible officer**, in relation to the provider of an authorised
11 on-demand booking service, means a person —
- 12 (a) who is nominated under section 29(4)(c) or the
13 regulations to represent the provider in providing the
14 on-demand booking service; and
- 15 (b) who meets the criteria set out in section 30;
- 16 **safety duty** has the meaning given in section 14(1);
- 17 **safety standard** has the meaning given in section 14(2);
- 18 **taking a booking** includes the hiring of a vehicle as a result of a
19 rank or hail service;
- 20 **tourism passenger transport service** has the meaning given in
21 section 7;
- 22 **traffic record check** means a document issued by the Police
23 Force of Western Australia or another body or agency approved
24 by the CEO that sets out or summarises in a manner acceptable
25 to the CEO either or both of the following —
- 26 (a) the convictions of an individual for driving-related
27 offences under a law of this State, another State or a
28 Territory; or
- 29 (b) the infringement notices issued to an individual for
30 alleged driving-related offences under a law of this
31 State, another State or a Territory;
- 32 **vehicle** means a motor vehicle as defined in the *Road Traffic*
33 (*Administration*) Act 2008 section 4;

1 **vehicle licence** means a vehicle licence granted under the *Road*
2 *Traffic (Vehicles) Act 2012*.

3 (2) In this Act, a reference to a passenger or a hirer of a vehicle
4 includes a reference to a prospective passenger or prospective
5 hirer of the vehicle.

6 (3) In this Act, a person is not to be taken to provide a passenger
7 transport service solely because the person —

8 (a) drives a vehicle for use in providing that service; or

9 (b) operates a vehicle for use in providing that service; or

10 (c) provides a vehicle for use in providing that service.

11 (4) On and after the day on which section 303 comes into operation,
12 a reference in this Act to the *Taxi Act 1994* is a reference to that
13 Act as in force immediately before that day.

14 **5. On-demand passenger transport service**

15 (1) In this Act, an ***on-demand passenger transport service*** is —

16 (a) a service —

17 (i) for the transport of passengers by vehicle within,
18 or partly within, the State for hire or reward; and

19 (ii) in which the passenger or hirer determines or
20 substantially determines the locations for the
21 beginning and end of the journey and the time of
22 travel;

23 or

24 (b) a service or other thing that the regulations provide is an
25 on-demand passenger transport service.

26 (2) In this Act, ***provide an on-demand passenger transport service***
27 means carry on the business of providing an on-demand
28 passenger transport service.

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- 1 (3) The following are not on-demand passenger transport
2 services —
- 3 (a) a courtesy transport service;
- 4 (b) a community transport service;
- 5 (c) a service or other thing that the regulations provide is
6 not an on-demand passenger transport service.
- 7 (4) In this Act, a business of providing an on-demand passenger
8 transport service —
- 9 (a) includes a business of a kind that the regulations provide
10 is a business of providing an on-demand passenger
11 transport service; and
- 12 (b) does not include a business of a kind that the regulations
13 provide is not a business of providing an on-demand
14 passenger transport service.
- 15 **6. Regular passenger transport service**
- 16 (1) In this Act, a ***regular passenger transport service*** is —
- 17 (a) a service —
- 18 (i) for the transport of passengers by vehicle within,
19 or partly within, the State for hire or reward; and
- 20 (ii) that is conducted according to regular routes and
21 timetables or according to regular routes and at
22 regular intervals;
- 23 or
- 24 (b) a service or other thing that the regulations provide is a
25 regular passenger transport service.
- 26 (2) In this Act, ***provide a regular passenger transport service***
27 means carry on the business of providing a regular passenger
28 transport service.
- 29 (3) The following are not regular passenger transport services —
- 30 (a) an on-demand passenger transport service;
- 31 (b) a tourism passenger transport service;

-
- 1 (c) a courtesy transport service;
- 2 (d) a community transport service;
- 3 (e) a service or other thing that the regulations provide is
- 4 not a regular passenger transport service.
- 5 (4) In this Act, a business of providing a regular passenger transport
- 6 service —
- 7 (a) includes a business of a kind that the regulations provide
- 8 is a business of providing a regular passenger transport
- 9 service; and
- 10 (b) does not include a business of a kind that the regulations
- 11 provide is not a business of providing a regular
- 12 passenger transport service.
- 13 **7. Tourism passenger transport service**
- 14 (1) In this Act, a *tourism passenger transport service* is —
- 15 (a) a service —
- 16 (i) for the transport of passengers by vehicle within,
- 17 or partly within, the State for hire or reward for
- 18 the purposes of tourism; and
- 19 (ii) that is designed for the carriage of tourists to
- 20 destinations listed on a publicly available tour
- 21 itinerary;
- 22 or
- 23 (b) a service or other thing that the regulations provide is a
- 24 tourism passenger transport service.
- 25 (2) In this Act, *provide a tourism passenger transport service*
- 26 means carry on the business of providing a tourism passenger
- 27 transport service.
- 28 (3) The following are not tourism passenger transport services —
- 29 (a) an on-demand passenger transport service;
- 30 (b) a courtesy transport service;
- 31 (c) a community transport service;

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- 1 (d) a service or other thing that the regulations provide is
2 not a tourism passenger transport service.
- 3 (4) In this Act, a business of providing a tourism passenger
4 transport service —
- 5 (a) includes a business of a kind that the regulations provide
6 is a business of providing a tourism passenger transport
7 service; and
- 8 (b) does not include a business of a kind that the regulations
9 provide is not a business of providing a tourism
10 passenger transport service.
- 11 **8. Community transport service**
- 12 (1) In this Act, a ***community transport service*** is a
13 community-based passenger transport service —
- 14 (a) that is designed —
- 15 (i) to benefit individuals or groups within a local
16 community who are in need of some form of
17 assistance; or
- 18 (ii) to assist individuals or groups within a local
19 community to participate to a greater degree in
20 the life of the community (including the wider
21 community); or
- 22 (iii) to achieve some other form of community,
23 charitable, educational, benevolent, religious,
24 recreational, sporting or philanthropic purpose at
25 the local level;
- 26 and
- 27 (b) that is not established, or is not principally established,
28 with a view to profit or commercial gain.
- 29 (2) In this Act, a community transport service —
- 30 (a) includes —
- 31 (i) a service or other thing that the regulations
32 provide is a community transport service; and

- 1 (ii) a service declared under subsection (3);
- 2 and
- 3 (b) does not include a service or other thing that the
- 4 regulations provide is not a community transport
- 5 service.
- 6 (3) The CEO may declare by notice published in the *Gazette* that a
- 7 specified service is a community transport service.

8 **9. Courtesy transport service**

- 9 (1) In this Act, a *courtesy transport service* is a passenger transport
- 10 service that —
- 11 (a) is provided in connection with a service (the *primary*
- 12 *service*) that is not the provision of passenger transport
- 13 by vehicle; and
- 14 (b) is not established, or is not principally established, with
- 15 a view to profit or commercial gain; and
- 16 (c) is provided as a courtesy to the customers or patrons of
- 17 the primary service.
- 18 (2) In this Act, a courtesy transport service —
- 19 (a) includes —
- 20 (i) a service or other thing that the regulations
- 21 provide is a courtesy transport service; and
- 22 (ii) a service declared under subsection (3);
- 23 and
- 24 (b) does not include a service or other thing that the
- 25 regulations provide is not a courtesy transport service.
- 26 (3) The CEO may declare by notice published in the *Gazette* that a
- 27 specified service is a courtesy transport service.

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10. On-demand booking service

(1) In this Act, an *on-demand booking service* is —

(a) a service that involves —

(i) taking or facilitating bookings for on-demand vehicles to be used in providing on-demand passenger transport services (whether immediately or at a later time); and

(ii) communicating the bookings to on-demand drivers or to providers of on-demand passenger transport services;

or

(b) a service that involves taking or facilitating bookings for on-demand vehicles to be used in providing on-demand passenger transport services (whether immediately or at a later time), where the person who takes or facilitates the bookings is the on-demand driver or the provider of the on-demand vehicle; or

(c) a service that facilitates the provision of on-demand passenger transport services including by providing any of the following services —

(i) communication services for on-demand drivers and on-demand vehicles;

(ii) controlling, co-ordination or administrative or other services for on-demand passenger transport services;

(iii) safety management systems or regulatory compliance services for on-demand passenger transport services, on-demand drivers and other on-demand booking services;

or

(d) a service or other thing that the regulations provide is an on-demand booking service.

-
- 1 (2) In this Act, ***provide an on-demand booking service*** means carry
2 on the business of providing an on-demand booking service.
- 3 (3) In this Act, an on-demand booking service does not include a
4 service or other thing that the regulations provide is not an
5 on-demand booking service.
- 6 (4) In this Act, a business of providing an on-demand booking
7 service —
- 8 (a) includes a business of a kind that the regulations provide
9 is a business of providing an on-demand booking
10 service; and
- 11 (b) does not include a business of a kind that the regulations
12 provide is not a business of providing an on-demand
13 booking service.
- 14 (5) For the purpose of determining whether a person provides an
15 on-demand booking service it does not matter —
- 16 (a) that a booking is obtained or communicated remotely by
17 means of an electronic device or other means not
18 directly provided by the person who provides the
19 on-demand booking service; or
- 20 (b) that the provider of the on-demand booking service is
21 located outside the State if the on-demand passenger
22 transport service is provided wholly, or partly, within
23 the State.

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1 **11. Hire or reward**

2 (1) In this Act, a person will be considered to be providing a service
3 for the transport of passengers by vehicle for hire or reward, or
4 to be driving a vehicle for the purpose of transporting
5 passengers for hire or reward —

6 (a) if —

7 (i) the amount received or intended to be received
8 for transporting the passengers exceeds, or is
9 intended to exceed, the prescribed amount; or

10 (ii) the transport is provided or intended to be
11 provided gratuitously, but with a view to gaining
12 or maintaining custom or other commercial
13 advantage;

14 or

15 (b) in the prescribed circumstances.

16 (2) In this Act, the circumstances in which a person will be
17 considered to be providing a service for the transport of
18 passengers by vehicle for hire or reward, or to be driving a
19 vehicle for the purpose of transporting passengers for hire or
20 reward, include using the vehicle for standing or plying or
21 touting for hire for that purpose.

22 (3) In this Act, a person will not be considered to be driving a
23 vehicle for the purpose of transporting passengers for hire or
24 reward if —

25 (a) the person is driving the vehicle in the course of the
26 person's general employment; and

27 (b) carrying passengers in that vehicle is an incidental part
28 of the person's other employment duties.

- 1 (4) In this Act, a person will not be considered to be providing a
2 service for the transport of passengers by vehicle for hire or
3 reward or to be driving a vehicle for the purpose of transporting
4 passengers for hire or reward —
5 (a) if the passengers are transported under a vehicle pooling
6 arrangement; or
7 (b) in the prescribed circumstances.
- 8 (5) In this Act, passengers are transported under a vehicle pooling
9 arrangement if —
10 (a) the vehicle is provided by the driver; and
11 (b) the driver would be undertaking the relevant journey in
12 any event; and
13 (c) the transporting of the passengers is not the result of
14 plying or touting for hire by the driver or another
15 person; and
16 (d) the maximum number of persons in the vehicle,
17 including the driver, is 9; and
18 (e) a payment by a passenger is limited to making a
19 contribution to the costs incurred in making the journey
20 and does not involve profit for the driver or any other
21 person.
- 22 (6) Nothing in subsection (1) or (2) limits the circumstances in
23 which a person will be considered to be —
24 (a) providing a service for the transport of passengers by
25 vehicle for hire or reward; or
26 (b) driving a vehicle for the purpose of transporting
27 passengers for hire or reward.

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1 **12. Close associate**

2 (1) In this section —

3 **relevant financial interest**, in relation to an on-demand booking
4 service, means —

- 5 (a) any share in the capital of the on-demand booking
6 service; or
- 7 (b) any entitlement to receive any income derived from the
8 on-demand booking service, or to receive any other
9 financial benefit or financial advantage from the
10 provision of the on-demand booking service, whether
11 the entitlement arises at law or in equity or otherwise; or
- 12 (c) any entitlement to receive any rent, profit or other
13 income in connection with the use or occupation of
14 premises on or from which the on-demand booking
15 service is or is to be provided (for example, an
16 entitlement of the owner of the premises from which the
17 on-demand booking service is provided to receive rent
18 as lessor of the premises);

19 **relevant position** means —

- 20 (a) the position of director, manager or corporate secretary;
21 or
- 22 (b) any other position, however designated, if it is an
23 executive position;

24 **relevant power** means any power, whether exercisable by voting
25 or otherwise and whether exercisable alone or in association
26 with others —

- 27 (a) to participate in any directorial, managerial or executive
28 decision; or
- 29 (b) to elect or appoint any person to a relevant position.

- 1 (2) In this Act, a person is a close associate of an applicant for
2 authorisation to provide an on-demand booking service or the
3 authorised provider of an on-demand booking service if the
4 person —
 - 5 (a) holds or will hold any relevant financial interest, or is or
6 will be entitled to exercise any relevant power (whether
7 in the person's own right or on behalf of any other
8 person), in relation to the on-demand booking service,
9 and by virtue of that interest or power is or will be able
10 (in the opinion of the CEO) to exercise a significant
11 influence over or in relation to the management or
12 operation of the on-demand booking service; or
 - 13 (b) holds or will hold any relevant position, whether in the
14 person's own right or on behalf of any other person, in
15 the on-demand booking service; or
 - 16 (c) is or will be engaged as a contractor under a contract of
17 service or employed in the on-demand booking service.
- 18 (3) For the purposes of this section, a financial institution is not a
19 close associate by reason only of having a relevant financial
20 interest in relation to the on-demand booking service.
- 21 (4) This section extends to relevant financial interests and relevant
22 powers even if those interests and powers are not payable,
23 exercisable or otherwise enforceable as a matter of law and
24 equity but are payable, exercisable or otherwise enforceable as a
25 matter of fact.

26 **13. Crown bound**

27 This Act binds the State, and so far as the legislative power of
28 the State permits, the Crown in all its other capacities.

Part 2 — Safety of services

Division 1 — Safety duties: principles

14. Safety duties and standards

(1) In this Act, the *safety duties* for the following persons are the duties that they have under Division 2 —

- (a) providers of on-demand booking services;
- (b) providers of passenger transport services;
- (c) providers of passenger transport vehicles;
- (d) officers of providers of on-demand booking services, passenger transport services or passenger transport vehicles;
- (e) drivers of vehicles used for the purpose of transporting passengers for hire or reward.

(2) In this Act, the *safety standards* for the following persons are the standards specified for those persons in the regulations made under Part 11 Division 2 —

- (a) providers of on-demand booking services;
- (b) providers of passenger transport services;
- (c) providers of passenger transport vehicles;
- (d) drivers of vehicles used for the purpose of transporting passengers for hire or reward.

15. Principles applying to safety duties

(1) A safety duty cannot be transferred to another person.

(2) A person can have more than one safety duty by virtue of being in more than one class of duty holder.

(3) More than one person can concurrently have the same safety duty.

- 1 (4) If more than one person has a safety duty for the same matter,
2 each person —
- 3 (a) retains responsibility for the person's duty in relation to
4 the matter; and
- 5 (b) must discharge the person's duty to the extent to which
6 the person has the capacity to influence and control the
7 matter or would have had that capacity but for an
8 agreement or arrangement purporting to limit or remove
9 that capacity.

10 **Division 2 — Primary duties of care**

11 **16. Primary duty of care of providers of on-demand booking**
12 **services**

13 The provider of an on-demand booking service for an
14 on-demand passenger transport service must ensure the health
15 and safety of —

- 16 (a) on-demand drivers and other persons while they are
17 engaged in providing the on-demand passenger transport
18 service; and
- 19 (b) passengers and other persons in connection with the
20 on-demand passenger transport service.

21 **17. Primary duty of care of providers of passenger transport**
22 **services**

23 The provider of a passenger transport service must ensure the
24 health and safety of —

- 25 (a) passenger transport drivers and other persons while they
26 are engaged in providing the passenger transport
27 service; and
- 28 (b) passengers and other persons in connection with the
29 passenger transport service.

1 **18. Primary duty of care of providers of passenger transport**
2 **vehicles**

3 The provider of a passenger transport vehicle used or to be used
4 in providing a passenger transport service must ensure that the
5 vehicle is safe and will not cause harm or injury to any person.

6 **19. Primary duty of care of drivers of vehicles used to transport**
7 **passengers for hire or reward**

8 The driver of a vehicle must, while the vehicle is being used for
9 the purpose of transporting passengers for hire or reward —

- 10 (a) ensure their own health and safety; and
11 (b) ensure that their own acts or omissions do not adversely
12 affect the health and safety of other persons; and
13 (c) if the vehicle is being used in providing an on-demand
14 passenger transport service, comply, so far as the driver
15 is reasonably able, with any reasonable instruction that
16 is given by the person providing the on-demand booking
17 service for the on-demand passenger transport service to
18 enable that person to comply with this Act; and
19 (d) if the vehicle is being used in providing a passenger
20 transport service, comply, so far as the driver is
21 reasonably able, with any reasonable instruction that is
22 given by the person providing the passenger transport
23 service or the passenger transport vehicle to enable that
24 person to comply with this Act.

25 **20. Duty of officers**

26 An officer of a person (a **duty holder**) that has a safety duty
27 under section 16, 17 or 18 must ensure that the duty holder
28 complies with that safety duty.

29 **21. Safety duty offence: Category 1**

- 30 (1) A person commits a Category 1 offence if —
31 (a) the person has a safety duty; and

- 1 (b) the person knowingly engages in conduct that breaches
2 that duty and —
- 3 (i) exposes an individual to whom that duty is owed
4 to a risk of death or serious injury or illness; or
- 5 (ii) in the case of a breach of a duty under section 20,
6 exposes an individual to whom the duty holder
7 under that section owes a duty to a risk of death
8 or serious injury or illness.

9 Penalty for this subsection:

- 10 (a) for an individual, imprisonment for 2 years and a fine
11 of \$300 000;
- 12 (b) for a body corporate, a fine of \$3 000 000.

13 (2) A Category 1 offence is a crime.

14 **22. Safety duty offence: Category 2**

15 (1) A person commits a Category 2 offence if —

- 16 (a) the person has a safety duty; and
- 17 (b) the person fails to comply with that safety duty and that
18 failure —
- 19 (i) exposes an individual to whom that duty is owed
20 to a risk of death or serious injury or illness; or
- 21 (ii) in the case of a breach of a duty under section 20,
22 exposes an individual to whom the duty holder
23 under that section owes a duty to a risk of death
24 or serious injury or illness.

25 Penalty for this subsection:

- 26 (a) for an individual, a fine of \$150 000;
- 27 (b) for a body corporate, a fine of \$1 500 000.

28 (2) A Category 2 offence is a crime.

1 **23. Safety duty offence: Category 3**

2 A person commits a Category 3 offence if —

- 3 (a) the person has a safety duty; and
4 (b) the person fails to comply with that safety duty.

5 Penalty:

- 6 (a) for an individual, a fine of \$50 000;
7 (b) for a body corporate, a fine of \$500 000.

8 **24. Reasonable steps defence**

9 (1) It is a defence to a charge for a Category 1, Category 2 or
10 Category 3 offence to prove that —

- 11 (a) the person did not know and could not reasonably be
12 expected to have known that an offence was committed;
13 and
14 (b) either —
15 (i) the person took all reasonable steps to prevent
16 the breach of the safety duty; or
17 (ii) there were no steps the person could reasonably
18 have taken to prevent the breach of the safety
19 duty.

20 (2) Without limiting subsection (1), in determining whether things
21 done or omitted to be done by a person constitute reasonable
22 steps, a court may have regard to the following —

- 23 (a) the circumstances of the alleged offence;
24 (b) the measures available and the measures taken to
25 eliminate or minimise the risk of death or serious injury
26 or illness of persons to whom the safety duty was owed;
27 (c) the personal expertise or experience that the person or
28 an employee or agent of the person had or ought to have
29 had.

1 **25. Conviction of alternative offence**

2 (1) If a person is charged with a Category 1 offence, the person may
3 be convicted of a Category 2 or Category 3 offence.

4 (2) If a person is charged with a Category 2 offence, the person may
5 be convicted of a Category 3 offence.

Part 3 — On-demand booking services

Division 1 — Interpretation

26. Term used: disqualification offence

In this Part —

disqualification offence means an offence under any of the following that is prescribed as a disqualification offence for the purposes of this Part —

- (a) this Act or another written law;
- (b) a law of the Commonwealth;
- (c) a law of another State or a Territory.

Division 2 — Offences

27. Provider of on-demand booking service must be authorised

(1) A person commits an offence if —

- (a) the person provides an on-demand booking service; and
- (b) the person does not hold an on-demand booking service authorisation that is in force and authorises the provision of that service.

Penalty for this subsection:

- (a) for an individual, a fine of \$40 000;
- (b) for a body corporate, a fine of \$200 000.

(2) A provider of an on-demand booking service is not required to hold an on-demand booking service authorisation to provide the service if the provider has an association arrangement with the provider of an authorised on-demand booking service in relation to that service.

(3) The provider of an authorised on-demand booking service who has entered into an association arrangement is responsible under this Act for the prescribed functions in relation to on-demand

1 booking services provided by the provider of the associated
2 booking service in accordance with the association arrangement.

3 **28. Provider of on-demand booking service must comply with**
4 **authorisation conditions**

5 A provider of an on-demand booking service must comply with
6 the conditions of the on-demand booking service authorisation
7 for that service.

8 Penalty:

- 9 (a) for an individual, a fine of \$40 000;
10 (b) for a body corporate, a fine of \$200 000.

11 **Division 3 — Authorisation**

12 **29. Application for authorisation to provide an on-demand**
13 **booking service**

- 14 (1) The following may apply for authorisation to provide an
15 on-demand booking service —
16 (a) an individual;
17 (b) 2 or more persons who intend to provide the service
18 jointly under a partnership or other agreement;
19 (c) a body corporate incorporated under a law of this or any
20 other jurisdiction including —
21 (i) the *Corporations Act 2001* (Commonwealth);
22 and
23 (ii) the *Associations Incorporation Act 2015*; and
24 (iii) the *Co-operatives Act 2009*;
25 (d) any other prescribed entity.
26 (2) A person who is disqualified under this Part from holding or
27 obtaining an on-demand booking service authorisation cannot
28 apply for an on-demand booking service authorisation.
29 (3) An application for authorisation is to be made to the CEO.

- 1 (4) An application must —
- 2 (a) be in the approved form; and
- 3 (b) contain the information required by the CEO; and
- 4 (c) nominate one or more persons who meet the criteria set
- 5 out in section 30 to represent the applicant in providing
- 6 the on-demand booking service; and
- 7 (d) be accompanied by a declaration in the approved
- 8 form —
- 9 (i) stating that the authorisations referred to in
- 10 section 30(b) and (c) have been given; and
- 11 (ii) acknowledging that documents given to a
- 12 responsible officer on behalf of the provider of
- 13 the on-demand booking service under this Act
- 14 are taken to be given to the provider of the
- 15 service;
- 16 and
- 17 (e) comply with the requirements of the regulations; and
- 18 (f) be accompanied by the prescribed application fee.
- 19 (5) At least one person nominated under subsection (4)(c) must be a
- 20 resident of the State.
- 21 (6) At least one person nominated under subsection (4)(c) in
- 22 relation to a provider that is a body corporate must be a director
- 23 or manager of the body corporate.
- 24 (7) The CEO may, by written notice given to the applicant, require
- 25 the applicant to provide further information relevant to the
- 26 application that is specified in the notice within the time (being
- 27 not less than 30 days) specified in the notice.

1 **30. Responsible officers**

2 In order to be nominated under section 29(4)(c) or the
3 regulations to represent the provider of an on-demand booking
4 service in providing that service, a person must —

- 5 (a) be directly involved in the day-to-day management of
6 the on-demand booking service; and
7 (b) be authorised to represent the provider of the on-demand
8 booking service in providing that service; and
9 (c) have access to and be authorised to provide any
10 information relating to the on-demand booking service
11 that is required under this Act; and
12 (d) be a fit and proper person to be a responsible officer;
13 and
14 (e) have the capacity, on behalf of the provider of the
15 on-demand booking service, to influence the safety of
16 drivers who provide, and vehicles used in providing, the
17 on-demand passenger transport services to which the
18 on-demand booking service relates; and
19 (f) meet any prescribed requirements.

20 **31. Grant of authorisation**

21 (1) The CEO may grant an authorisation to an applicant to provide
22 an on-demand booking service if the CEO is satisfied that —

- 23 (a) each person nominated as a responsible officer by the
24 applicant is a responsible officer of the applicant; and
25 (b) the applicant has complied with the requirements of
26 section 29(4)(a) to (e) and provided the information
27 required under section 29(7); and
28 (c) the applicant complies with any prescribed criteria; and
29 (d) the applicant has paid the prescribed application fee
30 under section 29(4)(f); and

1 (e) the applicant has paid the relevant prescribed
2 authorisation fee for the authorisation within the time for
3 payment required by the CEO.

4 (2) The CEO may have regard to any relevant matters in
5 determining whether a person nominated by an applicant is a
6 responsible officer.

7 **32. Refusal of authorisation**

8 (1) Without limiting section 31(1), the CEO may refuse to grant an
9 on-demand booking service authorisation if —

10 (a) the CEO is satisfied that the applicant is not a fit and
11 proper person to be authorised to provide an on-demand
12 booking service; or

13 (b) the applicant has previously held an on-demand booking
14 service authorisation, or an equivalent authorisation in
15 another State or a Territory, and that authorisation has
16 been cancelled; or

17 (c) a person nominated as a responsible officer by the
18 applicant has previously held an on-demand booking
19 service authorisation, or an equivalent authorisation in
20 another State or a Territory, and that authorisation has
21 been cancelled; or

22 (d) a close associate of the applicant has previously held an
23 on-demand booking service authorisation, or an
24 equivalent authorisation in another State or a Territory,
25 and that authorisation has been cancelled; or

26 (e) the applicant, a close associate of the applicant, or a
27 person nominated as a responsible officer by the
28 applicant, is charged with a disqualification offence; or

29 (f) a close associate of the applicant has been convicted of a
30 disqualification offence.

- 1 (2) The CEO must refuse to grant an authorisation if —
- 2 (a) the applicant or a person nominated as a responsible
- 3 officer by the applicant has been convicted of a
- 4 disqualification offence; and
- 5 (b) the conviction has not been quashed or set aside; and
- 6 (c) the disqualification period prescribed for the purposes of
- 7 section 46(1) in relation to the disqualification offence
- 8 has not passed since the conviction.
- 9 (3) The CEO may have regard to any relevant matters in
- 10 determining whether an applicant is a fit and proper person to be
- 11 authorised to provide an on-demand booking service.

12 **33. Conditions of authorisation**

13 An on-demand booking service authorisation is granted subject

14 to the following conditions —

- 15 (a) any conditions imposed under this Act;
- 16 (b) any conditions that the CEO thinks fit and specifies on
- 17 the authorisation document or otherwise specifies in
- 18 writing.

19 **34. Application for variation of conditions**

- 20 (1) The provider of an authorised on-demand booking service may
- 21 apply to the CEO for the variation of the conditions of the
- 22 on-demand booking service authorisation imposed by the CEO.
- 23 (2) The application must —
- 24 (a) be in the approved form; and
- 25 (b) be accompanied by any documents or other information
- 26 specified in the approved form; and
- 27 (c) be accompanied by the prescribed application fee.

1 **35. Variation of conditions**

- 2 (1) The CEO may vary the conditions of an on-demand booking
3 service authorisation imposed by the CEO if the CEO is
4 satisfied that the variation is appropriate in the circumstances.
- 5 (2) A variation may be made on application under section 34 or on
6 the CEO's own initiative.
- 7 (3) A variation —
- 8 (a) must be in writing; and
- 9 (b) may do any of the following —
- 10 (i) vary existing conditions;
- 11 (ii) remove existing conditions;
- 12 (iii) add new conditions.

13 **36. Notice of decision to refuse or vary**

- 14 (1) The CEO must give an applicant written notice of a decision
15 under section 31 or 32 to refuse to grant an on-demand booking
16 service authorisation.
- 17 (2) The CEO must give the provider of an authorised on-demand
18 booking service written notice of a decision —
- 19 (a) to refuse to grant an application under section 34 for the
20 variation of the conditions of the on-demand booking
21 service authorisation; or
- 22 (b) to vary the conditions of the on-demand booking service
23 authorisation under section 35.
- 24 (3) In the case of a relevant decision the notice must state —
- 25 (a) the reasons for the decision; and
- 26 (b) that the person has a right to a review under Part 10.

1 (4) In subsection (3) —

2 ***relevant decision*** means a decision —

3 (a) to refuse to grant an on-demand booking service
4 authorisation —

5 (i) because the CEO is not satisfied as to a matter
6 referred to in section 31(1)(a), (b) or (c); or

7 (ii) under section 32(1);

8 or

9 (b) to impose conditions on an on-demand booking service
10 authorisation under section 33(b); or

11 (c) to vary the conditions of an on-demand booking service
12 authorisation on the CEO's own initiative; or

13 (d) to refuse to grant an application for the variation of the
14 conditions of an on-demand booking service
15 authorisation.

16 **37. Authorisation document**

17 (1) If the CEO grants an on-demand booking service authorisation,
18 the CEO must issue an authorisation document to the provider
19 of the service.

20 (2) The authorisation document must —

21 (a) be in the approved form; and

22 (b) identify the provider of the authorised on-demand
23 booking service; and

24 (c) specify the authorisation number.

25 **38. Effect of authorisation**

26 An on-demand booking service authorisation authorises the
27 provider to provide an on-demand booking service anywhere in
28 the State.

1 **39. Duration of authorisation**

2 (1) An on-demand booking service authorisation is granted for the
3 prescribed period.

4 (2) An on-demand booking service authorisation may be renewed
5 in accordance with the regulations.

6 (3) An on-demand booking service authorisation remains in force
7 until whichever of the following occurs first —

8 (a) it expires;

9 (b) it is cancelled.

10 (4) An on-demand booking service authorisation is not in force
11 during any period for which it is suspended.

12 Note for this subsection:

13 See Division 4 for the suspension of an on-demand booking service
14 authorisation.

15 **40. Authorisation not transferable**

16 An on-demand booking service authorisation is not transferable.

17 **41. Publication of list of providers of authorised on-demand**
18 **booking services**

19 The CEO must publish a list of all providers of authorised
20 on-demand booking services on the Department's website in
21 accordance with the regulations.

22 **Division 4 — Suspension, cancellation and disqualification**

23 **Subdivision 1 — Suspension or cancellation by order**

24 **42. Suspension or cancellation order**

25 (1) The CEO may make an order suspending or cancelling an
26 on-demand booking service authorisation if —

27 (a) the CEO is no longer satisfied that the provider of the
28 authorised on-demand booking service meets the

- 1 requirements for the grant of an authorisation in
2 section 31(1)(a) or (c); or
- 3 (b) the provider of the authorised on-demand booking
4 service has failed to comply with any requirements
5 under this Act, including —
- 6 (i) a condition of the authorisation; and
7 (ii) any duty or obligation imposed on the provider
8 under this Act;
- 9 or
- 10 (c) the authorisation was obtained by fraud or
11 misrepresentation; or
- 12 (d) the CEO is no longer satisfied that the provider of the
13 authorised on-demand booking service is a fit and
14 proper person to be authorised to provide an on-demand
15 booking service; or
- 16 (e) the CEO is no longer satisfied that a responsible officer
17 of the provider of the authorised on-demand booking
18 service is a fit and proper person to be a responsible
19 officer; or
- 20 (f) the provider of the authorised on-demand booking
21 service has failed to —
- 22 (i) lodge a return with the CEO in accordance with
23 section 250; or
- 24 (ii) pay the on-demand passenger transport levy in
25 accordance with Part 9 Division 2;
- 26 or
- 27 (g) a responsible officer of the provider of the authorised
28 on-demand booking service has held an on-demand
29 booking service authorisation (whether for the same or a
30 different service), or an equivalent authorisation in
31 another State or a Territory, and that authorisation has
32 been cancelled; or

- 1 (h) a close associate of the provider of the authorised
2 on-demand booking service has held an on-demand
3 booking service authorisation (whether for the same or a
4 different service), or an equivalent authorisation in
5 another State or a Territory, and that authorisation has
6 been cancelled.
- 7 (2) A suspension order made under subsection (1)(a), (b), (d), (e)
8 or (f) may include a requirement that the provider of the
9 on-demand booking service undertake remedial action.
- 10 (3) The CEO may, by written notice given to the provider of the
11 on-demand booking service, vary or waive a requirement
12 imposed under subsection (2).
- 13 **43. Suspension or cancellation order for disqualification offence**
- 14 (1) The CEO may make an order suspending an on-demand
15 booking service authorisation if the provider of the on-demand
16 booking service, a responsible officer of the provider or a close
17 associate of the provider is charged with a disqualification
18 offence.
- 19 (2) The CEO must make an order cancelling an on-demand booking
20 service authorisation if the CEO is satisfied that the provider of
21 the service has been convicted of a disqualification offence.
- 22 (3) The CEO must make an order cancelling an on-demand booking
23 service authorisation if the CEO is satisfied that a responsible
24 officer of the provider of the service has been convicted of a
25 disqualification offence, unless the CEO is satisfied that the
26 continued operation of the service is appropriate in the
27 circumstances.
- 28 (4) The CEO may make an order suspending or cancelling an
29 on-demand booking service authorisation if a close associate of
30 the provider of the service is convicted of a disqualification
31 offence.

- 1 (5) Subsections (2), (3) and (4) do not apply to a disqualification
2 offence if —
- 3 (a) the conviction for the offence has been quashed or set
4 aside; or
- 5 (b) the disqualification period prescribed for the purposes of
6 section 46(1) in relation to the offence has passed since
7 the conviction.
- 8 (6) This section extends to a conviction by a court of a
9 disqualification offence whether or not the conviction occurred
10 before the commencement of this section if the disqualification
11 period has not expired before that commencement.
- 12 **44. Disqualification if authorisation cancelled for**
13 **disqualification offence**
- 14 (1) If an on-demand booking service authorisation is cancelled
15 under section 43(2), (3) or (4), the provider is disqualified from
16 holding or obtaining an on-demand booking service
17 authorisation for the period determined in accordance with this
18 section.
- 19 (2) A period of disqualification under subsection (1) —
- 20 (a) commences on the day that the on-demand booking
21 service authorisation is cancelled; and
- 22 (b) ends when the period of disqualification prescribed in
23 relation to the disqualification offence has expired.
- 24 (3) Despite subsection (2)(b), if a person's conviction for a
25 disqualification offence is quashed or set aside, then the
26 disqualification period ends when the conviction is quashed or
27 set aside.
- 28 (4) Nothing in this section prevents the commencement of a period
29 of disqualification from being postponed under section 45.

1 **45. Cumulative effect of disqualification**

2 (1) This section applies if, when the period for which a person is
3 disqualified (the *new disqualification period*) under
4 section 44(1) would otherwise commence, the person is already
5 disqualified under that section.

6 (2) The commencement of the new disqualification period is
7 postponed, and the disqualification does not have effect, until
8 the existing period of disqualification, and any period of
9 disqualification that commences subsequently, has ended.

10 (3) Postponing the commencement of the new disqualification
11 period does not reduce the new disqualification period.

12 **46. Disqualification period and reinstatement**

13 (1) A disqualification period (which may be permanent) must be
14 prescribed in relation to each disqualification offence.

15 (2) Different periods of disqualification may be prescribed in
16 relation to a disqualification offence depending on any of the
17 following —

- 18 (a) whether the offence is a first or subsequent offence;
19 (b) the circumstances in which the offence is committed;
20 (c) the length of time that the provider has continuously
21 held an authorisation that is in force when the offence is
22 committed;
23 (d) whether or not the provider has previously been
24 disqualified under section 44(1).

25 (3) The regulations may provide for the reinstatement of
26 authorisations, or make any other provision necessary or
27 convenient to be made, to deal with consequences of a
28 conviction for a disqualification offence being quashed or set
29 aside in a case in which an authorisation has been cancelled
30 under section 43(2), (3) or (4) because of the conviction.

1 **47. Order may be made even if authorisation suspended**

2 An order may be made under section 42(1) or 43(1), (2), (3)
3 or (4) even if the on-demand booking service authorisation is
4 already suspended when the order is made.

5 **48. Show cause process**

6 (1) Unless section 49 applies, the CEO must not make an order
7 under section 42(1) or 43(1), (3) or (4) unless the CEO has first
8 complied with this section.

9 (2) The CEO must serve notice on the provider of the on-demand
10 booking service to show cause within 30 days why the
11 on-demand booking service authorisation should not be
12 suspended or cancelled, as the case may be.

13 (3) If the CEO is not satisfied at the end of the 30-day notice
14 period, the order may be made under section 42(1) or 43(1), (3)
15 or (4), as the case requires.

16 (4) The CEO may make an order suspending an on-demand
17 booking service authorisation within the 30-day notice period if
18 the CEO considers that the suspension is necessary in the
19 circumstances.

20 **49. Immediate suspension or cancellation**

21 The CEO may make an order under section 42(1) or 43(1), (3)
22 or (4) without complying with section 48 if the CEO has reason
23 to believe that the on-demand booking service has been or is
24 being conducted in a manner that causes, or may cause, danger
25 to the public.

26 **50. Notice of suspension order**

27 The CEO must give written notice of a suspension order under
28 section 42(1), 43(1) or (4) or 48(4) to the provider of the
29 on-demand booking service stating the following —

- 1 (a) that the on-demand booking service authorisation is
2 suspended;
- 3 (b) the day on which the period of suspension commences;
- 4 (c) the grounds on which the order is made;
- 5 (d) if the order is made under section 42(1), any remedial
6 action that the provider is required to take under
7 section 42(2);
- 8 (e) if the order is made under section 42(1)(a), (b), (d) or (e)
9 or 48(4), that the provider has a right to a review under
10 Part 10.

11 **51. Period of suspension**

- 12 (1) An on-demand booking service authorisation subject to a
13 suspension order under section 42(1) or 43(1) or (4) is
14 suspended under the order for a period —
- 15 (a) commencing on the day stated in the notice under
16 section 50(b); and
- 17 (b) ending on the first of the following to occur —
- 18 (i) the day stated in a notice of revocation of the
19 suspension order under section 52(4)(b);
- 20 (ii) the day on which the authorisation is cancelled
21 under this Act;
- 22 (iii) the day on which the authorisation expires.
- 23 (2) An on-demand booking service authorisation subject to a
24 suspension order under section 48(4) is suspended under the
25 order for a period —
- 26 (a) commencing on the day stated in the notice under
27 section 50(b); and
- 28 (b) ending on the first of the following to occur —
- 29 (i) the day on which the authorisation is suspended
30 or cancelled after the end of the 30-day period
31 referred to in section 48;

- 1 (ii) the day stated in a notice of revocation of the
- 2 order under section 52(4)(b);
- 3 (iii) the day on which the authorisation is otherwise
- 4 cancelled under this Act;
- 5 (iv) the day on which the authorisation expires.

6 **52. Revocation of suspension order**

- 7 (1) The CEO may at any time revoke a suspension order under
- 8 section 42(1), 43(1) or (4) or 48(4).
- 9 (2) The CEO must revoke a suspension order made under
- 10 section 48(4) as soon as practicable after the end of the 30-day
- 11 notice period referred to in section 48 if the CEO decides not to
- 12 make an order under section 42 or 43.
- 13 (3) The CEO must revoke a suspension order made under
- 14 section 42(1) as soon as practicable after the CEO becomes
- 15 satisfied that —
- 16 (a) if the order includes a requirement under section 42(2)
- 17 that the provider of the on-demand booking service
- 18 undertake any remedial action — that action has been
- 19 undertaken; and
- 20 (b) the grounds for making the order no longer exist.
- 21 (4) The CEO must give written notice of a revocation of a
- 22 suspension order under this section to the provider of the
- 23 on-demand booking service stating the following —
- 24 (a) that the suspension of the on-demand booking service
- 25 authorisation has been revoked;
- 26 (b) the day on which the suspension of the on-demand
- 27 booking service authorisation under the order ends;
- 28 (c) the reasons for the revocation.

1 **53. Notice of cancellation order**

2 (1) The CEO must give written notice of a cancellation order under
3 section 42(1) or 43(2), (3) or (4) to the provider of the
4 on-demand booking service stating the following —

- 5 (a) that the on-demand booking service authorisation is
6 cancelled;
- 7 (b) the day on which the cancellation takes effect;
- 8 (c) the grounds on which the order is made;
- 9 (d) if the order is made under section 43(2), (3) or (4) —
- 10 (i) that the provider is disqualified from holding or
11 obtaining an on-demand booking service
12 authorisation; and
- 13 (ii) the period for which the provider is disqualified
14 under section 44;
- 15 (e) if the order is made under section 42(1)(a), (b), (d)
16 or (e), that the provider has a right to a review under
17 Part 10.

18 (2) An on-demand booking service authorisation subject to a
19 cancellation order is cancelled on the day stated in the order.

20 **Subdivision 2 — Automatic suspension or cancellation**

21 **54. Automatic suspension: joint authorisation**

22 If 2 or more persons jointly hold an on-demand booking service
23 authorisation and any one of them dies or ceases to jointly
24 provide the service —

- 25 (a) the authorisation is suspended by force of this section at
26 the end of the period of 21 days after the death or
27 cessation unless the CEO has been notified before the
28 end of that period of the death or cessation; and
- 29 (b) the authorisation may be suspended, cancelled or varied
30 because of the death or cessation.

1 **55. Automatic suspension: no responsible officer**

2 (1) This section applies if —

- 3 (a) the provider of an authorised on-demand booking
4 service is a body corporate; and
5 (b) the provider ceases to have any directors or managers
6 who are responsible officers for the purposes of this
7 Part.

8 (2) The on-demand booking service authorisation for the service is
9 suspended by force of this section from the time that the
10 provider ceases to have any directors or managers who are
11 responsible officers until —

- 12 (a) a new director or manager of the service is nominated in
13 accordance with the regulations; and
14 (b) the CEO advises the provider of the service that the
15 CEO is satisfied that the nominated director or manager
16 is a responsible officer.

1 **Part 4 — Regular passenger transport services**

2 **Division 1 — Offences**

3 **56. Provider of regular passenger transport service must be**
4 **authorised**

- 5 (1) A person commits an offence if —
- 6 (a) the person provides a regular passenger transport
- 7 service; and
- 8 (b) the person does not hold a regular passenger transport
- 9 service authorisation that is in force and authorises the
- 10 provision of that service.

11 Penalty for this subsection:

- 12 (a) for an individual, a fine of \$40 000;
- 13 (b) for a body corporate, a fine of \$200 000.

- 14 (2) Subsection (1) does not apply to a person who provides a
- 15 regular passenger transport service on behalf of another person
- 16 who is authorised to provide a regular passenger transport
- 17 service.

18 **57. Provider of regular passenger transport service must**
19 **comply with authorisation conditions**

20 A provider of a regular passenger transport service must comply

21 with the conditions of the regular passenger transport service

22 authorisation for that service.

23 Penalty:

- 24 (a) for an individual, a fine of \$40 000;
- 25 (b) for a body corporate, a fine of \$200 000.

26 **58. Provider of regular passenger transport service must notify**
27 **CEO if no longer providing service**

28 A provider of a regular passenger transport service must give

29 written notice to the CEO as soon as practicable if the provider

1 ceases to provide a regular passenger service on any route or
2 routes or in any area or areas specified in the regular passenger
3 transport service authorisation.

4 Penalty:

- 5 (a) for an individual, a fine of \$5 000;
6 (b) for a body corporate, a fine of \$25 000.

7 **Division 2 — Authorisation**

8 **59. Application for authorisation to provide regular passenger** 9 **transport service**

- 10 (1) The following may apply for authorisation to provide a regular
11 passenger transport service —
- 12 (a) an individual;
13 (b) 2 or more persons who intend to provide the service
14 jointly under a partnership or other agreement;
15 (c) a body corporate incorporated under a law of this or any
16 other jurisdiction including —
- 17 (i) the *Corporations Act 2001* (Commonwealth);
18 and
19 (ii) the *Associations Incorporation Act 2015*; and
20 (iii) the *Co-operatives Act 2009*;
21 (d) any other prescribed entity.
- 22 (2) An application for authorisation is to be made to the CEO.
- 23 (3) An application must —
- 24 (a) be in the approved form; and
25 (b) contain the following information —
- 26 (i) the route or routes on which or the area or areas
27 in which it is intended that the service is to
28 operate;
29 (ii) an estimate of the number of vehicles to be used
30 in providing the service;

- 1 (iii) a description of the kinds of vehicles to be used
2 in providing the service;
- 3 (iv) an estimate of the maximum number of
4 passengers to be carried by the vehicles proposed
5 to be used;
- 6 (v) the fares proposed to be charged;
7 and
- 8 (c) contain the information required by the CEO; and
9 (d) comply with the requirements of the regulations; and
10 (e) be accompanied by the prescribed application fee.
- 11 (4) The CEO may, by written notice given to the applicant, require
12 the applicant to provide further information relevant to the
13 application that is specified in the notice within the time (being
14 not less than 30 days) specified in the notice.

15 **60. Minister is decision-maker**

16 The Minister is to make the decision under this Part to grant or
17 to refuse to grant a regular passenger transport service
18 authorisation.

19 **61. Minister may delegate**

- 20 (1) The Minister may delegate to the CEO or any person employed
21 in, or engaged for the purposes of, the Department any power or
22 duty of the Minister under this Part.
- 23 (2) The delegation must be in writing signed by the Minister.
- 24 (3) A person to whom a power or duty is delegated under this
25 section cannot delegate that power or duty.
- 26 (4) A person exercising or performing a power or duty that has been
27 delegated to the person under this section is to be taken to do so
28 in accordance with the terms of the delegation unless the
29 contrary is shown.

- 1 (5) Nothing in this section limits the ability of the Minister to
2 perform a function through an officer or agent.

3 **62. Matters Minister may take into account in making decision**

- 4 (1) In making a decision as to whether to grant a regular passenger
5 transport service authorisation, the Minister may take into
6 account all or any of the following matters —

- 7 (a) the necessity for the service proposed to be provided and
8 the convenience that would be given to the public by the
9 provision of the proposed service;
10 (b) the existing service for the transport of passengers on
11 the route or routes, or within the area or areas, proposed
12 to be served, in relation to —
13 (i) its present adequacy and possibilities for
14 improvement to meet all reasonable public
15 demands; and
16 (ii) the effect on the existing service of the service
17 proposed to be provided;
18 (c) the condition of the roads to be included in the proposed
19 route or routes or area or areas;
20 (d) the qualifications and financial stability of the applicant;
21 (e) the interests of persons requiring transport to be
22 provided and of the community generally.

- 23 (2) The Minister is not required to take into account any matter
24 referred to in subsection (1) in making a decision in relation to a
25 particular application for authorisation.

26 **63. Grant of authorisation**

27 The Minister may grant a regular passenger transport service
28 authorisation if the Minister is satisfied that the applicant —

- 29 (a) has complied with the requirements of section 59(3)(a)
30 to (d) and provided the information required under
31 section 59(4); and

- 1 (b) complies with any prescribed criteria; and
- 2 (c) has the capacity to provide the service; and
- 3 (d) has paid the prescribed application fee under
- 4 section 59(3)(e); and
- 5 (e) has paid the relevant prescribed authorisation fee (if
- 6 any) for the authorisation within the time for payment
- 7 required by the CEO.

8 **64. Grant of temporary authorisation**

- 9 (1) The Minister may grant a regular passenger transport service
- 10 authorisation without prior lodgment of a written application
- 11 under section 59 if —
- 12 (a) the application is for an authorisation for a particular
- 13 purpose of limited duration; and
- 14 (b) the Minister is satisfied that sufficient information has
- 15 been made available to enable the Minister to do so.
- 16 (2) An authorisation granted in accordance with this section —
- 17 (a) takes effect when verbal notice is given to the applicant
- 18 that the authorisation has been granted; and
- 19 (b) is taken not to have taken effect if —
- 20 (i) the written application complying with
- 21 section 59 is not provided to the CEO within
- 22 14 days of the Minister's decision; or
- 23 (ii) the information in the written application differs
- 24 in a material respect from the information
- 25 provided to the Minister before the Minister's
- 26 decision.

1 **65. Refusal of authorisation**

- 2 (1) Without limiting section 63 or 64, the Minister may refuse to
3 grant a regular passenger transport service authorisation if —
4 (a) the Minister is satisfied that authorisation should not be
5 granted on the basis of any matter to which the Minister
6 has had regard under section 62(1); or
7 (b) the Minister is satisfied that the applicant is not a fit and
8 proper person to be authorised to provide a regular
9 passenger transport service.
- 10 (2) The Minister may have regard to any relevant matters in
11 determining whether an applicant is a fit and proper person to be
12 authorised to provide a regular passenger transport service.

13 **66. Conditions of authorisation**

- 14 A regular passenger transport service authorisation is granted
15 subject to the following conditions —
16 (a) any conditions imposed under this Act;
17 (b) any conditions that the Minister thinks fit and specifies
18 on the authorisation document or otherwise specifies in
19 writing.

20 **67. Application for variation of conditions**

- 21 (1) The provider of an authorised regular passenger transport
22 service may apply to the Minister for a variation of the
23 conditions of the regular passenger transport service
24 authorisation imposed by the Minister.
- 25 (2) The application must —
26 (a) be in the approved form; and
27 (b) be accompanied by any documents or other information
28 specified in the approved form; and
29 (c) be accompanied by the prescribed application fee.

1 **68. Variation of conditions**

- 2 (1) The Minister may vary the conditions of a regular passenger
3 transport service authorisation imposed by the Minister if the
4 Minister is satisfied that the variation is appropriate in the
5 circumstances.
- 6 (2) A variation may be made on application under section 67 or on
7 the Minister's own initiative.
- 8 (3) A variation —
- 9 (a) must be in writing; and
- 10 (b) may do any of the following —
- 11 (i) vary existing conditions;
- 12 (ii) remove existing conditions;
- 13 (iii) add new conditions.

14 **69. Application for variation of approved routes and areas**

- 15 (1) The provider of an authorised regular passenger transport
16 service may apply to the Minister to approve a variation to the
17 route or routes or the area or areas approved under the
18 authorisation.
- 19 (2) The application must —
- 20 (a) be in the approved form; and
- 21 (b) be accompanied by any documents or other information
22 specified in the approved form; and
- 23 (c) be accompanied by the prescribed application fee.

24 **70. Variation of approved routes and areas**

- 25 (1) On an application under section 69, the Minister may approve a
26 variation to the route or routes or area or areas approved under a
27 regular passenger transport service authorisation if the Minister
28 is satisfied that the variation is appropriate in the circumstances.

1 (2) The Minister may, in accordance with the regulations, approve a
2 temporary variation to the route or routes or area or areas
3 approved under a regular passenger transport service
4 authorisation if the Minister is satisfied that the variation is
5 appropriate in the circumstances.

6 (3) The Minister may take into account the matters specified in
7 section 62(1) in deciding whether to approve a variation to a
8 route or routes or area or areas under subsection (1) or (2).

9 (4) A variation must be in writing.

10 **71. Notice of decision to refuse or vary**

11 (1) The Minister must give an applicant written notice of a decision
12 under section 63, 64 or 65 to refuse to grant a regular passenger
13 transport service authorisation.

14 (2) The Minister must give the provider of an authorised regular
15 passenger transport service written notice of a decision —

16 (a) to refuse to grant an application under section 67 for the
17 variation of the conditions of the regular passenger
18 transport service authorisation; or

19 (b) to vary the conditions of the regular passenger transport
20 service authorisation under section 68.

21 (3) The Minister must give the provider of an authorised regular
22 passenger transport service written notice of a decision to refuse
23 an application under section 69 or the regulations for the
24 variation of the route or routes or area or areas approved under
25 the regular passenger transport service authorisation.

26 (4) In the case of a decision to vary the conditions of a regular
27 passenger transport service authorisation on the Minister's own
28 initiative, the notice must state —

29 (a) the reasons for the decision; and

30 (b) that the person has a right to a review under Part 10.

1 **72. Authorisation document**

2 (1) If the Minister grants a regular passenger transport service
3 authorisation, the CEO must issue an authorisation document to
4 the provider of the service.

5 (2) The authorisation document must —

6 (a) be in the approved form; and

7 (b) identify the provider of the regular passenger transport
8 service; and

9 (c) specify the authorisation number.

10 **73. Effect of authorisation**

11 (1) In this section —

12 *regular passenger transport vehicle* means a vehicle that is
13 authorised or otherwise permitted under this Act to be operated
14 for use in providing a regular passenger transport service.

15 (2) A regular passenger transport service authorisation authorises
16 the holder of the authorisation to provide a regular passenger
17 transport service using regular passenger transport vehicles on
18 the route or routes or in the area or areas approved by the
19 Minister and specified in the authorisation document.

20 (3) In accordance with the *Personal Property Securities Act 2009*
21 (Commonwealth) section 10 the definition of *licence*
22 paragraph (d), a regular passenger transport service
23 authorisation is declared not to be personal property for the
24 purposes of that Act.

25 **74. Duration of authorisation**

26 (1) A regular passenger transport service authorisation is granted
27 for the prescribed period.

28 (2) A regular passenger transport service authorisation may be
29 renewed in accordance with the regulations.

- 1 (3) A regular passenger transport service authorisation remains in
2 force until whichever of the following occurs first —
3 (a) it expires;
4 (b) it is cancelled.

- 5 (4) A regular passenger transport service authorisation is not in
6 force during any period for which it is suspended.

7 Note for this subsection:

8 See Division 3 for the suspension of a regular passenger transport
9 service authorisation.

10 **75. Application for transfer of authorisation**

- 11 (1) A person or entity who is eligible under section 59(1) to apply
12 for a regular passenger transport service authorisation may
13 apply for approval of the transfer to the person or entity of a
14 regular passenger transport service authorisation.
- 15 (2) An application may only be made under subsection (1) if the
16 provider of the authorised regular passenger transport service
17 consents.
- 18 (3) An application for approval of a transfer of authorisation is to be
19 made to the CEO.
- 20 (4) An application must —
21 (a) be in the approved form; and
22 (b) contain the information required by the CEO; and
23 (c) comply with the requirements of the regulations; and
24 (d) be accompanied by the prescribed application fee.
- 25 (5) The CEO may, by written notice given to the applicant, require
26 the applicant to provide further information relevant to the
27 application that is specified in the notice within the time (being
28 not less than 30 days) specified in the notice.

1 **76. Matters Minister may take into account in making decision**

2 (1) In making a decision as to whether to approve the transfer of a
3 regular passenger transport service authorisation, the Minister
4 may take into account the following matters —

- 5 (a) the qualifications and financial stability of the applicant;
6 (b) the interests of persons requiring transport to be
7 provided and of the community generally.

8 (2) The Minister is not required to take into account any matter
9 referred to in subsection (1) in making a decision in relation to a
10 particular application for approval.

11 **77. Grant of approval**

12 (1) The Minister may grant an approval for the transfer of a regular
13 passenger transport service authorisation if the Minister is
14 satisfied that the applicant —

- 15 (a) has complied with the requirements of section 75(4)(a)
16 to (c) and provided the information required under
17 section 75(5); and
18 (b) complies with any prescribed criteria; and
19 (c) has the capacity to provide the service; and
20 (d) has paid the prescribed application fee under
21 section 75(4)(d).

22 (2) The Minister must not approve a transfer of a regular passenger
23 transport service authorisation if the application seeks a change
24 to the route or routes or area or areas authorised under the
25 authorisation.

26 **78. Refusal to approve transfer of authorisation**

27 (1) Without limiting section 77, the Minister may refuse to approve
28 the transfer of a regular passenger transport service
29 authorisation if —

- 30 (a) the Minister is satisfied that approval should not be
31 granted on the basis of any matter to which the Minister
32 has had regard under section 76; or

1 (b) the Minister is satisfied that the applicant is not a fit and
2 proper person to be authorised to provide a regular
3 passenger transport service.

4 (2) The Minister may have regard to any relevant matters in
5 determining whether an applicant for approval is a fit and
6 proper person to be authorised to provide a regular passenger
7 transport service.

8 **Division 3 — Suspension and cancellation**

9 **Subdivision 1 — Suspension or cancellation by order**

10 **79. Suspension or cancellation order**

- 11 (1) The Minister may make an order suspending or cancelling a
12 regular passenger transport service authorisation if —
- 13 (a) the Minister is no longer satisfied that the provider of
14 the service meets the requirements for the grant of an
15 authorisation in section 63(b) or (c) or for the transfer of
16 an authorisation in section 77(1)(b) or (c), as the case
17 requires; or
- 18 (b) the Minister is no longer satisfied that the provider of
19 the service is providing an effective regular passenger
20 transport service on the route or routes or in the area or
21 areas approved under the authorisation; or
- 22 (c) the provider of the service has failed to comply with any
23 requirements under this Act, including —
- 24 (i) a condition of the authorisation; and
25 (ii) any duty or obligation imposed on the provider
26 under this Act;
- 27 or
- 28 (d) the authorisation was obtained by fraud or
29 misrepresentation; or

1 (e) the Minister is no longer satisfied that the provider of
2 the service is a fit and proper person to be authorised to
3 provide a regular passenger transport service.

4 (2) A suspension order made under subsection (1)(a), (c) or (e) may
5 include a requirement that the provider of the regular passenger
6 transport service undertake remedial action.

7 (3) The Minister may, by written notice given to the provider of the
8 regular passenger transport service, vary or waive a requirement
9 imposed under subsection (2).

10 **80. Order may be made even if authorisation suspended**

11 An order may be made under section 79(1) even if the regular
12 passenger transport service authorisation is already suspended
13 when the order is made.

14 **81. Show cause process**

15 (1) Unless section 82 applies, the Minister must not make an order
16 under section 79(1) unless the Minister has first complied with
17 this section.

18 (2) The Minister must serve notice on the provider of the regular
19 passenger transport service to show cause within 30 days why
20 the regular passenger transport service authorisation should not
21 be suspended or cancelled, as the case may be.

22 (3) If the Minister is not satisfied at the end of the 30-day notice
23 period, the order may be made under section 79(1).

24 (4) The Minister may make an order suspending a regular passenger
25 transport service authorisation within the 30-day notice period if
26 the Minister considers that the suspension is necessary in the
27 circumstances.

28 **82. Immediate suspension or cancellation**

29 The Minister may make an order under section 79(1) without
30 complying with section 81 if the Minister has reason to believe

1 that the regular passenger transport service has been or is being
2 conducted in a manner that causes, or may cause, danger to the
3 public.

4 **83. Notice of suspension order**

5 The CEO must give written notice of a suspension order under
6 section 79(1) or 81(4) to the provider of the regular passenger
7 transport service stating the following —

- 8 (a) that the regular passenger transport service authorisation
9 is suspended;
- 10 (b) the day on which the period of suspension commences;
- 11 (c) the grounds on which the order is made;
- 12 (d) if the order is made under section 79(1), any remedial
13 action that the provider is required to take under
14 section 79(2);
- 15 (e) if the order is made under section 79(1)(a), (c) or (e)
16 or 81(4), that the provider has a right to a review under
17 Part 10.

18 **84. Period of suspension**

19 (1) A regular passenger transport service authorisation subject to a
20 suspension order under section 79(1) is suspended under the
21 order for a period —

- 22 (a) commencing on the day stated in the notice under
23 section 83(b); and
- 24 (b) ending on the first of the following to occur —
 - 25 (i) the day stated in a notice of revocation of the
26 suspension order under section 85(4)(b);
 - 27 (ii) the day on which the authorisation is cancelled
28 under this Act;
 - 29 (iii) the day on which the authorisation expires.

- 1 (2) A regular passenger transport service authorisation subject to a
2 suspension order under section 81(4) is suspended under the
3 order for a period —
- 4 (a) commencing on the day stated in the notice under
5 section 83(b); and
- 6 (b) ending on the first of the following to occur —
- 7 (i) the day on which the authorisation is suspended
8 or cancelled after the end of the 30-day period
9 referred to in section 81;
- 10 (ii) the day stated in a notice of revocation of the
11 order under section 85(4)(b);
- 12 (iii) the day on which the authorisation is otherwise
13 cancelled under this Act;
- 14 (iv) the day on which the authorisation expires.
- 15 **85. Revocation of suspension order**
- 16 (1) The Minister may at any time revoke a suspension order under
17 section 79(1) or 81(4).
- 18 (2) The Minister must revoke a suspension order made under
19 section 81(4) as soon as practicable after the end of the 30-day
20 notice period referred to in section 81 if the Minister decides not
21 to make an order under section 79(1).
- 22 (3) The Minister must revoke a suspension order made under
23 section 79(1) as soon as practicable after the Minister becomes
24 satisfied that —
- 25 (a) if the order includes a requirement under section 79(2)
26 that the provider of the regular passenger transport
27 service undertake any remedial action — that action has
28 been undertaken; and
- 29 (b) the grounds for making the order no longer exist.

- 1 (4) The Minister must give written notice of a revocation of a
2 suspension order under this section to the provider of the regular
3 passenger transport service stating the following —
- 4 (a) that the suspension of the regular passenger transport
5 service authorisation has been revoked;
- 6 (b) the day on which the suspension of the regular
7 passenger transport service authorisation under the order
8 ends;
- 9 (c) the reasons for the revocation.

10 **86. Notice of cancellation order**

- 11 (1) The Minister must give written notice of a cancellation order
12 under section 79(1) to the provider of the regular passenger
13 transport service stating the following —
- 14 (a) that the regular passenger transport service authorisation
15 is cancelled;
- 16 (b) the day on which the cancellation takes effect;
- 17 (c) the grounds on which the order is made;
- 18 (d) if the order is made under section 79(1)(a), (c) or (e),
19 that the provider has a right to a review under Part 10.
- 20 (2) A regular passenger transport service authorisation subject to a
21 cancellation order is cancelled on the day stated in the order.

22 **Subdivision 2 — Automatic suspension or cancellation**

23 **87. Automatic suspension: joint authorisation**

- 24 If 2 or more persons jointly hold a regular passenger transport
25 service authorisation and any one of them dies or ceases to
26 jointly provide the service —
- 27 (a) the authorisation is suspended by force of this section at
28 the end of the period of 21 days after the death or
29 cessation unless the CEO has been notified before the
30 end of that period of the death or cessation; and

- 1 (b) the authorisation may be suspended, cancelled or varied
2 because of the death or cessation.

3 **Subdivision 3 — Cancellation on ceasing to provide service**

4 **88. Cancellation on ceasing to provide service**

5 The Minister must cancel a regular passenger transport service
6 authorisation if the holder of the authorisation notifies the
7 Minister that the holder is no longer providing that service.

Part 5 — Passenger transport drivers

Division 1 — Interpretation

89. Term used: disqualification offence

In this Part —

disqualification offence means an offence under any of the following that is prescribed as a disqualification offence for the purposes of this Part —

- (a) this Act or another written law;
- (b) a law of the Commonwealth;
- (c) a law of another State or a Territory.

Division 2 — Offences

90. Driving vehicle without driver authorisation

(1) A person commits an offence if —

- (a) the person drives a vehicle for the purpose of transporting passengers for hire or reward; and
- (b) the person does not hold a passenger transport driver authorisation that is in force.

Penalty for this subsection: a fine of \$12 000, but if subsection (2) applies the minimum penalty is a fine of \$2 000.

(2) This subsection applies if the person does not hold a passenger transport driver authorisation that is in force because —

- (a) the person is disqualified under this Part from holding or obtaining a passenger transport driver authorisation; or
- (b) the person holds a passenger transport driver authorisation that is suspended; or
- (c) of the effect of section 104(5).

- 1 (3) A person does not commit an offence under subsection (1) if —
- 2 (a) the person is the holder of an interstate driver
- 3 authorisation; and
- 4 (b) the person complies with the conditions of that
- 5 authorisation and with the regulations in driving the
- 6 vehicle for the purpose of transporting passengers for
- 7 hire or reward in the State; and
- 8 (c) the driving occurs within the relevant prescribed period
- 9 for that kind of authorisation.
- 10 (4) It is a defence to a charge of an offence under subsection (1) to
- 11 prove that —
- 12 (a) the person charged did not hold a passenger transport
- 13 driver authorisation that was in force because the person
- 14 was not authorised under the *Road Traffic*
- 15 *(Authorisation to Drive) Act 2008* to drive the vehicle
- 16 because the person —
- 17 (i) was disqualified from holding or obtaining a
- 18 driver's licence under the *Fines, Penalties and*
- 19 *Infringement Notices Enforcement Act 1994*
- 20 section 19 or 43; or
- 21 (ii) was the subject of any disqualification or
- 22 suspension under a law of another jurisdiction
- 23 that is prescribed for the purposes of the *Road*
- 24 *Traffic Act 1974* section 49(9)(b);
- 25 and
- 26 (b) the person did not know and could not reasonably be
- 27 expected to have known of the circumstances referred to
- 28 in paragraph (a).

91. Causing or permitting person to drive vehicle without driver authorisation

(1) A person commits an offence if —

(a) the person —

(i) causes or permits another person (the *driver*) to drive a vehicle for the purpose of transporting passengers for hire or reward; or

(ii) provides an on-demand booking service to another person (the *driver*) for the purpose of the driver driving a vehicle for use in providing an on-demand passenger service;

and

(b) the driver does not hold a passenger transport driver authorisation that is in force.

Penalty for this subsection:

(a) for a first offence —

(i) for an individual, a fine of \$12 000;

(ii) for a body corporate, a fine of \$60 000;

(b) for a subsequent offence —

(i) for an individual, a fine of \$12 000, but the minimum penalty is a fine of \$2 000;

(ii) for a body corporate, a fine of \$60 000, but the minimum penalty is a fine of \$10 000.

(2) A person does not commit an offence under subsection (1) if —

(a) the driver is the holder of an interstate driver authorisation; and

(b) the driver complies with the conditions of that authorisation and with the regulations in driving the vehicle for the purpose of transporting passengers for hire or reward in the State; and

(c) the driving occurs within the relevant prescribed period for that kind of authorisation.

- 1 (3) It is a defence to a charge of an offence under subsection (1) to
2 prove that the person charged took reasonable steps to ensure
3 that at the time of the offence the driver held a passenger
4 transport driver authorisation that was in force.

5 **92. Requirement to comply with driver authorisation conditions**

6 A person who is the holder of a passenger transport driver
7 authorisation must comply with the conditions of that
8 authorisation.

9 Penalty: a fine of \$12 000.

10 **93. Causing or permitting driving of vehicle contrary to**
11 **conditions of driver authorisation**

12 A person commits an offence if the person causes or permits
13 another person (the *driver*) to drive a vehicle for the purpose of
14 transporting passengers for hire or reward in contravention of a
15 condition of the driver's passenger transport driver
16 authorisation.

17 Penalty:

- 18 (a) for an individual, a fine of \$12 000;
19 (b) for a body corporate, a fine of \$60 000.

20 **94. Forgery and improper use of identifying details**

21 (1) In this section —

22 *identifying details* of a passenger transport driver means any or
23 all of the following —

- 24 (a) the driver authorisation document issued to the driver;
25 (b) any additional identification document issued to the
26 driver, or that the driver is required to hold or display, in
27 accordance with the regulations;
28 (c) information that identifies the driver in communications
29 with the provider of an on-demand booking service.

1 (2) A person commits an offence if the person —

2 (a) forges or fraudulently alters a driver authorisation
3 document; or

4 (b) uses a driver authorisation document that has been
5 forged or fraudulently altered.

6 Penalty for this subsection: a fine of \$5 000.

7 (3) A passenger transport driver commits an offence if —

8 (a) the driver uses the driver authorisation document or any
9 additional identification document issued to the driver,
10 or that the driver is required to hold or display in
11 accordance with the regulations, to hold out that the
12 driver is authorised to drive a vehicle for the purpose of
13 transporting passengers for hire or reward; and

14 (b) the document has ceased to have effect or is not the
15 current document issued to or required to be held or
16 displayed the driver.

17 Penalty for this subsection: a fine of \$5 000.

18 (4) A passenger transport driver commits an offence if —

19 (a) the driver causes or permits another person to use the
20 driver's identifying details; and

21 (b) the other person uses the identifying details for the
22 purpose of impersonating the driver or holding out that
23 the other person is authorised to drive a vehicle for the
24 purpose of transporting passengers for hire or reward.

25 Penalty for this subsection: a fine of \$5 000.

26 (5) A person commits an offence if the person uses a passenger
27 transport driver's identifying details for the purpose of
28 impersonating the driver or holding out that the person is
29 authorised to drive a vehicle for the purpose of transporting
30 passengers for hire or reward.

31 Penalty for this subsection: a fine of \$5 000.

Division 3 — Authorisation

95. Application for passenger transport driver authorisation

- (1) An individual may apply to the CEO for a passenger transport driver authorisation.
- (2) An individual who is disqualified under this Part from holding or obtaining a passenger transport driver authorisation cannot apply for a passenger transport driver authorisation.
- (3) The application must —
 - (a) be in the approved form; and
 - (b) contain the information required by the CEO; and
 - (c) be accompanied by the prescribed application fee.
- (4) The CEO may, by written notice given to the applicant, require the applicant to provide further information relevant to the application that is specified in the notice within the time (being not less than 30 days) specified in the notice.

96. Grant of authorisation

The CEO may, on an application under section 95, grant a passenger transport driver authorisation to an applicant if the CEO is satisfied that the applicant —

- (a) has complied with the requirements of section 95(3)(a) and (b) and provided the information required under section 95(4); and
- (b) complies with any prescribed criteria; and
- (c) has paid the prescribed application fee under section 95(3)(c); and
- (d) has paid the relevant prescribed authorisation fee for the authorisation within the time for payment required by the CEO.

1 **97. Refusal of authorisation**

2 (1) Without limiting section 96, the CEO may refuse to grant a
3 passenger transport driver authorisation if —

4 (a) the applicant is charged with a disqualification offence;
5 or

6 (b) the CEO is satisfied that the applicant is not a fit and
7 proper person to be authorised to drive a vehicle for the
8 purpose of transporting passengers for hire or reward.

9 (2) The CEO must refuse to grant an authorisation if —

10 (a) the applicant has been convicted of a disqualification
11 offence; and

12 (b) the conviction has not been quashed or set aside; and

13 (c) the disqualification period prescribed for the purposes of
14 section 118(1) in relation to the disqualification offence
15 has not passed since the conviction.

16 (3) Without limiting subsection (1)(b), in considering whether a
17 person is a fit and proper person to hold a passenger transport
18 driver authorisation, the CEO may have regard to —

19 (a) the physical and mental fitness of the person; and

20 (b) any approved medical report on the person required by
21 the regulations; and

22 (c) any other relevant matters.

23 **98. Conditions of passenger transport driver authorisation**

24 (1) A passenger transport driver authorisation is granted subject to
25 the following conditions —

26 (a) any conditions imposed under this Act; and

27 (b) any conditions that the CEO thinks fit and specifies on
28 the driver authorisation document or otherwise specifies
29 in writing.

30 (2) In determining the conditions to be imposed on a passenger
31 transport driver authorisation under subsection (1)(b), the CEO

- 1 may have regard to the opinion of the medical practitioner who
2 prepared any approved medical report on the applicant as to —
3 (a) the need for and frequency of medical reassessments
4 over a period not exceeding 5 years; and
5 (b) any driving restrictions that should be placed on the
6 applicant.

7 **99. Application for variation of conditions**

- 8 (1) A passenger transport driver may apply to the CEO for the
9 variation of the conditions of the driver's passenger transport
10 driver authorisation imposed by the CEO.
11 (2) The application must —
12 (a) be in the approved form; and
13 (b) be accompanied by any documents or other information
14 specified in the approved form; and
15 (c) be accompanied by the prescribed application fee.

16 **100. Variation of conditions**

- 17 (1) The CEO may vary the conditions of a passenger transport
18 driver authorisation imposed by the CEO if the CEO is satisfied
19 that the variation is appropriate in the circumstances.
20 (2) A variation may be made on application under section 99 or on
21 the CEO's own initiative.
22 (3) A variation —
23 (a) must be in writing; and
24 (b) may do all or any of the following —
25 (i) vary existing conditions;
26 (ii) remove existing conditions;
27 (iii) add new conditions.

1 **101. Notice of decision to refuse or vary**

- 2 (1) The CEO must give an applicant written notice of a decision
3 under section 96 or 97(1) or (2) to refuse to grant a passenger
4 transport driver authorisation.
- 5 (2) The CEO must give a passenger transport driver written notice
6 of a decision —
- 7 (a) to refuse to grant an application under section 99 for the
8 variation of the conditions of the passenger transport
9 driver authorisation; or
- 10 (b) to vary the conditions of the passenger transport driver
11 authorisation under section 100.
- 12 (3) In the case of a relevant decision the notice must state —
- 13 (a) the reasons for the decision; and
- 14 (b) that the person has a right to a review under Part 10.
- 15 (4) In subsection (3) —
- 16 **relevant decision** means a decision —
- 17 (a) to refuse to grant a passenger transport driver
18 authorisation —
- 19 (i) because the CEO is not satisfied as to a matter
20 referred to in section 96(a) or (b); or
- 21 (ii) under section 97(1)(b);
- 22 (b) to impose conditions on a passenger transport driver
23 authorisation under section 98(1)(b); or
- 24 (c) to vary the conditions of a passenger transport driver
25 authorisation on the CEO's own initiative; or
- 26 (d) to refuse to grant an application for the variation of the
27 conditions of a passenger transport driver authorisation.

1 **102. Driver authorisation document**

2 (1) If the CEO grants a passenger transport driver authorisation, the
3 CEO must issue a driver authorisation document to the
4 passenger transport driver.

5 (2) The driver authorisation document must —

- 6 (a) be in the approved form; and
7 (b) identify the passenger transport driver to whom it is
8 issued; and
9 (c) specify the authorisation number.

10 (3) The CEO may at any time —

- 11 (a) issue a new driver authorisation document to a
12 passenger transport driver; and
13 (b) give the passenger transport driver a written notice
14 requiring the driver to —
15 (i) cease to use any previous driver authorisation
16 document issued to the driver; and
17 (ii) if applicable, surrender to the CEO any previous
18 driver authorisation document issued to the
19 driver.

20 **103. Effect of authorisation**

21 A passenger transport driver authorisation authorises the holder
22 of the authorisation to drive a vehicle anywhere in the State for
23 the purpose of transporting passengers for hire or reward.

24 **104. Duration of authorisation**

25 (1) A passenger transport driver authorisation is granted for the
26 prescribed period.

27 (2) A passenger transport driver authorisation may be renewed in
28 accordance with the regulations.

1 (3) A passenger transport driver authorisation remains in force until
2 whichever of the following occurs first —

- 3 (a) it expires;
4 (b) it is cancelled.

5 (4) A passenger transport driver authorisation is not in force during
6 any period for which it is suspended.

7 Note for this subsection:

8 See Division 4 for the suspension of a passenger transport driver
9 authorisation.

10 (5) A passenger transport driver authorisation is not in force to
11 permit the driving of a vehicle during any period that the holder
12 of the authorisation is not authorised under the *Road Traffic*
13 *(Authorisation to Drive) Act 2008* to drive the vehicle.

14 **105. Authorisation not transferable**

15 A passenger transport driver authorisation is not transferable.

16 **Division 4 — Suspension, cancellation and disqualification**

17 **Subdivision 1 — Suspension or cancellation by order**

18 **106. Suspension or cancellation order**

19 (1) The CEO may make an order suspending or cancelling a
20 passenger transport driver authorisation if —

21 (a) the CEO is no longer satisfied that the driver meets the
22 requirements for the grant of an authorisation in
23 section 96(b); or

24 (b) the driver has failed to comply with any requirements
25 under this Act, including —

- 26 (i) a condition of the authorisation; and
27 (ii) any duty or obligation imposed on the driver
28 under this Act;

29 or

- 1 (c) the authorisation was obtained by fraud or
2 misrepresentation; or
- 3 (d) the CEO is no longer satisfied that the driver is a fit and
4 proper person to hold the authorisation.
- 5 (2) A suspension order made under subsection (1)(a), (b) or (d) may
6 include a requirement that the driver undertake remedial action.
- 7 (3) The CEO may, by written notice given to the driver, vary or
8 waive a requirement imposed under subsection (2).
- 9 **107. Suspension order for disqualification offence**
- 10 The CEO may make an order suspending a passenger transport
11 driver authorisation if —
- 12 (a) the driver is charged with a disqualification offence; or
13 (b) the CEO suspects on reasonable grounds that the driver
14 has committed a disqualification offence.
- 15 **108. Order may be made even if authorisation suspended**
- 16 An order may be made under section 106(1) or 107 even if the
17 passenger transport driver authorisation is already suspended
18 when the order is made.
- 19 **109. Show cause process**
- 20 (1) Unless section 110 applies, the CEO must not make an order
21 under section 106(1) or 107 unless the CEO has first complied
22 with this section.
- 23 (2) The CEO must serve notice on the holder of the passenger
24 transport driver authorisation to show cause within 30 days why
25 the passenger transport driver authorisation should not be
26 suspended or cancelled, as the case may be.
- 27 (3) If the CEO is not satisfied at the end of the 30-day notice
28 period, the order may be made under section 106(1) or 107, as
29 the case requires.

- 1 (4) The CEO may make an order suspending a passenger transport
2 driver authorisation within the 30-day notice period if the CEO
3 considers that the suspension is necessary in the circumstances.

4 **110. Immediate suspension or cancellation**

5 The CEO may make an order under section 106(1) or 107
6 without complying with section 109 if the CEO has reason to
7 believe that the driver has operated or is operating a vehicle to
8 transport passengers for hire or reward in a manner that has
9 caused, or may cause, danger to the public.

10 **111. Notice of suspension order**

11 The CEO must give written notice of a suspension order under
12 section 106(1), 107 or 109(4) to the driver stating the
13 following —

- 14 (a) that the passenger transport driver authorisation is
15 suspended;
16 (b) the day on which the period of suspension commences;
17 (c) the grounds on which the order is made;
18 (d) if the order is made under section 106(1), any remedial
19 action that the driver is required to take under
20 section 106(2);
21 (e) if the order is made under section 106(1)(a), (b)
22 or (d), 107(b) or 109(4), that the driver has a right to a
23 review under Part 10.

24 **112. Period of suspension**

- 25 (1) A passenger transport driver authorisation subject to a
26 suspension order under section 106(1) or 107 is suspended
27 under the order for a period —
28 (a) commencing on the day stated in the notice under
29 section 111(b); and

- 1 (b) ending on the first of the following to occur —
- 2 (i) the day stated in a notice of revocation of the
- 3 order under section 113(4)(b);
- 4 (ii) the day on which the authorisation is cancelled
- 5 under this Act;
- 6 (iii) the day on which the authorisation expires.
- 7 (2) A passenger transport driver authorisation subject to a
- 8 suspension order under section 109(4) is suspended under the
- 9 order for a period —
- 10 (a) commencing on the day stated in the notice under
- 11 section 111(b); and
- 12 (b) ending on the first of the following to occur —
- 13 (i) the day on which the authorisation is suspended
- 14 or cancelled after the end of the 30-day period
- 15 referred to in section 109;
- 16 (ii) the day stated in a notice of revocation of the
- 17 order under section 113(4)(b);
- 18 (iii) the day on which the authorisation is otherwise
- 19 cancelled under this Act;
- 20 (iv) the day on which the authorisation expires.

21 **113. Revocation of suspension order**

- 22 (1) The CEO may at any time revoke a suspension order made
- 23 under section 106(1), 107 or 109(4).
- 24 (2) The CEO must revoke a suspension order made under
- 25 section 109(4) as soon as practicable after the end of the 30-day
- 26 notice period referred to in section 109 if the CEO decides not
- 27 to make an order under section 106(1) or 107.

- 1 (3) The CEO must revoke a suspension order made under
2 section 106(1) as soon as practicable after the CEO becomes
3 satisfied that —
- 4 (a) if the order includes a requirement under section 106(2)
5 that the driver undertake any remedial action — that
6 action has been undertaken; and
7 (b) the grounds for making the order no longer exist.
- 8 (4) The CEO must give written notice of a revocation of a
9 suspension order under this section to the driver stating the
10 following —
- 11 (a) that the suspension of the passenger transport driver
12 authorisation has been revoked;
13 (b) the day on which the suspension of the passenger
14 transport driver authorisation under the order ends;
15 (c) the reasons for the revocation.
- 16 **114. Notice of cancellation order**
- 17 (1) The CEO must give written notice of a cancellation order under
18 section 106(1) to the driver stating the following —
- 19 (a) that the passenger transport driver authorisation is
20 cancelled;
21 (b) the day on which the cancellation takes effect;
22 (c) the grounds on which the order is made;
23 (d) if the order is made under section 106(1)(a), (b) or (d),
24 that the driver has a right to a review under Part 10.
- 25 (2) A passenger transport driver authorisation subject to a
26 cancellation order is cancelled on the day stated in the order.

- 1 (7) This section extends to a conviction by a court of a
2 disqualification offence whether or not the conviction occurred
3 before the commencement of this section if the disqualification
4 period had not expired before that commencement.

5 **116. Cumulative effect of disqualification**

- 6 (1) This section applies if, when the period for which a person is
7 disqualified (the *new disqualification period*) under
8 section 115(1)(b) would otherwise commence, the person is
9 already disqualified under that section.
- 10 (2) The commencement of the new disqualification period is
11 postponed, and the disqualification does not have effect, until
12 the existing disqualification period, and a disqualification period
13 that commences subsequently, has ended.
- 14 (3) Postponing the commencement of the new disqualification
15 period does not reduce the new disqualification period.

16 **117. Notice of cancellation**

17 The CEO must give a person written notice of the cancellation
18 of the person's passenger transport driver authorisation under
19 section 115(1)(a) stating the following —

- 20 (a) that the passenger transport driver authorisation is
21 cancelled;
- 22 (b) that the person is disqualified from holding or obtaining
23 a passenger transport driver authorisation;
- 24 (c) the period for which the person is disqualified under
25 section 115;
- 26 (d) that the cancellation took effect and the period of
27 disqualification commenced when the person was
28 convicted of the disqualification offence;
- 29 (e) the grounds for the cancellation and disqualification.

1 **118. Disqualification period and reinstatement**

- 2 (1) A disqualification period (which may be permanent) must be
3 prescribed in relation to each disqualification offence.
- 4 (2) Different periods of disqualification may be prescribed in
5 relation to a disqualification offence depending on any of the
6 following —
- 7 (a) whether the offence is a first or subsequent offence;
8 (b) the circumstances in which the offence is committed;
9 (c) the length of time that the driver has continuously held
10 an authorisation that is in force when the offence is
11 committed;
- 12 (d) whether or not the driver has previously been
13 disqualified under section 115(1)(b).
- 14 (3) The regulations may provide for the reinstatement of
15 authorisations, or make any other provision necessary or
16 convenient to be made, to deal with consequences of a
17 conviction for a disqualification offence being quashed or set
18 aside in a case in which an authorisation has been cancelled
19 under section 115(1)(a) because of the conviction.

20 **Subdivision 3 — Automatic cancellation of authorisation**

21 **119. Cancellation of authorisation: cancellation of driver's**
22 **licence**

23 A passenger transport driver authorisation held by a person is
24 cancelled if the person's driver's licence issued under the *Road*
25 *Traffic (Authorisation to Drive) Act 2008* is cancelled.

1 **Part 6 — Passenger transport vehicles**

2 **Division 1 — Interpretation**

3 **120. Terms used**

4 In this Part —

5 *operate*, in relation to a vehicle, includes make available for use
6 in transporting passengers for hire or reward;

7 *owner*, in relation to a vehicle, has the same meaning as it has in
8 the *Road Traffic (Administration) Act 2008* section 5 as if this
9 Part were a road law referred to in that section.

10 **Division 2 — Offences**

11 **121. Driving vehicle without valid vehicle authorisation**

12 (1) A person commits an offence if —

13 (a) the person drives a vehicle for use in providing a
14 passenger transport service; and

15 (b) the vehicle is not authorised under this Part to be
16 operated for use in providing that category of passenger
17 transport service.

18 Penalty for this subsection: a fine of \$12 000.

19 (2) A person does not commit an offence under subsection (1) if —

20 (a) an interstate vehicle authorisation is in force in relation
21 to the vehicle; and

22 (b) the person complies with the conditions of that
23 authorisation and with the regulations in driving the
24 vehicle for use in providing the passenger transport
25 service; and

26 (c) the driving occurs within the relevant prescribed period
27 for that authorisation.

- 1 (3) A person does not commit an offence under subsection (1) if —
- 2 (a) the vehicle is being driven in place of an authorised
- 3 passenger transport vehicle while the authorised vehicle
- 4 is being repaired and is not in operation; and
- 5 (b) the vehicle licence for the vehicle under the *Road*
- 6 *Traffic (Vehicles) Act 2012* is in force or a vehicle
- 7 licence is not required for the vehicle because of
- 8 section 4(5) of that Act; and
- 9 (c) the vehicle is driven within the period and in accordance
- 10 with the requirements specified in the regulations.
- 11 (4) It is a defence to a charge of an offence under subsection (1) to
- 12 prove that the person charged took reasonable steps to ensure
- 13 that the vehicle was authorised under this Act to be operated for
- 14 use in providing the category of passenger transport service
- 15 provided.
- 16 (5) It is a defence to a charge of an offence under subsection (1) for
- 17 a person to prove that —
- 18 (a) the vehicle was not authorised under this Part to be
- 19 operated for use in providing a passenger transport
- 20 service because the vehicle licence for the vehicle was
- 21 of no effect under the *Road Traffic (Vehicles) Act 2012*
- 22 section 16 because the owner was disqualified under the
- 23 *Fines, Penalties and Infringement Notices Enforcement*
- 24 *Act 1994* section 19 or 43 from holding or obtaining a
- 25 vehicle licence; and
- 26 (b) the person did not know and could not reasonably be
- 27 expected to have known of the circumstances referred to
- 28 in paragraph (a).

29 **122. Operating vehicle without valid vehicle authorisation**

- 30 (1) A person commits an offence if —
- 31 (a) the person operates a vehicle for use in providing a
- 32 passenger transport service; and

- 1 (b) the vehicle is not authorised under this Part to be
2 operated for use in providing that category of passenger
3 transport service.

4 Penalty for this subsection:

- 5 (a) for an individual, a fine of \$12 000;
6 (b) for a body corporate, a fine of \$60 000.

7 (2) A person commits an offence if —

- 8 (a) the person —
9 (i) causes or permits another person to operate a
10 vehicle for use in providing a passenger transport
11 service; or
12 (ii) is the provider of an on-demand booking service
13 in relation to the operation of the vehicle for use
14 in providing a passenger transport service;

15 and

- 16 (b) the vehicle is not authorised under this Part to be
17 operated for use in providing that category of passenger
18 transport service.

19 Penalty for this subsection:

- 20 (a) for an individual, a fine of \$12 000;
21 (b) for a body corporate, a fine of \$60 000.

22 (3) A person does not commit an offence under subsection (1)
23 or (2) if —

- 24 (a) an interstate vehicle authorisation is in force in relation
25 to the vehicle; and
26 (b) the vehicle is operated in accordance with the conditions
27 of that authorisation and with the regulations; and
28 (c) the operation of the vehicle occurs within the relevant
29 prescribed period for that authorisation.

- 1 (4) A person does not commit an offence under subsection (1)
2 or (2) if —
- 3 (a) the vehicle is being operated to replace an authorised
4 passenger transport vehicle while the authorised vehicle
5 is being repaired and is not in operation; and
- 6 (b) the vehicle licence for the vehicle under the *Road*
7 *Traffic (Vehicles) Act 2012* is in force or a vehicle
8 licence is not required for the vehicle because of
9 section 4(5) of that Act; and
- 10 (c) the vehicle is operated within the period and in
11 accordance with the requirements specified in the
12 regulations.
- 13 (5) It is a defence to a charge of an offence under subsection (1) or
14 (2) to prove that the person charged took reasonable steps to
15 ensure that the vehicle was authorised under this Act to be
16 operated for use in providing the category of passenger transport
17 service provided.
- 18 (6) It is a defence to a charge of an offence under subsection (1)
19 or (2) for a person to prove that —
- 20 (a) the vehicle was not authorised under this Part to be
21 operated for use in providing a passenger transport
22 service because the vehicle licence for the vehicle was
23 of no effect under the *Road Traffic (Vehicles) Act 2012*
24 section 16 because the owner was disqualified under the
25 *Fines, Penalties and Infringement Notices Enforcement*
26 *Act 1994* section 19 or 43 from holding or obtaining a
27 vehicle licence; and
- 28 (b) the person did not know and could not reasonably be
29 expected to have known of the circumstances referred to
30 in paragraph (a).

1 **123. Person must comply with authorisation conditions**

2 A person must not operate an authorised passenger transport
3 vehicle or allow the operation of the vehicle in contravention of
4 the conditions of the passenger transport vehicle authorisation.

5 Penalty:

- 6 (a) for an individual, a fine of \$12 000;
7 (b) for a body corporate, a fine of \$60 000.

8 **Division 3 — Authorisation**

9 **124. Application for authorisation**

10 (1) The following may apply for a passenger transport vehicle
11 authorisation for a vehicle —

- 12 (a) the owner of the vehicle;
13 (b) a person authorised by the owner of the vehicle to apply
14 for authorisation of the vehicle.

15 (2) An application for authorisation is to be made to the CEO.

16 (3) An application must —

- 17 (a) be in the approved form; and
18 (b) contain the information required by the CEO; and
19 (c) state the category or categories of passenger transport
20 service for which the vehicle is to be operated; and
21 (d) be accompanied by the prescribed application fee.

22 (4) The CEO may, by written notice given to the applicant, require
23 the applicant to provide further information relevant to the
24 application that is specified in the notice within the time (being
25 not less than 30 days) specified in the notice.

1 **125. Categories of passenger transport service**

2 The categories of passenger transport service for passenger
3 transport vehicle authorisations are as follows —

- 4 (a) on-demand rank or hail passenger transport service;
5 (b) on-demand charter passenger transport service;
6 (c) regular passenger transport service;
7 (d) tourism passenger transport service;
8 (e) prescribed passenger transport service.

9 **126. Requirements for authorisation of vehicle**

10 The CEO must not grant a passenger transport vehicle
11 authorisation for a vehicle under this Division unless the vehicle
12 meets the requirements specified in the regulations.

13 **127. Grant of authorisation**

14 The CEO may grant a passenger transport vehicle authorisation
15 in relation to a vehicle if the CEO is satisfied that —

- 16 (a) the applicant has complied with the requirements of
17 section 124(3)(a) to (c) and provided the information
18 required under section 124(4); and
19 (b) the requirements of section 126 have been met; and
20 (c) the applicant has paid the prescribed application fee
21 under section 124(3)(d); and
22 (d) the applicant has paid the relevant prescribed
23 authorisation fee for the authorisation within the time for
24 payment required by the CEO.

25 **128. Refusal of authorisation**

- 26 (1) The CEO must refuse to grant a passenger transport vehicle
27 authorisation in relation to a vehicle if another person already
28 holds an authorisation in relation to that vehicle.

1 (2) Without limiting section 127, the CEO may refuse to grant a
2 passenger transport vehicle authorisation in relation to a vehicle
3 if the CEO is satisfied that the applicant is not a fit and proper
4 person to hold the authorisation.

5 (3) The CEO may have regard to any relevant matters in
6 determining whether an applicant is a fit and proper person to
7 hold the authorisation.

8 **129. Conditions of vehicle authorisation**

9 A passenger transport vehicle authorisation is granted subject to
10 the following conditions —

- 11 (a) any conditions imposed under this Act;
12 (b) any conditions that the CEO thinks fit and specifies on
13 the authorisation document or otherwise specifies in
14 writing.

15 **130. Application for variation of conditions**

16 (1) The holder of a passenger transport vehicle authorisation may
17 apply to the CEO for the variation of the conditions of the
18 authorisation imposed by the CEO.

- 19 (2) The application must —
20 (a) be in the approved form; and
21 (b) be accompanied by any documents or other information
22 specified in the approved form; and
23 (c) be accompanied by the prescribed application fee.

24 **131. Variation of conditions**

25 (1) The CEO may vary the conditions of a passenger transport
26 vehicle authorisation imposed by the CEO if the CEO is
27 satisfied that the variation is appropriate in the circumstances.

28 (2) A variation may be made on application under section 130 or on
29 the CEO's own initiative.

1 (3) A variation —

2 (a) must be in writing; and

3 (b) may do any of the following —

4 (i) vary existing conditions;

5 (ii) remove existing conditions;

6 (iii) add new conditions.

7 **132. Application for variation of categories of passenger**
8 **transport service**

9 (1) The holder of a passenger transport vehicle authorisation may
10 apply to the CEO to vary the authorisation —

11 (a) to add a category of passenger transport service in
12 relation to the vehicle; or

13 (b) to remove a category of passenger transport service in
14 relation to the vehicle.

15 (2) The application must —

16 (a) be in the approved form; and

17 (b) be accompanied by any documents or other information
18 specified in the approved form; and

19 (c) be accompanied by the prescribed application fee (if
20 any).

21 **133. Variation of categories of passenger transport service**

22 (1) On an application under section 132, the CEO may vary the
23 passenger transport vehicle authorisation to, as the case
24 requires —

25 (a) remove a category of passenger transport service in
26 relation to the vehicle; or

27 (b) add a category of passenger transport service in relation
28 to the vehicle if the CEO is satisfied that —

29 (i) the requirements of section 132(2) have been
30 met; and

- 1 (ii) the vehicle meets the requirements specified in
2 the regulations.

- 3 (2) A variation must be in writing.

4 **134. Notice of decision to refuse or vary**

- 5 (1) The CEO must give an applicant written notice of a decision
6 under section 127 or 128(1) or (2) to refuse to grant a passenger
7 transport vehicle authorisation.

- 8 (2) The CEO must give the holder of passenger transport vehicle
9 authorisation written notice of a decision —

- 10 (a) to refuse to grant an application under section 130 for
11 the variation of the conditions of the passenger transport
12 vehicle authorisation; or

- 13 (b) to vary the conditions of the passenger transport vehicle
14 authorisation under section 131; or

- 15 (c) to refuse to grant an application under section 132 to
16 vary the passenger transport vehicle authorisation to add
17 or remove a category of passenger transport service.

- 18 (3) A notice may be given under this section in relation to 2 or more
19 vehicles if the decision is made for the same reasons for each
20 vehicle.

- 21 (4) In the case of a relevant decision the notice must state —

- 22 (a) the reasons for the decision; and

- 23 (b) that the person has a right to a review under Part 10.

- 24 (5) In subsection (4) —

25 ***relevant decision*** means a decision —

- 26 (a) to refuse to grant a passenger transport vehicle
27 authorisation —

- 28 (i) because the CEO is not satisfied as to a matter
29 referred to in section 127(a) or (b); or

- 30 (ii) under section 128(2);

- 1 or
- 2 (b) to impose conditions on a passenger transport vehicle
- 3 authorisation under section 129(b); or
- 4 (c) to vary the conditions of a passenger transport vehicle
- 5 authorisation on the CEO's own initiative; or
- 6 (d) to refuse to grant an application to vary the conditions of
- 7 a passenger transport vehicle authorisation; or
- 8 (e) to refuse to grant an application to vary a passenger
- 9 transport vehicle authorisation to add or remove a
- 10 category of passenger transport service.

11 **135. Authorisation document**

- 12 (1) If the CEO grants a passenger transport vehicle authorisation
- 13 under this Division, the CEO must issue an authorisation
- 14 document to the holder of the authorisation.
- 15 (2) The authorisation document must —
- 16 (a) be in the approved form; and
- 17 (b) identify the holder of the passenger transport vehicle
- 18 authorisation; and
- 19 (c) specify the authorisation number; and
- 20 (d) identify the vehicle authorised; and
- 21 (e) specify the category or categories of passenger transport
- 22 service for which the vehicle is authorised to be
- 23 operated.

24 **136. Effect of authorisation**

- 25 (1) A passenger transport vehicle authorisation that specifies that
- 26 the vehicle can be operated for use in providing an on-demand
- 27 rank or hail passenger transport service authorises the operation
- 28 of the vehicle for use in providing that service anywhere in the
- 29 State for the prescribed period.
- 30 (2) A passenger transport vehicle authorisation that specifies that
- 31 the vehicle can be operated for use in providing an on-demand

1 charter passenger transport service authorises the operation of
2 the vehicle for use in providing that service anywhere in the
3 State for the prescribed period.

4 (3) A passenger transport vehicle authorisation that specifies that
5 the vehicle can be operated for use in providing a regular
6 passenger transport service authorises the operation of the
7 vehicle for use in providing that service anywhere in the State
8 for the prescribed period.

9 (4) A passenger transport vehicle authorisation that specifies that
10 the vehicle can be operated for use in providing a tourism
11 passenger transport service authorises the operation of the
12 vehicle for use in providing that service anywhere in the State
13 for the prescribed period.

14 (5) A passenger transport vehicle authorisation that specifies that
15 the vehicle can be operated for use in providing a prescribed
16 passenger transport service authorises the operation of the
17 vehicle for use in providing that service in accordance with the
18 regulations for the prescribed period.

19 **137. Duration of authorisation**

20 (1) A passenger transport vehicle authorisation is granted for the
21 prescribed period.

22 (2) A passenger transport vehicle authorisation may be renewed in
23 accordance with the regulations.

24 (3) A passenger transport vehicle authorisation remains in force
25 until whichever of the following occurs first —

26 (a) it expires;

27 (b) it is cancelled.

28 (4) A passenger transport vehicle authorisation is not in force
29 during any period for which it is suspended.

30 Note for this subsection:

31 See Division 4 for the suspension of a passenger transport vehicle
32 authorisation.

- 1 (5) A passenger transport vehicle authorisation is not in force in
2 relation to a vehicle during any period that the vehicle licence
3 for the vehicle under the *Road Traffic (Vehicles) Act 2012* is not
4 in force.

5 **138. Authorisation not transferable**

6 A passenger transport vehicle authorisation is not transferable.

7 **Division 4 — Suspension or cancellation**

8 **Subdivision 1 — Suspension or cancellation by order**

9 **139. Suspension or cancellation order**

- 10 (1) The CEO may make an order suspending or cancelling a
11 passenger transport vehicle authorisation if —
12 (a) the CEO is no longer satisfied that the vehicle meets the
13 requirements for the grant of the authorisation in
14 section 126; or
15 (b) the holder of the authorisation has failed to comply with
16 any requirements under this Act, including —
17 (i) a condition of the authorisation; and
18 (ii) any duty or obligation imposed on the holder
19 under this Act;
20 or
21 (c) the authorisation was obtained by fraud or
22 misrepresentation; or
23 (d) the CEO is no longer satisfied that the holder of the
24 authorisation is a fit and proper person to hold the
25 authorisation.
26 (2) A suspension order made under subsection (1)(b) or (d) may
27 include a requirement that the holder of the passenger transport
28 vehicle authorisation undertake remedial action.

1 (3) The CEO may, by written notice given to the holder of the
2 passenger transport vehicle authorisation, vary or waive a
3 requirement imposed under subsection (2).

4 (4) An order may be made in relation to 2 or more passenger
5 transport vehicle authorisations on the same grounds.

6 **140. Order may be made even if authorisation suspended**

7 An order may be made under section 139(1) even if the
8 passenger transport vehicle authorisation is already suspended
9 when the order is made.

10 **141. Show cause process**

11 (1) Unless section 142 applies, the CEO must not make an order
12 under section 139(1) unless the CEO has first complied with
13 this section.

14 (2) The CEO must serve notice on the holder of the passenger
15 transport vehicle authorisation to show cause within 30 days
16 why the passenger transport vehicle authorisation should not be
17 suspended or cancelled, as the case may be.

18 (3) If the CEO is not satisfied at the end of the 30-day notice
19 period, the order may be made under section 139(1).

20 (4) The CEO may make an order suspending a passenger transport
21 vehicle authorisation within the 30-day notice period if the CEO
22 considers that the suspension is necessary in the circumstances.

1 **142. Immediate suspension or cancellation**

2 The CEO may make an order under section 139(1) without
3 complying with section 141 if the CEO has reason to believe
4 that the passenger transport vehicle —

- 5 (a) is in a condition that, if driven, is, or may be, a danger to
6 the public; or
7 (b) has been or is being operated in a manner that has
8 caused, or may cause, danger to the public.

9 **143. Notice of suspension order**

10 The CEO must give written notice of a suspension order made
11 under section 139(1) or 141(4) to the holder of the passenger
12 transport vehicle authorisation stating the following —

- 13 (a) that the passenger transport vehicle authorisation is
14 suspended;
15 (b) the day on which the period of suspension commences;
16 (c) the grounds on which the order is made;
17 (d) if the order is made under section 139(1), any remedial
18 action that the holder is required to take under
19 section 139(2);
20 (e) if the order is made under section 139(1)(b) or (d)
21 or 141(4), that the holder has a right to a review under
22 Part 10.

23 **144. Period of suspension**

24 (1) A passenger transport vehicle authorisation subject to a
25 suspension order under section 139(1) is suspended under the
26 order for a period —

- 27 (a) commencing on the day stated in the notice under
28 section 143(b); and
29 (b) ending on the first of the following to occur —
30 (i) the day stated in a notice of revocation of the
31 order under section 145(4)(b);

- 1 (ii) the day on which the authorisation is cancelled
2 under this Act;
- 3 (iii) the day on which the authorisation expires.
- 4 (2) A passenger transport vehicle authorisation subject to a
5 suspension order under section 141(4) is suspended under the
6 order for a period —
- 7 (a) commencing on the day stated in the notice under
8 section 143(b); and
- 9 (b) ending on the first of the following to occur —
- 10 (i) the day on which the authorisation is suspended
11 or cancelled after the end of the 30-day period
12 referred to in section 141;
- 13 (ii) the day stated in a notice of revocation of the
14 order under section 145(4)(b);
- 15 (iii) the day on which the authorisation is otherwise
16 cancelled under this Act;
- 17 (iv) the day on which the authorisation expires.

18 **145. Revocation of suspension order**

- 19 (1) The CEO may at any time revoke a suspension order made
20 under section 139(1) or 141(4).
- 21 (2) The CEO must revoke a suspension order made under
22 section 141(4) as soon as practicable after the end of the 30-day
23 notice period referred to in section 141 if the CEO decides not
24 to make an order under section 139(1).
- 25 (3) The CEO must revoke a suspension order made under
26 section 139(1)(b) or (d) as soon as practicable after the CEO
27 becomes satisfied that —
- 28 (a) if the order includes a requirement under section 139(2)
29 that the holder of the passenger transport vehicle
30 authorisation undertake any remedial action — that
31 action has been undertaken; and

1 (b) the grounds for making the order no longer exist.

2 (4) The CEO must give written notice of a revocation of a
3 suspension order under this section to the holder of the
4 passenger transport vehicle authorisation stating the
5 following —

6 (a) that the suspension of the authorisation has been
7 revoked;

8 (b) the day on which the suspension of the authorisation
9 under the order ends;

10 (c) the reasons for the revocation.

11 **146. Notice of cancellation order**

12 (1) The CEO must give written notice of a cancellation order under
13 section 139(1) to the holder of the passenger transport vehicle
14 authorisation stating the following —

15 (a) that the authorisation is cancelled;

16 (b) the day on which the cancellation takes effect;

17 (c) the grounds on which the order is made;

18 (d) if the order is made under section 139(1)(b) or (d), that
19 the holder has a right to a review under Part 10.

20 (2) A passenger transport vehicle authorisation subject to a
21 cancellation order is cancelled on the day stated in the order.

22 **Subdivision 2 — Automatic cancellation of authorisation**

23 **147. Cancellation of authorisation: cancellation of vehicle licence**

24 A passenger transport vehicle authorisation is cancelled in
25 relation to a vehicle if the vehicle licence is cancelled under the
26 *Road Traffic (Vehicles) Act 2012*.

1 **148. Cancellation of authorisation: transfer of ownership of**
2 **vehicle**

3 (1) This section applies if the ownership of an authorised passenger
4 transport vehicle is transferred to a person other than the holder
5 of the authorisation for the vehicle (the *transferee*).

6 (2) The passenger transport vehicle authorisation for the vehicle is
7 cancelled at the end of the prescribed period after the transfer
8 unless the CEO is notified within that period that the transferee
9 has consented to the holder of the authorisation for the vehicle
10 continuing to be the holder of the authorisation.

11 (3) The notice to the CEO must —

12 (a) be in the approved form; and

13 (b) contain the information required by the CEO.

14 **Subdivision 3 — Cancellation of authorisation on request**

15 **149. Cancellation of authorisation on request**

16 (1) The CEO may cancel a passenger transport vehicle
17 authorisation at the request of the owner of the vehicle or the
18 authorisation holder.

19 (2) The CEO must give written notice of the cancellation of an
20 authorisation to —

21 (a) the owner of the vehicle; and

22 (b) the holder of the passenger transport vehicle
23 authorisation, if the holder is not the owner of the
24 vehicle.

25 (3) The cancellation of a passenger transport vehicle authorisation
26 takes effect at the end of the relevant prescribed period specified
27 in the notice.

1 **Part 7 — Confidentiality and exchange of information**

2 **Division 1 — Interpretation**

3 **150. Terms used**

4 (1) In this Part —

5 ***disclose*** includes to provide, to release and to give access to;

6 ***driver's licence information*** means the following —

7 (a) information about drivers' licences including —

8 (i) details of the persons who have made
9 applications for or in relation to those licences;
10 and

11 (ii) details of the persons who hold or have held
12 those licences; and

13 (iii) information contained in a driver's licence
14 register maintained under the *Road Traffic*
15 (*Authorisation to Drive*) Act 2008;

16 or

17 (b) information about driving authorisations (other than
18 drivers' licences) obtained by the road traffic CEO from
19 an authority of another State or a Territory or another
20 country under a road law;

21 ***infringement notice information*** means information about
22 infringement notices including information about the
23 following —

24 (a) the giving of an infringement notice to a person;

25 (b) the payment of an amount of money in accordance with
26 an infringement notice;

27 (c) the withdrawal of an infringement notice;

28 (d) a matter in relation to which an infringement notice was
29 issued coming before a court for determination;

- 1 (e) the registration of an infringement notice under the
2 *Fines, Penalties and Infringement Notices Enforcement*
3 *Act 1994* Part 3;
- 4 (f) any withdrawal of proceedings under the *Fines,*
5 *Penalties and Infringement Notices Enforcement*
6 *Act 1994* Part 3 in relation to the infringement notice;
- 7 ***interstate passenger transport authority*** means a person,
8 agency or authority of another State or a Territory that
9 administers or performs functions under an interstate passenger
10 transport law;
- 11 ***interstate passenger transport law*** means a law of another State
12 or a Territory that corresponds with this Act or a prescribed law;
- 13 ***law enforcement official*** means a person prescribed, or a person
14 of a class prescribed, by the regulations for the purposes of this
15 definition;
- 16 ***offence information*** means the following —
- 17 (a) details of the following —
- 18 (i) any offence with which a person has been
19 charged, or of which a person has been
20 convicted, in the State;
- 21 (ii) any penalty, suspension, cancellation or
22 disqualification resulting from a conviction
23 referred to in subparagraph (i);
- 24 (b) any details the Commissioner of Police has of the
25 following —
- 26 (i) any offence with which a person has been
27 charged, or of which a person has been
28 convicted, elsewhere than in the State;
- 29 (ii) any penalty, suspension, cancellation or
30 disqualification resulting from a conviction
31 referred to in subparagraph (i);

- 1 ***passenger transport authorisation information*** means —
- 2 (a) information about passenger transport authorisations,
- 3 including the following —
- 4 (i) details of the persons who have made
- 5 applications for or in relation to those
- 6 authorisations;
- 7 (ii) details of the persons who hold or have held
- 8 those authorisations;
- 9 (iii) details of passenger transport vehicles that are
- 10 the subject of an application for an authorisation,
- 11 or that are or were authorised, under Part 6;
- 12 (iv) details of any decision to refuse to grant an
- 13 authorisation;
- 14 (v) details of the suspension or cancellation of any
- 15 authorisation;
- 16 (vi) details of any disqualification from holding or
- 17 obtaining an authorisation;
- 18 (vii) details of charges and convictions for offences
- 19 under this Act;
- 20 (b) infringement notice information relating to alleged
- 21 offences under this Act;
- 22 (c) information relating to whether any of the following is a
- 23 fit and proper person —
- 24 (i) an applicant for a passenger transport service
- 25 authorisation;
- 26 (ii) a person nominated as a responsible officer by an
- 27 applicant for, or the holder of, an on-demand
- 28 booking service authorisation;
- 29 (iii) the holder of a passenger transport service
- 30 authorisation;
- 31 (iv) a responsible officer of the provider of an
- 32 authorised on-demand booking service;

- 1 **relevant authority** means a person prescribed, or of a class
2 prescribed, by the regulations for the purposes of this definition;
- 3 **relevant person** means a person who —
- 4 (a) is an applicant for a passenger transport authorisation; or
- 5 (b) holds or has held a passenger transport authorisation; or
- 6 (c) is a person nominated by, or a close associate of, an
7 applicant for, or the holder of, an on-demand booking
8 service authorisation; or
- 9 (d) is a responsible officer of the provider of an on-demand
10 booking service;
- 11 **road law** has the meaning given in the *Road Traffic*
12 *(Administration) Act 2008* section 4;
- 13 **road traffic CEO** means the CEO as defined in the *Road Traffic*
14 *(Administration) Act 2008* section 4;
- 15 **traffic infringement notice information** means details of the
16 instances in which a person has paid a penalty under an
17 infringement notice under a road law, obtained by the road
18 traffic CEO from the Commissioner of Police under a road law;
- 19 **transport co-ordination CEO** means the Director General as
20 defined in the *Transport Co-ordination Act 1966* section 4(1);
- 21 **vehicle licence information** means the following —
- 22 (a) information about vehicle licences including —
- 23 (i) details of the persons who have made
24 applications for or in relation to those licences;
25 and
- 26 (ii) details of the persons who hold or have held
27 those licences; and
- 28 (iii) information contained in the register of vehicle
29 licences referred to in the *Road Traffic (Vehicles)*
30 *Act 2012*; and
- 31 (iv) details of any defect notices issued in relation to
32 vehicles under the *Road Traffic (Vehicles)*
33 *Act 2012* Part 6 Division 3;

- 1 (b) information about vehicle authorisations (other than
2 vehicle licences) obtained by the road traffic CEO from
3 an authority of another State, a Territory or another
4 country under a road law.

5 **Division 2 — Confidentiality and disclosure of information**

6 **151. Confidentiality**

- 7 (1) A person must not disclose any information provided to the
8 person in the performance of a function under this Act except —
9 (a) in the performance of that function or another function
10 under this Act; or
11 (b) in the performance of a function under the *Transport*
12 *Co-ordination Act 1966* that relates to passenger
13 transport vehicles; or
14 (c) as authorised under this Act or the *Transport*
15 *Co-ordination Act 1966* in relation to a function referred
16 to in paragraph (a) or (b).
17 Penalty for this subsection: imprisonment for 12 months or a
18 fine of \$12 000.
- 19 (2) The CEO may publish de-identified data from time to time to
20 provide information to the public about the performance of the
21 passenger transport industry.
- 22 (3) The CEO may provide unpublished de-identified data on
23 request to any person on payment of the prescribed fee.
- 24 (4) Nothing in this section affects the operation of the *Taxation*
25 *Administration Act 2003* section 114.

1 **152. CEO may provide authorisation information**

2 To assist the provider of an authorised on-demand booking
3 service, the provider of a regular passenger transport service or
4 the provider of an authorised passenger transport vehicle to
5 comply with the provider's safety duties under this Act, the
6 CEO may, on request, advise the provider as to whether or
7 not —

- 8 (a) an improvement notice has been issued under Part 8
9 Division 5 in the prescribed period before the request in
10 relation to the holder of a passenger transport
11 authorisation or a passenger transport vehicle; or
12 (b) a defect notice under the *Road Traffic (Vehicles)*
13 *Act 2012* is in effect in relation to a passenger transport
14 vehicle.

15 **153. Disclosure of authorisation status of driver**

16 The CEO may disclose the authorisation status of a passenger
17 transport driver on the Department's website or to any member
18 of the public or any other person in accordance with the
19 regulations.

20 **154. Disclosure of information about vehicle authorisation**

21 The CEO may disclose the following information about a
22 passenger transport vehicle authorisation on the Department's
23 website or to any member of the public or any other person —

- 24 (a) the authorisation number and number plate of the
25 vehicle;
26 (b) the category of authorisation;
27 (c) whether or not the authorisation is in force;
28 (d) the conditions imposed on the authorisation by the CEO
29 under section 129.

1 **155. Use of and access to information provided under this Part**

2 The CEO may have access to and make use of the following for
3 the purposes of the performance of the CEO's functions under
4 this Act but not for any other purpose —

- 5 (a) information disclosed to or obtained by the CEO under
6 this Part;
- 7 (b) information disclosed to the CEO under the *Road Traffic*
8 *(Authorisation to Drive) Act 2008*;
- 9 (c) information disclosed to or obtained by the Director
10 General under the *Taxi Act 1994*.

11 **156. Use of photographs**

12 The CEO is authorised for the purpose of producing a passenger
13 transport driver authorisation or other identification document
14 for a person required under this Act to use any photograph that
15 was provided by the person —

- 16 (a) under the *Road Traffic (Authorisation to Drive)*
17 *Act 2008* in connection with the grant of a driver's
18 licence or learner's permit to the person; and
- 19 (b) within 10 years before the grant of the authorisation to
20 the person.

21 **Division 3 — Exchange of information**

22 **157. Exchange of information between CEO and Commissioner**
23 **of Police**

24 (1) The CEO must disclose the following information to the
25 Commissioner of Police —

- 26 (a) passenger transport authorisation information;
- 27 (b) any other prescribed information.

- 1 (2) Information disclosed under subsection (1) —
- 2 (a) may be used in the performance of the Commissioner of
- 3 Police's functions under a written law but not for any
- 4 other purpose; and
- 5 (b) may be disclosed by the Commissioner of Police to a
- 6 police officer for use in the performance of the functions
- 7 of that officer under this Act or any other written law
- 8 but not for any other purpose.
- 9 (3) The Commissioner of Police must disclose the following
- 10 information to the CEO —
- 11 (a) offence information about a relevant person;
- 12 (b) any other prescribed information.
- 13 **158. Exchange of information between CEO and road traffic**
- 14 **CEO**
- 15 (1) The CEO must disclose the following information to the road
- 16 traffic CEO —
- 17 (a) passenger transport authorisation information;
- 18 (b) any other prescribed information.
- 19 (2) The road traffic CEO must disclose the following information to
- 20 the CEO —
- 21 (a) driver's licence information about a relevant person;
- 22 (b) vehicle licence information about a relevant person or
- 23 about a passenger transport vehicle or alleged passenger
- 24 transport vehicle;
- 25 (c) traffic infringement notice information about a relevant
- 26 person;
- 27 (d) any other prescribed information.
- 28 (3) Photographs and signatures provided in connection with the
- 29 grant of drivers' licences or driving authorisations must not be
- 30 provided under this section except for the purposes referred to
- 31 in section 156.

1 **159. Exchange of information between CEO and transport**
2 **co-ordination CEO**

3 (1) The CEO must disclose the following information to the
4 transport co-ordination CEO —

- 5 (a) passenger transport authorisation information;
6 (b) any other prescribed information.

7 (2) The transport co-ordination CEO must disclose the following
8 information to the CEO about a relevant person —

- 9 (a) information about any offence with which the relevant
10 person has been charged under the *Transport*
11 *Co-ordination Act 1966*;
12 (b) infringement notice information relating to any
13 infringement notice given to the relevant person for an
14 alleged offence under the *Transport Co-ordination*
15 *Act 1966*;
16 (c) any other prescribed information.

17 (3) The transport co-ordination CEO must disclose to the CEO
18 information about any omnibus or taxi-car licensed under the
19 *Transport Co-ordination Act 1966*.

20 **160. Exchange of information between CEO and relevant**
21 **authority**

22 (1) The CEO may disclose the following information to a relevant
23 authority if the CEO considers that the information is required
24 by the authority for the purposes of the performance of the
25 authority's functions —

- 26 (a) passenger transport authorisation information;
27 (b) any other prescribed information.

28 (2) The CEO may seek from a relevant authority any information
29 that the CEO considers is required for the purposes of the
30 performance of the CEO's functions under this Act.

1 **161. Disclosure of information where agreement is made**

2 The CEO may disclose the following information to a body or
3 person with whom an agreement is made under section 285 if
4 the CEO considers that the information is required for the
5 performance of a function under the agreement —

- 6 (a) passenger transport authorisation information;
7 (b) any information disclosed to the CEO under this
8 Division or by an interstate passenger transport
9 authority;
10 (c) any other prescribed information.

11 **162. Disclosure of information to law enforcement official**

12 The CEO may disclose the following information to a law
13 enforcement official if the CEO considers that the information is
14 required by the official for the purposes of the performance of
15 the official's functions —

- 16 (a) passenger transport authorisation information;
17 (b) any other prescribed information.

18 **163. Disclosure of information to CEO of Public Transport**
19 **Authority**

20 The CEO may disclose passenger transport authorisation
21 information to the chief executive officer of the Public
22 Transport Authority established under the *Public Transport*
23 *Authority Act 2003* to facilitate the provision of effective public
24 transport services in the State.

25 **164. Exchange of information between CEO and interstate**
26 **passenger transport authorities**

- 27 (1) The CEO may disclose passenger transport authorisation
28 information to an interstate passenger transport authority if the
29 CEO considers that the information is required by the authority
30 for the purposes of the performance of its functions.

- 1 (2) If information disclosed under subsection (1) includes
2 information about an offence of which a person has been
3 convicted or an alleged offence for which a person has been
4 given an infringement notice, the CEO must also disclose to the
5 interstate passenger transport authority —
6 (a) any quashing or setting aside of the conviction; or
7 (b) any withdrawal of the infringement notice or the matter
8 coming before a court for determination; or
9 (c) any withdrawal of proceedings under the *Fines,*
10 *Penalties and Infringement Notices Enforcement*
11 *Act 1994* Part 3 in relation to the infringement notice; or
12 (d) anything else known to the CEO concerning the offence
13 or alleged offence the disclosure of which is likely to be
14 favourable to that person.
- 15 (3) The CEO may seek from an interstate passenger transport
16 authority any information that the CEO considers is required for
17 the purposes of the performance of the CEO's functions under
18 this Act.
- 19 **165. Disclosures under this Part free of charge**
20 Subject to section 151(3), a disclosure of information under this
21 Part must be free of charge.

1 **Part 8 — Enforcement**

2 **Division 1 — Authorised officers**

3 **Subdivision 1 — Designation**

4 **166. Authorised officers**

5 (1) For the purposes of this Act, an authorised officer is —

6 (a) a police officer; or

7 (b) a person designated by the CEO under subsection (2).

8 (2) The CEO may designate as an authorised officer a person
9 employed in, or engaged for the purposes of, the Department.

10 (3) The CEO must ensure that each authorised officer designated
11 under subsection (2) is issued with an identity card in the
12 approved form.

13 (4) An authorised officer designated under subsection (2) must —

14 (a) carry the officer's identity card when performing
15 functions under this Act; and

16 (b) if it is practicable to do so, produce the officer's identity
17 card before exercising a power under this Act.

18 (5) In any proceedings, the production of an identity card is
19 evidence of the designation under subsection (2) of the
20 authorised officer to whom the card relates.

21 **Subdivision 2 — General powers**

22 **167. Term used: relevant person**

23 In this Subdivision —

24 ***relevant person*** means —

25 (a) a person who holds or has held an on-demand booking
26 service authorisation or an agent of that person; or

- 1 (b) a person whom an authorised officer suspects on
2 reasonable grounds is or was the provider of an
3 on-demand booking service or an agent of that person;
4 or
- 5 (c) a person who is or was the provider of an associated
6 booking service or an agent of that person; or
- 7 (d) a person whom an authorised officer suspects on
8 reasonable grounds is or was the provider of an
9 associated booking service or an agent of that person; or
- 10 (e) a person who is or was a responsible officer of the
11 provider of an authorised on-demand booking service;
12 or
- 13 (f) a person who is or was an employee of —
14 (i) the provider of an on-demand booking service;
15 or
16 (ii) the provider of an associated booking service;
17 or
- 18 (g) a person who holds or has held a regular passenger
19 transport service authorisation or an agent of that
20 person; or
- 21 (h) a person whom an authorised officer suspects on
22 reasonable grounds is or was the provider of a passenger
23 transport service or an agent of that person; or
- 24 (i) a person who is or was an employee of the provider of a
25 passenger transport service; or
- 26 (j) a person who holds or has held a passenger transport
27 driver authorisation; or
- 28 (k) a person whom an authorised officer suspects on
29 reasonable grounds has driven a vehicle for the purpose
30 of transporting passengers for hire or reward; or
- 31 (l) a person who holds or has held a passenger transport
32 vehicle authorisation or an agent of that person; or

- 1 (m) a person who is or was the owner of a passenger
2 transport vehicle or whom an authorised officer
3 reasonably suspects is or was the responsible person for
4 the vehicle for the purposes of section 174; or
5 (n) a person whom an authorised officer suspects on
6 reasonable grounds is the provider of a passenger
7 transport vehicle or an agent of that person; or
8 (o) a person who is or was an employee of the provider of a
9 passenger transport vehicle.

10 **168. Powers of authorised officers: purposes**

11 An authorised officer may exercise the powers set out in this
12 Subdivision for the following purposes —

- 13 (a) to monitor compliance with this Act;
14 (b) to investigate a suspected contravention of this Act;
15 (c) to investigate whether there are grounds for suspending
16 or cancelling an authorisation granted under this Act.

17 **169. Powers in relation to vehicles**

18 (1) An authorised officer may do all or any of the following in
19 relation to a vehicle —

- 20 (a) stop and detain the vehicle for as long as is reasonably
21 necessary for the exercise of any other power of the
22 authorised officer under this Act;
23 (b) direct the person driving the vehicle to produce for
24 inspection any of the following —
25 (i) the person's driver authorisation document;
26 (ii) the person's driver's licence;
27 (iii) any additional identification document issued to
28 the person, or required to be held or displayed by
29 the person, in accordance with the regulations;
30 (c) direct any person to alight from, or not to enter, the
31 vehicle;

- 1 (d) direct the person driving the vehicle, or any passenger,
2 to —
- 3 (i) give any information that is required; or
4 (ii) answer a question put to the person; or
5 (iii) state the person's name, address and date of
6 birth; or
7 (iv) produce a document or record that is in the
8 person's possession or under the person's
9 control;
- 10 (e) inspect the vehicle and any equipment in or on the
11 vehicle;
- 12 (f) make a still or moving image or recording of the vehicle
13 and anything in or on the vehicle;
- 14 (g) operate a computer or other thing in or on the vehicle;
- 15 (h) make a copy of, take an extract from, download or print
16 out any document or thing;
- 17 (i) seize a document or record and retain it for as long as is
18 reasonably necessary;
- 19 (j) direct the driver of the vehicle, or a person in possession
20 of the vehicle, to give the authorised officer any
21 assistance that the officer reasonably requires for the
22 purposes referred to in section 168.

23 **170. Directions to relevant persons**

24 An authorised officer may do all or any of the following —

- 25 (a) direct a relevant person to —
- 26 (i) give any information that is required; or
27 (ii) answer a question put to the person;
- 28 (b) direct a relevant person to produce a document or record
29 that is in the person's possession or under the person's
30 control;

1 (c) make a copy of, take an extract from, download or print
2 out any document or record produced under
3 paragraph (b);

4 (d) seize a document or record produced under
5 paragraph (b) and retain it for as long as is reasonably
6 necessary.

7 **171. Entry of premises**

8 (1) An authorised officer may, in accordance with subsection (2),
9 enter premises occupied by a relevant person and do all or any
10 of the following at the premises —

11 (a) search the premises;

12 (b) make a still or moving image or recording of the place
13 and anything in or on the place;

14 (c) operate a computer or other thing at the premises;

15 (d) make a copy of, take an extract from, download or print
16 out any document or record;

17 (e) seize a document or record and retain it for as long as is
18 reasonably necessary;

19 (f) direct the occupier of the place, or a person at the place,
20 to give the authorised officer any assistance that the
21 officer reasonably requires for the purposes referred to
22 in section 168.

23 (2) The power to enter premises under subsection (1) must be
24 exercised —

25 (a) with the consent of the occupier; or

26 (b) under an entry warrant issued under Division 2.

1 **172. Requirement to comply with directions**

2 If under section 169, 170 or 171 a person is directed to give any
3 information, answer any question or produce any document or
4 record —

- 5 (a) that person cannot refuse to comply with that direction
6 on the ground that the information, answer, document or
7 record may tend to incriminate the person or render the
8 person liable to any penalty; but
- 9 (b) the information or answer given, or document or record
10 produced, by the person is not admissible in evidence in
11 any criminal proceedings against the person other than
12 proceedings for perjury or for providing false or
13 misleading information under this Act.

14 **173. Assistance to exercise powers**

- 15 (1) An authorised officer may authorise as many other persons to
16 assist in the exercise of the authorised officer's powers under
17 this Subdivision as are reasonably necessary in the
18 circumstances.
- 19 (2) A person so authorised may exercise the power or assist the
20 authorised officer to exercise the power, as the case requires.
- 21 (3) Whether requested to do so or not a person may assist another
22 person to exercise a power under this Subdivision if the person
23 reasonably suspects that the other person —
- 24 (a) is lawfully entitled to exercise the power; and
25 (b) needs assistance for the purpose of doing so.
- 26 (4) A person who under this section is authorised by another person
27 to exercise a power, or is assisting another person to exercise a
28 power, must obey any lawful and reasonable directions of the
29 other person when exercising or assisting to exercise the power.
- 30 (5) If a person, acting under this section, exercises a power in this
31 Subdivision having been authorised by another person to do so,
32 or assists another person to exercise a power in this Subdivision,

1 any enactment that protects the person or the State from liability
2 for the person's acts or omissions is to be taken to operate as if
3 those acts or omissions included the person's acts or omissions
4 when acting under this section.

5 **174. Duty to identify driver or person in charge of vehicle**

6 (1) In this section —
7 **responsible person**, for a vehicle, has the same meaning as it
8 has in the *Road Traffic (Administration) Act 2008* section 4 as if
9 this section were a road law and includes a person to whom
10 possession or control of the vehicle was entrusted at the time of
11 the alleged offence referred to in subsection (2)(a) or (3)(a), as
12 the case may be.

13 (2) A responsible person for a vehicle commits an offence if —
14 (a) an offence under this Act is alleged to have been
15 committed involving the driving of a vehicle; and
16 (b) an authorised officer requests the responsible person to
17 give information that may lead to the identification of
18 the driver or person in charge of the vehicle at the time
19 of the alleged offence; and
20 (c) the responsible person has, or could reasonably have
21 ascertained, the information; and
22 (d) the responsible person, without lawful excuse, fails to
23 give the information.

24 Penalty for this subsection:

25 (a) for an individual —
26 (i) for a first offence, a fine of \$5 000;
27 (ii) for a subsequent offence, a fine of \$10 000;
28 (b) for a body corporate, a fine of \$25 000.

29 (3) A responsible person for a vehicle commits an offence if —
30 (a) an offence under this Act is alleged to have been
31 committed involving the driving of the vehicle; and

1 (b) an authorised officer requests the responsible person to
2 give information that may lead to the identification of
3 the driver or person in charge of the vehicle at the time
4 of the alleged offence; and

5 (c) the responsible person gives false information in
6 response to the request.

7 Penalty for this subsection:

8 (a) for an individual —

9 (i) for a first offence, a fine of \$5 000;

10 (ii) for a subsequent offence, a fine of \$10 000;

11 (b) for a body corporate, a fine of \$25 000.

12 (4) If a person is charged with an offence under subsection (2), the
13 person may be convicted of an offence under section 175.

14 **175. Duty to take reasonable measures to be able to comply with**
15 **identity request**

16 (1) In this section —

17 *identity request* means a request made under this Division for
18 information as to the identity of the person who was driving or
19 in charge of a vehicle at any particular time;

20 *responsible person*, for a vehicle, has the same meaning as it
21 has in the *Road Traffic (Administration) Act 2008* section 4 as if
22 this section were a road law.

23 (2) A responsible person for a vehicle commits an offence if the
24 responsible person fails to take reasonable measures, or make
25 reasonable arrangements, to ensure that if an identity request is
26 made in relation to the vehicle, the responsible person will be
27 able to comply with it.

28 Penalty for this subsection:

29 (a) for an individual —

30 (i) for a first offence, a fine of \$5 000;

31 (ii) for a subsequent offence, a fine of \$10 000;

1 (b) for a body corporate, a fine of \$25 000.

2 **176. Offences**

3 (1) A person must comply with a direction of an authorised officer
4 given under this Part.

5 Penalty for this subsection: a fine of \$5 000.

6 (2) A person must not wilfully hinder or obstruct an authorised
7 officer in the exercise of a function under this Part.

8 Penalty for this subsection: a fine of \$5 000.

9 (3) A person must not provide false information to, or wilfully
10 mislead, an authorised officer exercising a function under this
11 Part.

12 Penalty for this subsection: a fine of \$5 000.

13 (4) A person must not fail to assist an authorised officer in
14 exercising a function under this Part when required to do so.

15 Penalty for this subsection:

16 (a) for an individual, a fine of \$5 000;

17 (b) for a body corporate, a fine of \$25 000.

18 (5) Without limiting subsection (2), a person hinders or obstructs an
19 authorised officer if the person refuses or fails to provide, or
20 obstructs the provision of, an on-demand booking service or
21 on-demand passenger transport service to the authorised officer
22 when sought in the exercise of a function under this Part.

23 **Division 2 — Entry warrants**

24 **177. Terms used**

25 (1) In this Division —

26 *remote communication* means any way of communicating at a
27 distance including by telephone, fax, email and radio.

- 1 (2) A reference in this Division to making an application includes a
2 reference to giving information in support of the application.

3 **178. Application for entry warrant**

- 4 (1) An authorised officer may apply to a JP for an entry warrant
5 authorising the entry of premises for the purposes referred to in
6 section 168.
- 7 (2) The application must be made in accordance with this Division
8 and must include the prescribed information (if any).

9 **179. Application to be in person unless urgent**

- 10 (1) An application must be made in person before a JP unless —
11 (a) the warrant is needed urgently; and
12 (b) the applicant reasonably suspects that a JP is not
13 available within a reasonable distance of the applicant.
- 14 (2) If subsection (1)(a) and (b) apply —
15 (a) the application may be made to the JP by remote
16 communication; and
17 (b) the JP must not grant the application unless satisfied
18 about the matters in subsection (1)(a) and (b).

19 **180. Application to be in writing unless made remotely**

- 20 (1) An application must be made in writing unless —
21 (a) the application is made by remote communication; and
22 (b) it is not practicable to send the JP written material.
- 23 (2) If subsection (1)(a) and (b) apply —
24 (a) the application may be made orally; and
25 (b) the JP must make a written record of the application and
26 any information given in support of it.

1 **181. Application to be on oath unless made remotely**

2 (1) An application must be made on oath unless —

3 (a) the application is made by remote communication; and

4 (b) it is not practicable for the JP to administer an oath to
5 the applicant.

6 (2) If subsection (1)(a) and (b) apply —

7 (a) the application may be made in an unsworn form; and

8 (b) if the JP issues an entry warrant, the applicant must as
9 soon as practicable send the JP an affidavit verifying the
10 application and any information given in support of it.

11 **182. Form of entry warrant made remotely**

12 (1) If on an application made by remote communication a JP issues
13 an entry warrant, the JP must if practicable send a copy of the
14 original warrant to the applicant by remote communication, but
15 otherwise —

16 (a) the JP must send the applicant by remote
17 communication any information that must be set out in
18 the warrant; and

19 (b) the applicant must complete a form of warrant with the
20 information received and give the JP a copy of the form
21 as soon as practicable after doing so; and

22 (c) the JP must attach a copy of the form to the original
23 warrant and any affidavit received from the applicant
24 and make them available for collection by the applicant.

25 (2) The copy of the original warrant sent, or the form of the warrant
26 completed, as the case may be, under subsection (1) has the
27 same force and effect as the original warrant.

1 **183. Evidence obtained inadmissible if section 181(2)(b)**
2 **or 182(1)(b) contravened**

3 If an applicant contravenes section 181(2)(b) or 182(1)(b), any
4 evidence obtained under the entry warrant is not admissible in
5 proceedings in court or in the State Administrative Tribunal.

6 **184. Issue and content of entry warrant**

- 7 (1) On application under section 178, a JP may issue an entry
8 warrant if satisfied that it is necessary for the authorised officer
9 to enter premises for purposes referred to in section 168.
- 10 (2) An entry warrant must contain the following information —
11 (a) the applicant's full name and authorisation;
12 (b) a reasonably particular description of the premises to
13 which it relates;
14 (c) a reasonably particular description of the purposes for
15 which entry is required;
16 (d) if a contravention of this Act is suspected — the
17 provision concerned;
18 (e) the period during which it may be executed, which must
19 not be longer than 30 days;
20 (f) the name of the JP who issued it;
21 (g) the date and time when it was issued.
- 22 (3) An entry warrant must be in the prescribed form.
- 23 (4) If a JP refuses to issue an entry warrant, the JP must record on
24 the application the fact of, the date and time of, and the reasons
25 for, the refusal.

26 **185. Effect of entry warrant**

- 27 (1) An entry warrant has effect according to its content and this
28 section.
- 29 (2) An entry warrant comes into force when it is issued by a JP.

- 1 (3) An entry warrant may be executed by any authorised officer.

2 **Division 3 — Obtaining business records**

3 **186. Terms used**

4 In this Division —

5 ***business*** means any business, including a business of a
6 governmental body or instrumentality or of a local government,
7 or any occupation, trade or calling;

8 ***business record*** means a record prepared or used in the ordinary
9 course of a business for the purpose of recording any matter
10 related to the business;

11 ***order to produce*** means an order issued under section 189.

12 **187. Application of this Division**

13 (1) An order to produce must not be issued under this Division to a
14 person in relation to a business record that relates or may relate
15 to an offence that the person is suspected of having committed.

16 (2) This Division does not prevent an authorised officer from
17 applying for an entry warrant in relation to a business record,
18 whether before or after the issue of an order to produce.

19 **188. Application for order to produce**

20 (1) An authorised officer may apply for an order to produce a
21 business record for the following purposes —

- 22 (a) to investigate a suspected contravention of this Act;
23 (b) to investigate suspected grounds for suspending or
24 cancelling an authorisation granted under this Act.

25 (2) An application for an order to produce must be made to a JP in
26 accordance with Division 2, with any necessary changes.

27 (3) An application for an order to produce a business record
28 must —

- 29 (a) state the applicant's full name and authorisation; and

- 1 (b) state the purpose for which the order is required; and
- 2 (c) set out the prescribed information (if any); and
- 3 (d) state the name of the person to whom the order will
- 4 apply; and
- 5 (e) state that the person is not suspected of having
- 6 committed an offence; and
- 7 (f) describe with reasonable particularity the business
- 8 record or class of business record that the applicant
- 9 wants the person to produce; and
- 10 (g) state the reason the applicant reasonably believes the
- 11 business record or class of business record is relevant to
- 12 the investigation; and
- 13 (h) state whether the original or a copy of the business
- 14 record or class of business record is required.

15 **189. Issue of order to produce**

- 16 (1) On an application made under section 188, a JP may issue an
- 17 order to produce a business record if satisfied that, in relation to
- 18 each of the matters in section 188(1) that the applicant suspects,
- 19 there are reasonable grounds for the applicant to have that
- 20 suspicion.
- 21 (2) An order to produce must contain the following information —
- 22 (a) the applicant's full name and authorisation;
- 23 (b) the name of the person to whom the order applies;
- 24 (c) a reasonably particular description of the business
- 25 record or class of business record to be produced by the
- 26 person;
- 27 (d) an order that the person produce the record or records;
- 28 (e) whether the original or a copy of the record or records is
- 29 required;
- 30 (f) whether a paper, electronic or other version of the record
- 31 or records is required;

- 1 (g) the place where the record or records are to be produced;
2 (h) the date on or before which the order must be obeyed,
3 which must allow a reasonable period for the person to
4 obey the order;
5 (i) the name of the JP who issued it;
6 (j) the date and time when it was issued.

7 (3) An order to produce must be in the prescribed form.

8 (4) If a JP refuses to issue an order to produce, the JP must record
9 on the application the fact of, the date and time of, and the
10 reasons for, the refusal.

11 **190. Service of order to produce**

12 (1) An order to produce must be served on the person to whom it
13 applies as soon as practicable after it is issued.

14 (2) An order to produce may be served by personal service or by
15 post or, with the consent of the person to be served, by email or
16 fax or in some other way agreed with the person.

17 **191. Effect of order to produce**

18 (1) An order to produce has effect according to its contents.

19 (2) A person who is served with an order to produce and who,
20 without reasonable excuse, does not obey it commits an offence.

21 Penalty for this subsection:

22 (a) for an individual, a fine of \$5 000;

23 (b) for a body corporate, a fine of \$25 000.

24 **192. Powers in relation to order to produce**

25 (1) An authorised officer to whom a business record is produced
26 under an order to produce may retain it for a reasonable time to
27 determine its evidentiary value.

- 1 (2) An authorised officer to whom a business record is produced
2 may, if necessary to preserve the evidentiary value of the
3 document or to subject it to forensic analysis —
4 (a) seize the document; and
5 (b) whether or not the document is seized, make a forensic
6 analysis of it; and
7 (c) make and retain a copy of it.
- 8 (3) A person who produces a business record in compliance with an
9 order to produce is not liable to any action or remedy by any
10 person at common law for producing that document.

11 **Division 4 — Seizing things and related matters**

12 **Subdivision 1 — Seizing of things**

13 **193. Application**

14 This Subdivision applies to and in relation to the seizing under
15 this Part of a thing.

16 **194. Grounds for seizing things**

17 If this Part provides that an authorised officer may seize a thing,
18 the authorised officer may do so only if the authorised officer
19 reasonably suspects that it is necessary to seize the thing for one
20 or more of the following purposes —

- 21 (a) to prevent it from being concealed, disturbed or lost;
22 (b) to preserve its evidentiary value;
23 (c) to subject it to forensic analysis;
24 (d) to prevent it from being used in the commission of an
25 offence.

1 **195. Records relevant to offence**

- 2 (1) If a record may be seized, the authorised officer authorised to
3 seize it may, if practicable, reproduce the record, whether or not
4 in the same form, and instead seize the reproduction.

5 Example for this subsection:

6 A record on a computer could be reproduced by printing it out on paper
7 or copying it to a data storage device and the paper or data storage
8 device could then be seized.

- 9 (2) If a record is seized, the authorised officer authorised to seize it
10 may copy or take extracts from the record.

- 11 (3) If a record is seized and a relevant person so requests, the
12 authorised officer must —

13 (a) if it is reasonably practicable to do so, give a copy of the
14 record to the person as soon as practicable after it is
15 seized; or

16 (b) unless the authorised officer reasonably suspects that
17 doing so will jeopardise the evidentiary value of the
18 record, allow the person to inspect the record and to
19 make and keep a copy of it.

- 20 (4) In subsection (3) —

21 *relevant person* means a person —

22 (a) who appears entitled to possession of the record; and

23 (b) who does not already have a copy of the record.

24 **196. Seizing of devices and equipment**

25 If a record may be seized, any device or equipment needed to
26 gain access to, recover or reproduce the information in the
27 record, subject to section 194, may also be seized.

28 **197. Powers to facilitate seizing of records**

- 29 (1) An authorised officer may exercise a power under this section
30 for the purpose of seizing a record or exercising a power in
31 section 195(1) or (2).

- 1 (2) An authorised officer may operate any device or equipment,
2 whether seized under section 196 or not —
- 3 (a) that is needed to gain access to, recover, or make a
4 reproduction of, the record; and
- 5 (b) that is possessed by the person from whom the record
6 may be seized.
- 7 (3) If an authorised officer reasonably suspects that a relevant
8 person knows how to gain access to or operate the device or
9 equipment, the authorised officer may direct the relevant person
10 to provide any information or assistance that is reasonable and
11 necessary to enable the authorised officer to seize the record or
12 exercise the power.
- 13 (4) In subsection (3) —
- 14 **relevant person** means —
- 15 (a) the person from whom the record may be seized; or
- 16 (b) an employee (whether under a contract of service or a
17 contract for services) of that person.
- 18 **198. List of seized things to be supplied on request**
- 19 (1) If an authorised officer seizes any thing, the following persons
20 may ask the authorised officer for a list of what was seized —
- 21 (a) the person who had custody or control of the thing
22 before it was seized;
- 23 (b) the occupier of the premises where it was seized.
- 24 (2) The authorised officer must comply with the request within a
25 reasonable time after it is made.
- 26 (3) If it is not reasonably practicable to list all the things seized
27 because they are too numerous, the list may give a general
28 description of the things that contains as much detail as is
29 reasonably practicable.

- 1 (4) This section does not apply in relation to a record if under
2 section 195 a copy of the record was seized or given to the
3 person making the request.

4 **Subdivision 2 — Procedure on seizure of privileged material**

5 **199. Terms used**

6 In this Subdivision —

7 ***court*** means the Magistrates Court;

8 ***privileged*** means privileged because of either or both of the
9 following —

- 10 (a) legal professional privilege;
11 (b) public interest privilege.

12 **200. Seizure or production of privileged material**

13 A record that is seized under this Part or that is produced under
14 an order to produce a business record issued under section 189
15 must be dealt with in accordance with this Subdivision if —

- 16 (a) a person entitled to possession of the record claims that
17 all or some of the information in it is privileged; or
18 (b) the authorised officer seizing the record or to whom it is
19 produced reasonably suspects that all or some of the
20 information in it is privileged.

21 **201. Record to be secured**

22 The record must be secured in a manner —

- 23 (a) that prevents it from being concealed, disturbed or lost;
24 and
25 (b) that preserves its evidentiary value; and
26 (c) that prevents access to the information in it by any
27 person who would not be entitled to access to the
28 information if it were privileged.

1 **202. Application to court**

2 (1) The authorised officer in charge of the investigation must apply
3 to the court to decide whether the information is privileged and
4 must deliver the record into the custody of the court.

5 (2) The application must be made in accordance with rules of court
6 and must be served on the person entitled to possession of the
7 record or, if the identity or whereabouts of the person is
8 unknown, on any person directed by the court to be served.

9 (3) The application may, if the court thinks fit, be heard in private.

10 (4) The applicant and any person entitled to possession of the
11 record are entitled to be heard on the application.

12 **203. Decision of court**

13 (1) For the purpose of deciding the application the court may have
14 access to all of the information in the record.

15 (2) If the court decides that all of the information is not privileged,
16 the court must make the record available to be collected by the
17 applicant.

18 (3) If the court decides that all of the information is privileged, the
19 court must make the record available to be collected by the
20 person from whom it was seized.

21 (4) If the court decides that some of the information is privileged,
22 the court must make orders to enable the applicant to have
23 access to the information in the record that is not privileged.

24 **204. Forensic examination on record**

25 (1) This section applies if —

26 (a) the court decides under section 203 that all or some of
27 the information is privileged; and

28 (b) the applicant has applied to be permitted to do a forensic
29 examination on the record.

- 1 (2) The court must make orders that enable the forensic
2 examination to be done on the record and to ensure that any
3 information in it that is privileged remains privileged.

4 **205. Ancillary orders**

5 After making a decision under section 203, the court may make
6 any orders it thinks fit —

- 7 (a) as to costs; and
8 (b) as to securing the record or suspending the operation of
9 any orders made under this section, until an appeal
10 against the determination is commenced and dealt with.

11 **206. Proceedings part of criminal jurisdiction**

12 Proceedings under this Subdivision are part of the court's
13 criminal jurisdiction.

14 **207. Appeals**

15 Subject to the *Criminal Appeals Act 2004* Part 2, an appeal lies
16 against a decision made by the court under this Subdivision.

17 **Subdivision 3 — Return or disposal of seized things**

18 **208. Return or disposal of seized things**

- 19 (1) The CEO may authorise the return of any thing seized under this
20 Part to —
21 (a) the owner or person entitled to the possession of the
22 thing; or
23 (b) the person from whom the thing was seized.
24 (2) The CEO may dispose of any thing seized under this Part if —
25 (a) the CEO has taken reasonable steps to return the thing to
26 a person; and

- 1 (b) any of the following applies —
- 2 (i) the CEO has been unable to locate the person,
- 3 despite making reasonable efforts;
- 4 (ii) the person has refused to take possession of the
- 5 thing;
- 6 (iii) the CEO has contacted the person about the
- 7 return of the thing and the person has not refused
- 8 to take possession of the thing but has not taken
- 9 possession of the thing within 1 month of the
- 10 contact.
- 11 (3) The CEO may dispose of the thing in any manner the CEO
- 12 thinks appropriate.

13 **Division 5 — Improvement notices**

14 **209. Issue of improvement notices**

- 15 (1) This section applies if an authorised officer reasonably believes
- 16 that a person —
- 17 (a) is contravening a provision of this Act; or
- 18 (b) has contravened a provision of this Act in circumstances
- 19 that make it likely that the contravention will be
- 20 continued or repeated.
- 21 (2) The authorised officer may, by giving written notice to a person,
- 22 issue an improvement notice requiring the person to —
- 23 (a) remedy the contravention; or
- 24 (b) prevent a likely contravention from occurring; or
- 25 (c) remedy the things or operations causing the
- 26 contravention or likely contravention.

1 **210. Contents of improvement notices**

2 (1) An improvement notice must state —

3 (a) that the authorised officer believes that the person —

4 (i) is contravening a provision of this Act; or

5 (ii) has contravened a provision of this Act in
6 circumstances that make it likely that the
7 contravention will be continued or repeated;

8 and

9 (b) the provision that the authorised officer believes is being
10 or has been contravened; and

11 (c) briefly, how the provision is being or has been
12 contravened; and

13 (d) the day by which the person must comply with the
14 requirements of the notice.

15 (2) An improvement notice must state that the person has a right to
16 a review under Part 10.

17 (3) An improvement notice may include directions concerning the
18 measures to be taken to remedy the contravention or prevent the
19 likely contravention or the matters or activities causing the
20 contravention or the likely contravention to which the notice
21 relates.

22 (4) An improvement notice may include directions prohibiting or
23 restricting a person from driving a vehicle to transport
24 passengers for hire or reward or prohibiting or restricting the
25 use of a passenger transport vehicle or any other activity until
26 the measures required to remedy a contravention or prevent a
27 likely contravention have been taken.

28 (5) The measures referred to in subsection (3) may include a
29 requirement that the measures be taken to the satisfaction of an
30 authorised officer.

31 (6) The day stated for compliance with the improvement notice
32 must be reasonable in all the circumstances.

1 **211. Compliance with improvement notice**

- 2 (1) The person to whom an improvement notice is issued must
3 comply with the notice within the period stated in the notice or
4 that time as extended under section 212.

5 Penalty for this subsection:

- 6 (a) for an individual, a fine of \$5 000;
7 (b) for a body corporate, a fine of \$25 000.

- 8 (2) A person must not drive a vehicle for the purpose of
9 transporting passengers for hire or reward or allow a vehicle to
10 be driven for that purpose if the driving of the vehicle is
11 prohibited under an improvement notice.

12 Penalty for this subsection:

- 13 (a) for an individual, a fine of \$12 000;
14 (b) for a body corporate, a fine of \$60 000.

15 **212. Extension of time for compliance with improvement notice**

- 16 (1) In this section —

17 ***compliance period*** means the period ending on the day stated in
18 an improvement notice by which a person is to comply with the
19 requirements of the notice and includes that period as extended
20 by this section.

- 21 (2) This section applies if a person has been issued with an
22 improvement notice.

- 23 (3) An authorised officer may, by written notice given to the
24 person, extend the compliance period for the improvement
25 notice.

- 26 (4) However, the authorised officer may extend the compliance
27 period only if the period has not ended.

1 **213. Affixing sticker to vehicle**

- 2 (1) This section applies if an improvement notice is issued in
3 relation to a vehicle, including a notice that includes directions
4 referred to in section 210(3).
- 5 (2) An authorised officer may affix, in a conspicuous place on the
6 vehicle, a sticker in a form approved by the CEO indicating that
7 an improvement notice has been issued in relation to the
8 vehicle.
- 9 (3) A person must not remove a sticker affixed on a vehicle under
10 subsection (2) until —
11 (a) the improvement notice is complied with; or
12 (b) an authorised officer permits the removal of the sticker.
13 Penalty for this subsection: a fine of \$5 000.
- 14 (4) Subsection (3) does not apply to a person who is repairing the
15 vehicle if —
16 (a) it is reasonably necessary to remove the sticker to rectify
17 a defect specified in the improvement notice; and
18 (b) the person re-affixes the undamaged sticker to the
19 vehicle when the defect has been rectified; and
20 (c) the vehicle is not driven on a road until the undamaged
21 sticker has been re-affixed.

22 **Division 6 — Controlled operations**

23 **214. Term used: controlled operation**

24 In this Division —

25 ***controlled operation*** means an operation carried out under this
26 Division —

- 27 (a) to monitor compliance with this Act; or
28 (b) to investigate —
29 (i) a suspected contravention of this Act; or

- 1 (ii) whether there are grounds for suspension or
2 cancellation of a passenger transport
3 authorisation because the holder of the
4 authorisation is not a fit and proper person; or
5 (iii) whether there are grounds for suspension or
6 cancellation of an on-demand booking service
7 authorisation because a responsible officer of the
8 provider of the on-demand booking service is not
9 a fit and proper person.

10 **215. Controlled operations officers**

- 11 (1) The CEO may authorise a person employed in, or engaged for
12 the purposes of, the Department to be a controlled operations
13 officer for the purpose of a controlled operation.
14 (2) The identity or purpose of a controlled operations officer may,
15 for the time being, be concealed or misrepresented for the
16 purpose of a controlled operation.

17 **216. Controlled operations**

- 18 (1) A controlled operation is to be conducted under the direction of
19 an authorised officer using one or more controlled operations
20 officers.
21 (2) Subject to subsection (3), a controlled operations officer may
22 take any or all of the actions specified in the authorisation given
23 by the CEO in accordance with subsection (4) for the purpose of
24 the controlled operation.
25 (3) Subsection (2) does not permit the taking of an action that
26 involves inducing or encouraging another person to engage in
27 criminal activity of a kind that the other person could not
28 reasonably have been expected to engage in unless so induced
29 or encouraged.
30 (4) For the purposes of this section, the CEO may authorise the
31 following actions in relation to any vehicle or vehicles that are
32 authorised as passenger transport vehicles or that are operated or

1 suspected by the authorised officer or the controlled operations
2 officer of being operated for the purpose of transporting
3 passengers for hire or reward —

- 4 (a) entry and travel in the vehicle;
5 (b) booking a journey in the vehicle;
6 (c) paying for a journey in the vehicle;
7 (d) any action that is ancillary to an action referred to in
8 paragraphs (a), (b) and (c).

9 (5) An authorisation under subsection (4) does not have to identify
10 the passenger transport vehicle or vehicles.

11 (6) If a controlled operations officer takes any action that is
12 specified in the authorisation given by the CEO for the purpose
13 of the controlled operation, the controlled operations officer, the
14 CEO and the authorised officer directing the operation do not
15 commit an offence and are not liable to an offence committed
16 by another person.

17 (7) If a controlled operations officer takes any action that is
18 specified in the authorisation given by the CEO for the purpose
19 of the controlled operation, the controlled operations officer's
20 evidence in any proceedings against a person in connection with
21 which the controlled operations officer took the action is not the
22 evidence of an accomplice.

23 **217. Reports of controlled operations**

24 The CEO must, when requested to do so, give the Minister a
25 written report containing any particulars of a controlled
26 operation that the Minister requires.

Division 7 — Offences

218. Liability of officers of body corporate for offence by body

(1) In this section —

officer, in relation to a body corporate, has the meaning given in the *Corporations Act 2001* (Commonwealth) section 9.

(2) This section applies to —

(a) a provision listed in the Table; or

(b) a provision of the regulations that is prescribed for the purposes of this section.

Table

s. 27(1)	s. 28
s. 56(1)	s. 57
s. 58	s. 91(1)
s. 93	s. 122(1) and (2)
s. 123	s. 151(1)
s. 174(2) and (3)	s. 175(2)
s. 191(2)	s. 211(1) and (2)
s. 288	

(3) If a body corporate is guilty of an offence to which this section applies, an officer of the body corporate is also guilty of the offence if the officer failed to take all reasonable steps to prevent the commission of the offence by the body corporate.

- 1 (4) In determining whether things done or omitted to be done by the
2 officer constitute reasonable steps, a court must have regard
3 to —
- 4 (a) what the officer knew, or ought to have known, about
5 the commission of the offence by the body corporate;
6 and
- 7 (b) whether the officer was in a position to influence the
8 conduct of the body corporate in relation to the
9 commission of the offence; and
- 10 (c) any other relevant matter.

11 **219. Further provisions relating to liability of officers of body**
12 **corporate**

- 13 (1) Section 218 does not affect the liability of a body corporate for
14 any offence.
- 15 (2) Section 218 does not affect the liability of an officer, or any
16 other person, under Chapters II, LVII, LVIII and LIX of
17 *The Criminal Code*.
- 18 (3) An officer of a body corporate may be charged with, and
19 convicted of, an offence in accordance with section 218 whether
20 or not the body corporate is charged with, or convicted of, the
21 principal offence committed by the body corporate.
- 22 (4) If an officer of a body corporate who is charged with an offence
23 in accordance with section 218 claims that the body corporate
24 would have a defence if it were charged with the offence —
- 25 (a) the onus of proving the defence is on the officer; and
26 (b) the standard of proof required is the standard that would
27 apply to the body corporate in relation to the defence.
- 28 (5) Subsection (4) does not limit any other defence available to the
29 officer.

1 **220. When prosecution can be commenced**

2 (1) A prosecution of a person for an offence under this Act, other
3 than an offence prescribed under the regulations as an offence to
4 which subsection (2) applies, must be commenced within
5 2 years after the date on which the offence was allegedly
6 committed.

7 (2) A prosecution of a person for an offence prescribed under the
8 regulations for the purposes of this subsection, must be
9 commenced within 12 months after the date on which the
10 offence was allegedly committed.

11 (3) This section does not apply to an offence under section 21 or 22.

12 **Division 8 — Evidentiary provisions**

13 **221. Evidentiary certificates: records and authorisation**

14 (1) A certificate may be issued under this section for any of the
15 following purposes —

16 (a) a prosecution for an offence under any written law;

17 (b) any legal proceedings under this Act;

18 (c) to verify the accuracy of information provided to an
19 interstate passenger transport authority under Part 7.

20 (2) The CEO may issue a certificate stating that a fact specified in
21 the certificate appears in or is derived from a register or record
22 kept by the CEO under this Act.

23 (3) The CEO may issue a certificate stating any of the following —

24 (a) that on a specified date or during a specified period a
25 person was or was not authorised as —

26 (i) the provider of an on-demand booking service;
27 or

28 (ii) the provider of a regular passenger transport
29 service; or

30 (iii) a passenger transport driver; or

- 1 (iv) the provider of a passenger transport vehicle;
- 2 (b) that on a specified date a specified passenger transport
- 3 authorisation was or was not granted, renewed, varied,
- 4 suspended or cancelled;
- 5 (c) that on a specified date a vehicle was or was not
- 6 authorised as a passenger transport vehicle in relation to
- 7 a specified category of passenger transport service.
- 8 (4) The CEO may issue a certificate stating any of the following —
- 9 (a) that a person named in the certificate was, at the time or
- 10 during the period specified in the certificate, a person
- 11 authorised under section 215 to act as a controlled
- 12 operations officer;
- 13 (b) that a person named in the certificate was, at the time or
- 14 during the period specified in the certificate, authorised
- 15 under section 216(4) to take an action specified in the
- 16 certificate.
- 17 (5) A certificate purporting to be issued under this section is
- 18 evidence and, in the absence of evidence to the contrary, proof
- 19 of any fact stated in the certificate.
- 20 **222. Evidentiary certificates: specific matters**
- 21 (1) A certificate may be issued under this section for the following
- 22 purposes —
- 23 (a) any legal proceedings under this Act;
- 24 (b) to verify the accuracy of information provided to an
- 25 interstate passenger transport authority under Part 7.
- 26 (2) The CEO or a person authorised by the CEO may issue a
- 27 certificate stating —
- 28 (a) that on a specified date or during a specified period, a
- 29 specified passenger transport authorisation was subject
- 30 to specified conditions; or

- 1 (b) that on a specified date or during a specified period, a
2 specified regular passenger transport authorisation
3 applied to specified routes or within specified areas; or
- 4 (c) that on a specified date or during a specified period, a
5 specified passenger transport vehicle authorisation
6 applied to a specified category of passenger transport
7 service; or
- 8 (d) that on a specified date a person was disqualified from
9 holding or obtaining an on-demand booking service
10 authorisation or a passenger transport driver
11 authorisation for a specified period; or
- 12 (e) that a specified exemption granted under this Act did or
13 did not apply to a specified person or a specified vehicle
14 at a specified time; or
- 15 (f) that a specified requirement imposed under this Act did
16 or did not apply to a specified person or a specified
17 vehicle at a specified time; or
- 18 (g) that a specified person had or had not notified the CEO
19 of a change of address; or
- 20 (h) that a specified document was or was not lodged, or a
21 specified fee was or was not paid, by a specified person.
- 22 (3) A certificate purporting to be issued under this section is
23 evidence and, in the absence of evidence to the contrary, proof
24 of any fact stated in the certificate.

25 **223. Proof of certain matters not required in legal proceedings**

- 26 (1) In the absence of evidence to the contrary, proof is not required
27 in any legal proceedings under this Act of the fact that the
28 defendant is, or at any relevant time was, the owner of any
29 vehicle in question or a responsible person (as defined in
30 section 174(1)) for that vehicle.
- 31 (2) In the absence of evidence to the contrary, proof is not required
32 in any proceedings for an offence under this Act, that the person

1 by whom the prosecution was commenced was authorised to
2 commence the prosecution.

3 **224. Proof of appointments and signatures unnecessary**

4 (1) In this section —

5 ***office holder*** means —

- 6 (a) the CEO; or
7 (b) a controlled operations officer.

8 (2) For the purposes of this Act it is not necessary to prove the
9 appointment or authorisation of an office holder.

10 (3) For the purposes of this Act a signature purporting to be the
11 signature of an office holder or an authorised officer is evidence
12 of the signature it purports to be.

13 **Division 9 — Infringement notices and the *Criminal Procedure***
14 ***Act 2004***

15 **225. Infringement notices and the *Criminal Procedure Act 2004***

16 (1) If this Act is a prescribed Act for the purposes of the *Criminal*
17 *Procedure Act 2004* Part 2, this section applies in relation to the
18 service of an infringement notice under that Part by an
19 authorised officer in relation to an alleged offence under this
20 Act and the effect of that Part.

21 (2) The infringement notice must be served within —

- 22 (a) 21 days after the authorised officer forms the opinion
23 that there is sufficient evidence to support the allegation
24 of the offence; and
25 (b) 6 months after the alleged offence is believed to have
26 been committed.

27 (3) The *Criminal Procedure Act 2004* sections 11 to 13 do not
28 apply to an alleged offence under this Act.

- 1 (4) The payment of the whole or part of a modified penalty under
2 an infringement notice for an alleged offence under this Act
3 may be taken into account by the CEO as if it were a conviction
4 of the offence in determining whether a person is a fit and
5 proper person —
- 6 (a) to be the holder of a passenger transport authorisation;
7 or
8 (b) to be a responsible officer of the provider of an
9 on-demand booking service.
- 10 (5) The *Criminal Procedure Act 2004* Part 2 is modified to the
11 extent necessary to give effect to this section.

**Part 9 — Voluntary buyback and adjustment
assistance payment schemes and levy**

Division 1 — Voluntary buyback payment

226. Terms used

(1) In this Division —

area restricted plates means taxi plates used or to be used on a taxi operated subject to conditions restricting the operation of the taxi to specified areas;

conventional taxi plates means taxi plates used, or to be used, on a taxi except —

(a) a taxi operated subject to conditions restricting the operation of the taxi to specified peak times or areas; and

(b) a multi-purpose taxi;

eligible former owner, of taxi plates, means a person who —

(a) was the owner, or had an interest in the ownership, of the taxi plates on or after 1 January 2016; and

(b) was not the owner, and did not hold an interest in the ownership, of the taxi plates on 2 November 2017;

eligible owner (buyback), of taxi plates, means a person who —

(a) is the owner, or has an interest in the ownership, of the taxi plates; and

(b) was the owner, or had an interest in the ownership, of the taxi plates on 2 November 2017;

floor payment means —

(a) in relation to conventional taxi plates — \$100 000; or

(b) in relation to MPT plates — \$100 000; or

(c) in relation to area restricted plates — \$40 000; or

(d) in relation to peak period plates — \$28 000;

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- 1 ***GST*** has the meaning given in the *A New Tax System (Goods*
2 *and Services Tax) Act 1999* (Commonwealth);
- 3 ***Hardship Fund*** means the Hardship Fund established by the
4 Government for the taxi industry in 2016;
- 5 ***Hardship Fund payment*** means a payment from the Hardship
6 Fund;
- 7 ***MPT plates*** means taxi plates used on a multi-purpose taxi;
- 8 ***multi-purpose taxi*** means a taxi that is intended principally for
9 the transport of persons who have a disability and any
10 wheelchairs or other aids required by those persons;
- 11 ***net loss***, associated with taxi plates, has the meaning given in
12 section 227;
- 13 ***outstanding fees*** means fees prescribed for the purposes of the
14 *Taxi Act 1994* section 19(1) or 24 that are payable and have not
15 been paid;
- 16 ***peak period plates*** means taxi plates used, or to be used, on a
17 taxi operated subject to conditions restricting the operation of
18 the taxi to peak times;
- 19 ***plate purchase amount***, of taxi plates, or an interest in taxi
20 plates, has the meaning given in section 228;
- 21 ***taxi*** means a vehicle that is used for the purpose of standing or
22 plying for hire, or otherwise for the carrying of passengers for
23 reward, but does not include a taxi-car or omnibus licensed
24 under the *Transport Co-ordination Act 1966*;
- 25 ***taxi plates*** means a set of taxi number plates issued or acquired
26 under the *Taxi Act 1994* but does not include taxi plates held
27 under a lease within the meaning of that Act.
- 28 (2) In this Division a reference to the purchase or sale of taxi plates
29 includes a reference to the purchase or sale of an interest in taxi
30 plates.
- 31 (3) In this Division a reference to the owner of taxi plates includes a
32 reference to the estate of a deceased owner of taxi plates.

1 (4) In this Division a reference to taxi plates does not include taxi
2 plates surrendered under an agreement under the *Taxi Act 1994*
3 section 30I.

4 **227. Net loss**

5 (1) In this Division, ***net loss***, in relation to conventional taxi plates
6 and MPT plates, means the plate purchase amount of the plates
7 less the sum of the following —

- 8 (a) \$355 multiplied by the number of weeks between the
9 date of purchase of the plates and 31 December 2015;
10 (b) \$225 multiplied by the number of weeks the taxi plates
11 were owned between 1 January 2016 and
12 2 November 2017;
13 (c) the amount of any adjustment assistance grant paid in
14 relation to the taxi plates under the *Taxi Act 1994*
15 Part 3A.

16 (2) In this Division, ***net loss***, in relation to area restricted plates,
17 means the plate purchase amount of the plates less the sum of
18 the following —

- 19 (a) \$142 multiplied by the number of weeks between the
20 date of purchase of the plates and 31 December 2015;
21 (b) \$90 multiplied by the number of weeks the taxi plates
22 were owned between 1 January 2016 and
23 2 November 2017;
24 (c) the amount of any adjustment assistance grant paid in
25 relation to the taxi plates under the *Taxi Act 1994*
26 Part 3A.

27 (3) In this Division, ***net loss***, in relation to peak period plates,
28 means the plate purchase amount of the plates less the sum of
29 the following —

- 30 (a) \$100 multiplied by the number of weeks between the
31 date of purchase of the plates and 31 December 2015;

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- 1 (b) \$63 multiplied by the number of weeks the taxi plates
2 were owned between 1 January 2016 and
3 2 November 2017;
- 4 (c) the amount of any adjustment assistance grant paid in
5 relation to the taxi plates under the *Taxi Act 1994*
6 Part 3A.
- 7 **228. Plate purchase amount**
- 8 (1) In this Division, ***plate purchase amount*** of taxi plates means —
- 9 (a) unless subsection (5) applies, the purchase price paid for
10 the taxi plates —
- 11 (i) by tender under the *Taxi Act 1994*; or
12 (ii) on transfer under the *Taxi Act 1994*; or
13 (iii) as consideration under an agreement under the
14 *Taxi Act 1994* section 30I;
- 15 or
- 16 (b) if subsection (5) applies, the amount determined under
17 that subsection.
- 18 (2) In this Division, ***plate purchase amount*** of an interest of a
19 person in taxi plates means the amount arrived at after —
- 20 (a) adding together the amount of the original purchase
21 price of the taxi plates apportioned to that interest and
22 the purchase price of any additional interest in the taxi
23 plates the person acquired subsequently; and
- 24 (b) deducting the transfer price of any part of the interests
25 referred to in paragraph (a) that the person has
26 transferred subsequently to another person.
- 27 (3) In this section the purchase price of taxi plates or an interest in
28 taxi plates excludes —
- 29 (a) any duty under the *Duties Act 2008* paid in connection
30 with the transfer of ownership of the taxi plates or the
31 interest; and

1 (b) any input tax credits the purchaser received or is entitled
2 to under the *A New Tax System (Goods and Services*
3 *Tax) Act 1999* (Commonwealth).

4 (4) Subsection (5) applies if the CEO is satisfied that there is
5 insufficient information available to determine the purchase
6 price paid for taxi plates by tender under the *Taxi Act 1994* or
7 on transfer under that Act.

8 (5) The CEO may determine the plate purchase amount for the taxi
9 plates on the basis of the average value (according to records
10 held by the Department) of plate purchases for the year the taxi
11 plates were purchased.

12 **229. Application for buyback payment**

13 (1) An eligible owner (buyback) of taxi plates may apply for a
14 buyback payment in relation to the taxi plates.

15 (2) The application must be made to the CEO in the approved form
16 on or before the prescribed day.

17 (3) If the application is in relation to taxi plates owned by 2 or more
18 eligible owners, the application must be made jointly by the
19 eligible owners.

20 (4) An applicant must provide any additional information that the
21 CEO may require for the proper consideration of the
22 application.

23 (5) The CEO may require any information provided with an
24 application to be verified by statutory declaration.

25 **230. Requirement to grant buyback payment**

26 (1) The CEO must, by written notice, grant a buyback payment in
27 relation to taxi plates if —

28 (a) the applicant, or if a joint application, each applicant, is
29 an eligible owner (buyback) of the taxi plates; and

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- 1 (b) no other buyback payment in relation to the taxi plates
2 has been granted.
- 3 (2) Any right of a person to ownership of taxi plates ceases to exist
4 on the grant of the buyback payment in relation to the taxi
5 plates.
- 6 (3) If the right of a person to ownership of the taxi plates ceases to
7 exist under this section, no compensation is payable by the State
8 to any other person who has an interest in the taxi plates or the
9 use of the taxi plates because the right of ownership of the taxi
10 plates ceases to exist.
- 11 **231. Amount of buyback payment: taxi plates purchased on or**
12 **after 1 January 2016**
- 13 (1) This section applies to determine a buyback payment in relation
14 to taxi plates purchased on or after 1 January 2016.
- 15 (2) Subject to section 233, the buyback payment for the taxi plates
16 is to be determined in accordance with the following formula —
- $BP = A - (B + C)$
- 17 where —
- 18 A is the plate purchase amount for the taxi plates;
- 19 B is any outstanding fees in relation to the taxi plates;
- 20 BP is the buyback payment for the taxi plates;
- 21 C is any Hardship Fund payment paid to an owner of
22 the taxi plates.
- 23 **232. Amount of buyback payment: taxi plates purchased before**
24 **1 January 2016 and held at 2 November 2017**
- 25 (1) This section applies to determine a buyback payment in relation
26 to taxi plates purchased before 1 January 2016 and held at
27 2 November 2017.

1 (2) Subject to section 233, the buyback payment for the taxi plates
2 is to be determined in accordance with the following formula —

$$BP = A - (B + C)$$

3 where —

4 A is the greater of the floor payment for the taxi plates
5 and the net loss associated with the taxi plates;

6 B is any outstanding fees in relation to the taxi plates;

7 BP is the buyback payment for the taxi plates;

8 C is any Hardship Fund payment paid to an owner of
9 the taxi plates.

10 **233. Provisions relating to determining buyback payments**

11 (1) An amount of Hardship Fund payment is to be deducted under
12 section 231 or 232 only to the extent that the deduction results
13 in the buyback payment being reduced to zero.

14 (2) If an amount of Hardship Fund payment has already been
15 deducted for a buyback payment or net loss payment for 1 or
16 more other sets of taxi plates of which an applicant for the
17 buyback payment was an eligible owner (buyback) or an
18 eligible former owner, the Hardship Fund payment referred to in
19 section 231(2) or 232(2) is the balance of the Hardship Fund
20 payment remaining after that deduction or those deductions.

21 (3) If an eligible owner (buyback) of the taxi plates would be liable
22 to pay GST in relation to a buyback payment determined in
23 accordance with section 231(2) or 232(2), the amount of the
24 buyback payment is to be increased by an amount equivalent to
25 the GST liability relevant to the payment.

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- 1 (4) If a joint application is made for a buyback payment in relation
2 to taxi plates and a Hardship Fund payment was paid to one or
3 more of the applicants, the CEO, in determining the buyback
4 payment under section 231 or 232 —
- 5 (a) may apportion the buyback payment among the
6 applicants according to their respective interests without
7 deducting any Hardship Fund payment; and
- 8 (b) may then deduct any Hardship Fund payment from the
9 portion of each person who received the payment to
10 determine the final buyback payment payable to that
11 person.
- 12 **234. Payment of buyback payment**
- 13 (1) The buyback payment in relation to taxi plates is to be paid —
- 14 (a) to the applicant; or
- 15 (b) subject to subsection (2), if the application specifies a
16 person who is to receive the payment on behalf of the
17 eligible owners of the taxi plates — to that person.
- 18 (2) If, under section 233(4), the eligible owners of taxi plates to
19 which a joint application applies are entitled to different
20 amounts of buyback payment, the relevant portion of the
21 buyback payment is to be made to each applicant separately.
- 22 **235. Application for net loss payment**
- 23 (1) An eligible former owner of taxi plates may apply for a net loss
24 payment in relation to the taxi plates.
- 25 (2) The application must be made to the CEO in the approved form
26 on or before the prescribed day.
- 27 (3) The application may be made jointly by 2 or more eligible
28 former owners of the taxi plates.
- 29 (4) An applicant must provide any additional information that the
30 CEO may require for the proper consideration of the
31 application.

- 1 (5) The CEO may require any information provided with an
2 application to be verified by statutory declaration.

3 **236. Requirement to grant net loss payment**

4 The CEO must, by notice in writing, grant an application for a
5 net loss payment in relation to taxi plates if —

- 6 (a) the applicant, or if a joint application, each applicant, is
7 an eligible former owner of the taxi plates; and
8 (b) no other application for a net loss payment in relation to
9 the taxi plates has been granted to the eligible former
10 owner.

11 **237. Amount of net loss payment: taxi plates purchased on or**
12 **after 1 January 2016 and sold before 2 November 2017**

13 (1) This section applies to determine a net loss payment in relation
14 to taxi plates purchased on or after 1 January 2016 and sold
15 before 2 November 2017.

16 (2) Subject to section 239, the net loss payment for the taxi plates is
17 to be determined in accordance with the following formula —

$$\text{NLP} = A - (B + C + D)$$

18 where —

19 A is the plate purchase amount for the taxi plates;

20 B is any outstanding fees in relation to the taxi plates;

21 C is any Hardship Fund payment paid to an owner of
22 the taxi plates;

23 D is the amount received for the sale of the taxi plates,
24 excluding any GST liability incurred in connection
25 with the sale;

26 NLP is the net loss payment for the taxi plates.

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1 **238. Amount of net loss payment: taxi plates purchased before**
2 **1 January 2016 and sold on or after 1 January 2016 and**
3 **before 2 November 2017**

4 (1) This section applies to determine a net loss payment in relation
5 to taxi plates purchased before 1 January 2016 and sold on or
6 after 1 January 2016 and before 2 November 2017.

7 (2) Subject to section 239, the net loss payment for the taxi plates is
8 to be determined in accordance with the following formula —

$$\text{NLP} = A - (B + C + D)$$

9 where —

10 A is the greater of the floor payment for the taxi plates
11 and the net loss associated with the taxi plates;

12 B is any outstanding fees in relation to the taxi plates;

13 C is any Hardship Fund payment paid to an owner of
14 the taxi plates;

15 D is the amount received for the sale of the taxi plates,
16 excluding any GST liability incurred in connection
17 with the sale;

18 NLP is the net loss payment for the taxi plates.

19 **239. Provisions relating to determining net loss payments**

20 (1) An amount of Hardship Fund payment is to be deducted under
21 section 237 or 238 only to the extent that the deduction results
22 in the net loss payment being reduced to zero.

23 (2) If an amount of Hardship Fund payment has already been
24 deducted for a net loss payment or buyback payment for 1 or
25 more other sets of taxi plates of which an applicant for the net
26 loss payment was an eligible former owner or eligible owner
27 (buyback), the Hardship Fund payment referred to in
28 section 237(2) or 238(2) is the balance of the Hardship Fund
29 payment remaining after that deduction or those deductions.

- 1 (3) If the eligible former owner of taxi plates would be liable to pay
2 GST in relation to a net loss payment determined in accordance
3 with section 237(2) or 238(2) the amount of the net loss
4 payment is to be increased by an amount equivalent to the GST
5 liability relevant to the payment.
- 6 (4) If a joint application is made for a net loss payment and a
7 Hardship Fund payment was paid to one or more of the
8 applicants, the CEO, in determining the net loss payment under
9 section 237 or 238 —
- 10 (a) may apportion the net loss payment among the
11 applicants according to their respective interests without
12 deducting any Hardship Fund payment; and
- 13 (b) may then deduct any Hardship Fund payment from the
14 portion of each person who received the payment to
15 determine the final net loss payment payable to that
16 person.
- 17 **240. Payment of net loss payment**
- 18 (1) The net loss payment in relation to taxi plates is to be paid —
19 (a) to the applicant; or
20 (b) subject to subsection (2), if the application specifies a
21 person who is to receive the payment on behalf of the
22 eligible former owners of the taxi plates — to that
23 person.
- 24 (2) If, under section 239(4), the eligible former owners of taxi
25 plates to which a joint application applies are entitled to
26 different amounts of net loss payment, the relevant portion of
27 the net loss payment is to be made to each applicant separately.

1 **Division 2 — On-demand passenger transport levy**

2 **Subdivision 1 — Preliminary**

3 **241. Terms used**

4 In this Division —

5 ***assessment period***, in relation to a prescribed class of
6 on-demand booking service or prescribed class of provider of an
7 on-demand booking service, means the period determined by
8 the CEO for that class of service or provider for the purposes of
9 this Division;

10 ***levy area*** means the area consisting of —

- 11 (a) the metropolitan region as defined in the *Planning and*
12 *Development Act 2005* section 4(1); and
13 (b) the Mandurah local government district; and
14 (c) the Murray local government district;

15 ***levy fare*** means a fare calculated in accordance with the
16 regulations for the purposes of the levy;

17 ***relevant journey*** means a journey that starts and finishes in the
18 levy area (whether or not a part of the journey is carried out
19 outside the levy area).

20 **242. Meaning of terms**

21 The Glossary at the end of the *Taxation Administration*
22 *Act 2003* defines or affects the meaning of some words and
23 expressions used in this Division and also affects the operation
24 of other provisions.

25 **243. Relationship with *Taxation Administration Act 2003***

- 26 (1) The *Taxation Administration Act 2003* is to be read with this
27 Division as if they formed a single Act.
28 (2) The regulations may modify the operation of the *Taxation*
29 *Administration Act 2003* for the purposes of this Division.

1 **Subdivision 2 — On-demand passenger transport levy**

2 **244. Leviable passenger service transactions**

3 (1) The following are leviable passenger service transactions for the
4 purposes of this Division —

5 (a) taking a booking for an on-demand vehicle to be used in
6 providing an on-demand passenger transport service to a
7 person (whether the passenger transport service is to be
8 provided by the provider who takes the booking or
9 another person) for a relevant journey;

10 (b) prescribed passenger service transactions.

11 (2) The regulations may provide that passenger service transactions
12 of a specified kind or by a specified kind of booking service
13 provider are not leviable passenger service transactions.

14 (3) If the provider of an associated booking service takes a booking
15 for an on-demand vehicle to be used in providing an on-demand
16 passenger transport service, the provider of the principal
17 booking service under the association arrangement is, for the
18 purposes of this Division, taken to have taken that booking in
19 place of the provider of the associated booking service.

20 (4) This section does not apply to a booking for a vehicle that is
21 equipped to seat more than 12 adult persons, including the
22 driver of the vehicle.

23 **245. On-demand passenger transport levy**

24 (1) A levy called the on-demand passenger transport levy is payable
25 in relation to leviable passenger service transactions.

26 (2) The levy is payable in accordance with this Division.

1 **246. When levy payable**

2 (1) A person who, during any assessment period (the ***relevant***
3 ***assessment period***), was the provider of an on-demand booking
4 service, is liable to pay, on or before the specified day, the levy
5 calculated in accordance with section 245 in relation to each
6 leviable passenger service transaction by the provider that
7 occurred in the relevant assessment period.

8 (2) In subsection (1) —
9 ***specified day*** means —

- 10 (a) the last day of the following assessment period; or
11 (b) any other day that is specified by the CEO.

12 (3) A day specified by the CEO under subsection (2) must not be
13 earlier than the day on or before which the return for the
14 relevant assessment period is to be provided under section 250.

15 (4) For the purposes of this Division, a leviable passenger service
16 transaction (other than a prescribed passenger service
17 transaction) occurs when the on-demand passenger transport
18 service to which the booking relates is completed.

19 (5) For the purposes of this Division, a prescribed passenger service
20 transaction occurs at the prescribed time.

21 (6) This Division does not apply in relation to any booking made
22 before this Division comes into operation.

23 (7) A person who is liable to pay the levy must pay the levy within
24 the time required under subsection (1).

25 Penalty for this subsection: a fine of \$5 000.

26 **247. Calculation on estimated basis if amount based on actual**
27 **transactions cannot be determined**

28 (1) If it is not reasonably practicable to determine the whole or part
29 of the amount of levy payable based on actual levy fares or
30 leviable passenger service transactions or both during an

1 assessment period, the amount payable may be calculated on an
2 estimated basis in accordance with the regulations.

3 (2) The CEO is to determine whether or not it is reasonably
4 practicable to determine the whole or part of the amount of levy
5 payable based on actual levy fares or leviable passenger service
6 transactions or both during an assessment period.

7 (3) The CEO may issue written guidelines for the purposes of
8 subsection (2) for use by persons who may be liable to pay the
9 levy.

10 **248. Passenger service transactions for which levy is not payable**

11 (1) A person is not liable to pay the levy for taking a booking for an
12 on-demand vehicle to be used in providing an on-demand
13 passenger transport service if —

14 (a) the on-demand passenger transport service is not
15 provided for any reason; or

16 (b) another provider is already liable to pay the levy for
17 taking a booking to provide the service.

18 (2) The taking of a booking for an on-demand vehicle to be used in
19 providing an on-demand passenger transport service to transport
20 more than one passenger, or that results in the passengers being
21 transported to different locations, is taken to be one leviable
22 passenger service transaction unless separate fares are charged.

23 **Subdivision 3 — Miscellaneous**

24 **249. Registration of liable persons**

25 (1) A provider of an on-demand booking service who is liable to
26 pay the levy must apply to the CEO in accordance with this
27 section and the regulations to be registered as a taxpayer for the
28 purposes of this Division.

29 Penalty for this subsection: a fine of \$20 000.

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1 (2) An application is to be in an approved form.

2 (3) The CEO may cancel the registration of a person as a taxpayer
3 for the purposes of this Division if the CEO is satisfied that the
4 person is not, or is no longer, liable to pay the levy.

5 **250. Returns**

6 (1) A person who is registered as a taxpayer for the purposes of this
7 Division, or who is required to apply for registration under
8 section 249, must lodge a return in accordance with the
9 regulations with the CEO for each assessment period.

10 Penalty for this subsection: a fine of \$5 000.

11 (2) The return for an assessment period (the *relevant assessment*
12 *period*) must be lodged on or before —

13 (a) subject to paragraph (b), the last day of the following
14 assessment period; or

15 (b) if another day has been specified by the CEO, that other
16 day.

17 (3) A day specified by the CEO under subsection (2) must not be
18 less than 1 month after the end of the relevant assessment
19 period.

20 **251. Keeping of records**

21 A person who is registered as a taxpayer for the purposes of this
22 Division, or who is required to apply for registration under
23 section 249, must keep —

24 (a) the records that are prescribed for the purposes of this
25 section; and

26 (b) any other records necessary to enable the CEO to
27 determine the person's liability to pay the levy.

28 Penalty: a fine of \$20 000.

1 **252. Information sharing**

- 2 (1) The CEO may enter into an arrangement with the Commissioner
3 of State Revenue for the purpose of sharing information held by
4 either of them that is relevant to liability for or payment of the
5 levy or is otherwise connected with the levy.
- 6 (2) Under an information sharing arrangement, each party to the
7 arrangement is, despite any other provision of this Act or other
8 law of the State, authorised —
- 9 (a) to request and receive information held by the other
10 party to the arrangement; and
- 11 (b) to disclose information to the other party or a person
12 specified in the arrangement, but only to the extent that
13 the information is sought or disclosed to assist in the
14 administration and collection of the levy.
- 15 (3) This section does not limit the operation of any law under which
16 the CEO or the Commissioner of State Revenue is authorised or
17 required to disclose information to another person or body.

18 **253. Functions of CEO**

- 19 (1) The CEO may exercise any functions delegated to the CEO by
20 the Commissioner of State Revenue under the *Taxation*
21 *Administration Act 2003* in relation to this Division.
- 22 (2) A function that is delegated to the CEO under the *Taxation*
23 *Administration Act 2003* in relation to this Division is taken
24 while the delegation is in effect —
- 25 (a) to be a function of the CEO under this Act; and
- 26 (b) not to be a function of the Commissioner of State
27 Revenue under the *Taxation Administration Act 2003* to
28 the extent that it relates to this Division.

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- 1 (3) Nothing in subsection (2)(b) prevents the Commissioner of
2 State Revenue or an investigator under the *Taxation*
3 *Administration Act 2003* from exercising any function under —
4 (a) Part 8 of that Act in relation to this Division; or
5 (b) Part 2 of that Act that is required or convenient to be
6 exercised in relation to the exercise of the functions
7 under Part 8 of that Act in relation to this Division.
- 8 (4) The CEO may delegate any functions delegated to the CEO
9 under the *Taxation Administration Act 2003* in relation to this
10 Division to any person to whom the CEO may delegate a
11 function under section 284.
- 12 (5) Section 284(2) to (5) apply to a delegation under subsection (4)
13 as if it were a delegation under section 284(1).

14 **254. Powers of authorised officers**

- 15 (1) For the purpose of determining liability for the levy and other
16 matters related to the payment or collection of the levy, an
17 authorised officer may exercise the functions conferred by
18 Part 8.
- 19 (2) For the purpose of subsection (1), Part 8 applies as if a reference
20 in that Part to a purpose specified in that Part were a reference
21 to the purpose referred to in subsection (1).

22 **255. Conditions**

23 It is a condition of the authorisation of the provider of an
24 on-demand booking service who is liable to pay the levy that the
25 provider pays the levy in accordance with this Division and the
26 regulations under this Division.

27 **256. Recovery of amounts of fares allocated for levy**

- 28 (1) A person who is liable to pay the levy may give an on-demand
29 driver or other person who collects amounts paid for fares that
30 relate to leviable passenger service transactions reasonable

1 directions as to the collection or payment of any amount of fare
2 allocated for the levy.

3 (2) A person who is liable to pay the levy may recover any amount
4 allocated for the levy in a fare that relates to a leviable
5 passenger service transaction from the on-demand driver or
6 other person who collects amounts paid for those fares.

7 (3) The amount referred to in subsection (2) may be recovered in a
8 court of competent jurisdiction as a debt owing to the person
9 liable to pay the levy.

10 (4) This section applies to the payment or recovery of an amount
11 allocated to the levy in a fare whether the amount of levy
12 payable was calculated on the basis of the actual levy fare or on
13 an estimated basis in accordance with section 247.

14 **257. Cessation of levy**

15 (1) The levy is not payable for any leviable passenger service
16 transaction that occurs on or after the levy repeal day.

17 (2) The Minister may by notice published in the *Gazette* specify the
18 levy repeal day.

19 (3) A notice under this section cannot be amended or revoked after
20 the levy repeal day specified in the notice.

21 **Division 3 — Adjustment assistance grants**

22 **258. Terms used**

23 In this Division —

24 *eligible licensee* means a person who —

25 (a) is the holder of a relevant licence; and

26 (b) obtained the relevant licence —

27 (i) before 17 March 2018; or

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- 1 (ii) on or after 17 March 2018 if the application
2 under the *Transport (Country Taxi-car)*
3 *Regulations 1982* regulation 11(2) for the
4 transfer of the licence to that person was made
5 before that day;

6 **relevant licence** means a licence that —

- 7 (a) was issued under the *Transport Co-ordination Act 1966*
8 Part IIIB to operate a taxi-car in —

9 (i) the Mandurah local government district; or

10 (ii) the Murray local government district;

11 and

- 12 (b) is not a temporary taxi-car licence as defined in the
13 *Transport (Country Taxi-car) Regulations 1982*
14 regulation 4 as in force on the day on which this section
15 comes into operation.

16 **259. Application for adjustment assistance grant**

- 17 (1) An eligible licensee may apply for an adjustment assistance
18 grant in relation to a relevant licence.
- 19 (2) The application must be made to the CEO in the approved form
20 on or before the prescribed day.
- 21 (3) If the application is in relation to a relevant licence held by 2 or
22 more eligible licensees, the application must be made jointly by
23 the eligible licensees.
- 24 (4) An applicant must provide any additional information that the
25 CEO may require for the proper consideration of the
26 application.
- 27 (5) The CEO may require any information provided with an
28 application to be verified by statutory declaration.

1 **260. Requirement to grant adjustment assistance**

2 The CEO must, by written notice, grant an application for
3 adjustment assistance in relation to a relevant licence if —

- 4 (a) the applicant, or if a joint application, each applicant, is
5 an eligible licensee; and
6 (b) no other application for adjustment assistance in relation
7 to the licence has been granted.

8 **261. Amount of adjustment assistance grant**

9 (1) The amount of an adjustment assistance grant is \$10 000.

10 (2) An adjustment assistance grant is to be paid to —

- 11 (a) the applicant; or
12 (b) if the application specifies a person who is to receive the
13 grant on behalf of the eligible licensees of the licence —
14 that person.

15 (3) No more than one adjustment assistance grant may be paid in
16 relation to the same licence.

Part 10 — Review of decisions

262. Term used: Reviewable decisions

In this Division —

reviewable decision means a decision —

(a) to refuse to grant a passenger transport authorisation under —

(i) section 31(1)(a), (b) or (c); or

(ii) section 32(1)(a), (b), (c), (d), (e) or (f); or

(iii) section 96(a) or (b); or

(iv) section 97(1)(b); or

(v) section 127(a) or (b); or

(vi) section 128(2);

or

(b) to impose conditions on an authorisation under section 33(b), 98(1)(b) or 129(b); or

(c) to refuse to grant an application under section 34, 99 or 130 for the variation of conditions of an authorisation; or

(d) to vary the conditions of an authorisation under section 35, 68, 100 or 131 on the CEO's or Minister's own initiative; or

(e) to refuse to grant an application under section 132 to vary a passenger transport vehicle authorisation to add or remove a category of passenger transport service; or

(f) to make a suspension order under —

(i) section 42(1)(a), (b), (d) or (e); or

(ii) section 48(4); or

(iii) section 79(1)(a), (c) or (e); or

(iv) section 81(4); or

(v) section 106(1)(a), (b) or (d); or

-
- 1 (vi) section 107(b); or
 - 2 (vii) section 109(4); or
 - 3 (viii) section 139(1)(b) or (d); or
 - 4 (ix) section 141(4);
 - 5 or
 - 6 (g) to make a cancellation order under —
 - 7 (i) section 42(1)(a), (b), (d) or (e); or
 - 8 (ii) section 79(1)(a), (c) or (e); or
 - 9 (iii) section 106(1)(a), (b) or (d); or
 - 10 (iv) section 139(1)(b) or (d);
 - 11 or
 - 12 (h) to issue an improvement notice under section 209; or
 - 13 (i) that is prescribed for the purposes of this section.
- 14 **263. Reconsideration of reviewable decisions**
- 15 (1) A person aggrieved by a reviewable decision may request the
 - 16 decision-maker in writing to reconsider the decision.
 - 17 (2) A request under subsection (1) must be made within —
 - 18 (a) 28 days after the decision-maker gives the person notice
 - 19 under this Act of the reviewable decision; or
 - 20 (b) a longer period that is allowed by the decision-maker.
 - 21 (3) A request for reconsideration must state the decision that the
 - 22 aggrieved person wants the decision-maker to make after
 - 23 reconsideration of the reviewable decision and outline why the
 - 24 decision-maker should make that decision.
 - 25 (4) Within 28 days after receiving the request, the decision-maker
 - 26 must reconsider the reviewable decision and —
 - 27 (a) confirm the decision; or
 - 28 (b) amend the decision; or
 - 29 (c) set aside the decision and make a new decision.

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- 1 (5) The decision-maker must, in writing, inform the person who
2 made the request —
- 3 (a) of the result of the reconsideration; and
- 4 (b) if the decision-maker does not make the decision sought
5 by the person —
- 6 (i) of the reasons for the decision made on
7 reconsidering the reviewable decision; and
- 8 (ii) that the person may apply to the State
9 Administrative Tribunal for a review of the
10 decision.

11 **264. Application to State Administrative Tribunal for review**

- 12 (1) A person aggrieved by a reviewable decision, or the decision
13 made by the decision-maker under section 263(4) on
14 reconsidering a reviewable decision, may apply to the State
15 Administrative Tribunal for a review of the decision by which
16 the person is aggrieved.
- 17 (2) An application under subsection (1) must be made within
18 28 days after being notified of the decision for which a review is
19 sought.

Part 11 — Regulations

Division 1 — General

265. Regulations

- (1) The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.
- (2) Without limiting subsection (1), regulations may be made in relation to the following —
- (a) the matters set out in this Part;
 - (b) the accessibility of passenger transport services to different classes of passengers;
 - (c) forms for the purposes of this Act;
 - (d) fees and charges payable in relation to any matter under this Act, including the following —
 - (i) applications;
 - (ii) the grant of authorisations (including by way of renewal);
 - (iii) the variation of authorisations or conditions of authorisations;
 - (iv) the issue or replacement of authorisation documents and any other documents issued under this Act;
 - (v) the provision of information to vary an authorisation;
 - (vi) matters relating to the issue or management of vehicle number plates;
 - (e) conferring functions or discretionary authority on the CEO;

- 1 (f) exempting any person, or class of person, or matter from
2 the requirements of this Act, including imposing
3 conditions on an exemption;
- 4 (g) providing that a contravention of a regulation is an
5 offence and providing for a penalty not exceeding a fine
6 of \$12 000 for an individual and \$40 000 for a body
7 corporate.

8 **266. Regulations may refer to published documents**

- 9 (1) In this section —
10 **code** means a code, standard, rule, specification or other
11 document, published in or outside Australia, that does not by
12 itself have legislative effect in this State;
13 **subsidiary legislation** includes rules, regulations, instructions,
14 local laws and by-laws.
- 15 (2) Regulations may adopt, either wholly or in part or with
16 modifications —
17 (a) any code; or
18 (b) any subsidiary legislation made, determined or issued
19 under any other Act or under any Act of the
20 Commonwealth, another State or a Territory.
- 21 (3) The adoption may be by —
22 (a) incorporating the code or subsidiary legislation in the
23 regulations; or
24 (b) incorporating the code or subsidiary legislation by
25 reference.
- 26 (4) If the regulations adopt by reference a code or subsidiary
27 legislation, other than any subsidiary legislation to which the
28 *Interpretation Act 1984* section 41 applies —
29 (a) the code or subsidiary legislation is adopted as existing
30 or in force when the regulations are made; and

- 1 (b) any amendments made to the code or subsidiary
2 legislation after the regulations are made have no legal
3 effect as part of the regulations unless they are
4 specifically adopted by later regulations or a later
5 amendment to the regulations.
- 6 (5) If regulations adopt by reference any subsidiary legislation to
7 which the *Interpretation Act 1984* section 41 applies, the
8 subsidiary legislation is adopted as existing or in force from
9 time to time.
- 10 (6) Subsections (4) and (5) do not apply if regulations state that a
11 particular text is adopted.
- 12 (7) If regulations adopt by reference a code or subsidiary legislation
13 to which subsection (4) applies, the CEO must —
- 14 (a) ensure that a copy of the code or subsidiary legislation,
15 including any amendments made to it from time to time
16 that have been adopted, is available, without charge, for
17 public inspection; and
- 18 (b) if the code or subsidiary legislation, or any part of the
19 code or subsidiary legislation, is in a language other than
20 English, ensure that an accurate English translation of
21 the code or subsidiary legislation, or of the relevant part,
22 is also available, without charge, for public inspection;
23 and
- 24 (c) publish a notice in the *Gazette* giving details of where
25 those documents may be inspected or obtained.

26 **Division 2 — Safety standards**

27 **267. Safety standards for providers of on-demand booking**
28 **services**

- 29 (1) The regulations may specify safety standards for providers of
30 on-demand booking services.

- 1 (2) Safety standards may be specified in relation to any of the
2 following —
- 3 (a) drivers, including the following —
- 4 (i) driving authorisation and licensing requirements;
- 5 (ii) competence and qualifications;
- 6 (iii) driving records and criminal records;
- 7 (iv) identification;
- 8 (v) fitness and medical requirements;
- 9 (vi) reporting of changes in health and other matters
10 relating to health;
- 11 (b) on-demand vehicles used or to be used in providing
12 on-demand passenger transport services, including the
13 following —
- 14 (i) safety of vehicles;
- 15 (ii) vehicle authorisation and licensing requirements;
- 16 (iii) maintenance and security and other
17 requirements;
- 18 (c) insurance;
- 19 (d) the payment of fares, including the form of payment;
- 20 (e) reporting of safety incidents and accidents;
- 21 (f) records relating to vehicles, drivers and bookings;
- 22 (g) provision of information to passengers;
- 23 (h) safety management systems.
- 24 (3) Subsection (2) does not limit the matters for which safety
25 standards may be specified.
- 26 **268. Safety standards for providers of passenger transport**
27 **services**
- 28 (1) The regulations may specify safety standards for providers of
29 passenger transport services.

- 1 (2) Safety standards may be specified in relation to any of the
2 following —
- 3 (a) drivers, including the following —
- 4 (i) driving authorisation and licensing requirements;
- 5 (ii) competence and qualifications;
- 6 (iii) driving records and criminal records;
- 7 (iv) identification;
- 8 (v) fitness and medical requirements;
- 9 (vi) reporting of changes in health and other matters
10 relating to health;
- 11 (b) vehicles used or to be used in providing passenger
12 transport services, including the following —
- 13 (i) safety of vehicles;
- 14 (ii) vehicle authorisation and licensing requirements;
- 15 (iii) maintenance and security and other
16 requirements;
- 17 (c) insurance;
- 18 (d) the payment of fares, including the form of payment;
- 19 (e) reporting of safety incidents and accidents;
- 20 (f) records relating to vehicles, drivers and bookings;
- 21 (g) provision of information to passengers;
- 22 (h) safety management systems.
- 23 (3) Subsection (2) does not limit the matters for which safety
24 standards may be specified.
- 25 **269. Safety standards for drivers of vehicles used to transport**
26 **passengers for hire or reward**
- 27 (1) The regulations may specify safety standards for drivers of
28 vehicles used for the purpose of transporting passengers for hire
29 or reward.

- 1 (2) Safety standards may be specified in relation to any of the
2 following —
- 3 (a) drivers, including the following —
- 4 (i) driving authorisation and licensing requirements;
- 5 (ii) competence and qualifications;
- 6 (iii) driving records and criminal records;
- 7 (iv) identification;
- 8 (v) fitness and medical requirements;
- 9 (vi) reporting of changes in health and other matters
10 relating to health;
- 11 (b) reporting of safety incidents and accidents;
- 12 (c) compliance with safety requirements established by
13 providers of on-demand booking services, providers of
14 passenger transport services and providers of passenger
15 transport vehicles;
- 16 (d) provision of information to providers of on-demand
17 booking services, providers of passenger transport
18 services and providers of passenger transport vehicles.
- 19 (3) Subsection (2) does not limit the matters for which safety
20 standards may be provided.

21 **270. Safety standards for providers of passenger transport**
22 **vehicles**

- 23 (1) The regulations may specify safety standards for providers of
24 passenger transport vehicles.
- 25 (2) Safety standards may be specified in relation to any of the
26 following —
- 27 (a) vehicles used or to be used in providing passenger
28 transport services, including the following —
- 29 (i) safety of vehicles;
- 30 (ii) vehicle authorisation and licensing requirements;

- 1 (iii) maintenance and security and other
2 requirements;
- 3 (b) drivers, including the following —
- 4 (i) driving authorisation and licensing requirements;
- 5 (ii) competence and qualifications;
- 6 (iii) driving records and criminal records;
- 7 (iv) identification;
- 8 (v) fitness and medical requirements;
- 9 (vi) reporting of changes in health and other matters
10 relating to health;
- 11 (c) reporting of changes of ownership or other arrangements
12 in relation to vehicles or of other matters;
- 13 (d) records relating to vehicles;
- 14 (e) reporting of safety incidents and accidents;
- 15 (f) insurance;
- 16 (g) compliance with safety requirements established by
17 providers of on-demand booking services and providers
18 of passenger transport services;
- 19 (h) provision of information to providers of on-demand
20 booking services, providers of passenger transport
21 services and passenger transport drivers.
- 22 (3) Subsection (2) does not limit the matters for which safety
23 standards may be specified.

24 **271. Safety standard offences**

- 25 (1) The regulations may make it an offence for any of the following
26 to contravene a safety standard specified by the regulations —
- 27 (a) the provider of an on-demand booking service;
- 28 (b) the provider of a passenger transport service;
- 29 (c) the provider of a passenger transport vehicle;

- 1 (d) a driver of a vehicle operated for the purpose of
2 transporting passengers for hire or reward.
- 3 (2) The regulations may make it an offence for any of the following
4 to fail to ensure that a safety standard specified in the
5 regulations (whether or not it is specified for that person) is
6 complied with —
- 7 (a) the provider of an on-demand booking service;
8 (b) the provider of a passenger transport service;
9 (c) the provider of a passenger transport vehicle;
10 (d) a driver of a vehicle operated for the purpose of
11 transporting passengers for hire or reward.
- 12 (3) The same safety standard may be specified for more than 1 class
13 of person.
- 14 (4) The regulations may provide a defence of a kind set out in
15 section 24 to an offence referred to in this section.

16 **Division 3 — Passenger transport authorisations**

17 **272. Passenger transport authorisations**

- 18 (1) In this section —
19 *document* includes —
- 20 (a) a criminal record check; and
21 (b) a traffic record check; and
22 (c) in the case of a passenger transport driver, an approved
23 medical report.
- 24 (2) The regulations may make provision for the following in
25 relation to passenger transport authorisations —
- 26 (a) the requirements to be met by applicants for
27 authorisations, including the following —
- 28 (i) the information to be provided in and with an
29 application;

- 1 (ii) requiring an applicant to provide any document
2 or information that is relevant to whether the
3 applicant is a fit and proper person;
- 4 (iii) in the case of an application for an on-demand
5 booking service authorisation, the requirements
6 for responsible officers;
- 7 (iv) requiring an applicant for an on-demand booking
8 service authorisation to provide any document or
9 information that is relevant to whether a
10 responsible officer of the applicant is a fit and
11 proper person;
- 12 (v) requiring an applicant for a passenger transport
13 driver authorisation to provide any approved
14 medical reports to the CEO;
- 15 (vi) in the case of an application for a passenger
16 transport vehicle authorisation, requirements for
17 licensing, insurance and roadworthiness of
18 vehicles;
- 19 (b) in the case of an application for a passenger transport
20 vehicle authorisation, enabling applications to be made
21 for authorisations for more than one vehicle;
- 22 (c) conferring power on the CEO to conduct any check
23 (including a criminal record check or a traffic record
24 check) into the character and background of a person to
25 determine if —
- 26 (i) the person is a fit and proper person to hold or to
27 continue to hold an authorisation; or
- 28 (ii) in the case of a person nominated as a
29 responsible officer by an applicant for, or the
30 holder of, an on-demand booking service
31 authorisation, the person is a fit and proper
32 person to be a responsible officer; or
- 33 (iii) in the case of an applicant for, or the holder of,
34 an on-demand booking service authorisation, a

- 1 close associate of the person has previously held
2 an on-demand booking service authorisation or
3 an equivalent authorisation in another State or a
4 Territory that has been cancelled or has been
5 charged with or convicted of a disqualification
6 offence;
- 7 (d) matters that may be considered in determining whether a
8 person is a fit and proper person to hold an authorisation
9 or to be a responsible officer;
- 10 (e) grant of authorisations, including categories of
11 authorisations;
- 12 (f) conditions of authorisations;
- 13 (g) duration of authorisations;
- 14 (h) renewal of authorisations including —
- 15 (i) requirements to be met by applicants for
16 renewal; and
- 17 (ii) applications for renewal; and
- 18 (iii) the information to be provided in and with an
19 application; and
- 20 (iv) requiring an applicant to provide any document
21 or information that is relevant to whether the
22 applicant is a fit and proper person to hold an
23 authorisation; and
- 24 (v) grants of renewal;
- 25 (i) variation of authorisations or conditions of
26 authorisations, including requiring an applicant for a
27 variation to provide any document or information
28 relevant to whether the variation is appropriate in the
29 circumstances;
- 30 (j) changes to any information provided in connection with
31 an application for authorisation;
- 32 (k) replacement or addition of responsible officers,
33 including notification to the CEO of persons ceasing to

- 1 be responsible officers and applications and criteria for
2 acceptance of replacement or additional responsible
3 officers;
- 4 (l) requiring the holder of a passenger transport
5 authorisation to provide from time to time any document
6 or information that is relevant to whether the holder or,
7 in the case of a provider of an on-demand booking
8 service, a responsible officer, is a fit and proper person
9 or whether the conditions of an authorisation are
10 appropriate;
- 11 (m) the issue or replacement of authorisation documents or
12 any additional documents identifying the holders of
13 authorisations or the specification of criteria for
14 identification documents to be held or displayed in
15 vehicles;
- 16 (n) the surrender of authorisations;
- 17 (o) requiring a person to surrender any document issued to
18 the person in relation to an authorisation;
- 19 (p) requiring the information to be provided in or in relation
20 to an application or authorisation to be verified by
21 statutory declaration.

22 **273. Disqualification offences**

- 23 (1) The regulations may prescribe disqualification offences for
24 providers of on-demand booking services, responsible officers
25 and close associates of providers of on-demand booking
26 services and passenger transport drivers.
- 27 (2) The regulations may prescribe —
- 28 (a) different disqualification offences for providers of
29 on-demand booking services, responsible officers and
30 close associates of providers of on-demand booking
31 services and passenger transport drivers; and

- 1 (b) different disqualification offences for different
2 categories of on-demand booking services and passenger
3 transport drivers; and
4 (c) circumstances in which an offence is or is not a
5 disqualification offence.

6 **Division 4 — Operation of on-demand booking services**

7 **274. On-demand booking services**

8 The regulations may make provision in relation to on-demand
9 booking services, including the following —

- 10 (a) customer complaints handling processes, and the
11 requirements of those processes;
12 (b) the provision of information to the CEO by the provider
13 of the service on matters specified in the regulations
14 including —
15 (i) reporting to the CEO of safety incidents
16 involving on-demand vehicles; and
17 (ii) prescribing classes of conduct of on-demand
18 drivers to be reported to the CEO, the reporting
19 process and the information to be provided; and
20 (iii) reporting to the CEO of drivers and on-demand
21 vehicles withdrawn from use or engagement by
22 the service; and
23 (iv) the required times for the provision of
24 information;
25 (c) the collection and keeping by the provider of the service
26 of information (including camera footage and audio
27 material) specified in the regulations and requiring the
28 information to be made available to the CEO or an
29 authorised officer;
30 (d) insurance requirements for providers of on-demand
31 booking services;

- 1 (e) advertising by providers of on-demand booking
- 2 services;
- 3 (f) association arrangements between providers of
- 4 on-demand booking services, including specifying the
- 5 authorised on-demand booking service that is the
- 6 principal on-demand booking service for an associated
- 7 booking service;
- 8 (g) regulating the circumstances in which the provider of an
- 9 on-demand booking service must or must not facilitate
- 10 the transport of animals, including assistance animals, in
- 11 on-demand vehicles for which an on-demand booking
- 12 service is provided;
- 13 (h) regulating the manner in which information is to be
- 14 provided.

15 **Division 5 — Operation of passenger transport services**

16 **275. Passenger transport services**

17 The regulations may make provision in relation to passenger
18 transport services, including the following —

- 19 (a) customer complaints handling processes, and the
- 20 requirements of those processes;
- 21 (b) the provision of information to the CEO by the provider
- 22 of the service on matters specified in the regulations
- 23 including —
 - 24 (i) reporting to the CEO of safety incidents
 - 25 involving passenger transport vehicles; and
 - 26 (ii) prescribing classes of conduct of drivers to be
 - 27 reported to the CEO, the reporting process and
 - 28 the information to be provided; and
 - 29 (iii) reporting to the CEO of drivers and vehicles
 - 30 withdrawn from use or engagement by the
 - 31 service; and

- 1 (iv) the required times for the provision of
- 2 information;
- 3 (c) the collection and keeping by the provider of the service
- 4 of information (including camera footage and audio
- 5 material) specified in the regulations and requiring the
- 6 information to be made available to the CEO or an
- 7 authorised officer;
- 8 (d) insurance requirements for providers of passenger
- 9 transport services;
- 10 (e) advertising by providers of passenger transport services;
- 11 (f) regulating the circumstances in which a provider of a
- 12 passenger transport service must or must not facilitate
- 13 the transport of animals, including assistance animals, in
- 14 vehicles in which a passenger transport service is
- 15 provided;
- 16 (g) regulating the manner in which information is to be
- 17 provided.

18 **Division 6 — Passenger transport drivers**

19 **276. Passenger transport drivers**

20 The regulations may make provision in relation to passenger
21 transport drivers, including the following —

- 22 (a) requirements for the display of identification of
- 23 passenger transport drivers and authorisation
- 24 information;
- 25 (b) requirements for a passenger transport driver to produce
- 26 the driver's passenger transport driver authorisation or
- 27 driver's licence to an authorised officer on request;
- 28 (c) requirements for a passenger transport driver to report
- 29 incidents involving passenger transport vehicles;
- 30 (d) prohibiting or regulating methods of plying for hire;
- 31 (e) prohibiting or regulating ways in which a trip or fare
- 32 may be procured;

- 1 (f) regulating the conduct and behaviour of passenger
2 transport drivers in relation to the driving of passenger
3 transport vehicles, including —
- 4 (i) circumstances in which a driver may, or must
5 not, refuse to accept a passenger or terminate the
6 provision of a passenger transport service; and
- 7 (ii) the conduct and behaviour of a driver towards
8 passengers; and
- 9 (iii) the route that a driver must drive to reach any
10 destination;
- 11 (g) regulating the circumstances in which a driver must or
12 must not transport animals, including assistance animals,
13 in passenger transport vehicles;
- 14 (h) regulating the transport of goods, including luggage, in
15 passenger transport vehicles.

16 **277. Safety, security and order**

17 The regulations may make provision in relation to the safety,
18 security and good order of passengers and the safety and
19 security of passenger transport drivers, including the
20 following —

- 21 (a) prohibiting conduct in or on passenger transport vehicles
22 or on premises used for a passenger transport service;
- 23 (b) authorising passenger transport drivers and authorised
24 officers to eject passengers who do not comply with the
25 regulations.

1 **Division 7 — Passenger transport vehicles**

2 **278. Passenger transport vehicles**

3 (1) The regulations may make provision for or in relation to
4 passenger transport vehicles including the following —

5 (a) prohibiting or restricting the use of vehicles as passenger
6 transport vehicles if they do not meet the required
7 standards;

8 (b) requirements for roadworthiness inspections of vehicles;

9 (c) requirements for maintenance of vehicles;

10 (d) requirements relating to the identification signage and
11 other signs and notices to be used or displayed in or on
12 vehicles;

13 (e) number plate requirements, including —

14 (i) requiring a vehicle to be fitted with number
15 plates issued under the *Road Traffic (Vehicles)*
16 *Act 2012*; and

17 (ii) providing for the status or return of taxi plates
18 issued under the *Taxi Act 1994* or number plates
19 issued under the *Transport Co-ordination*
20 *Act 1966*; and

21 (iii) empowering authorised officers to seize and take
22 possession of taxi plates or number plates issued
23 under the *Road Traffic (Vehicles) Act 2012*, the
24 *Taxi Act 1994* or the *Transport Co-ordination*
25 *Act 1966*; and

26 (iv) providing for an offence in relation to a failure to
27 return number plates in accordance with the
28 regulations;

29 (f) requirements to be complied with in relation to vehicles,
30 including —

31 (i) the provision of fare schedules to passengers;
32 and

- 1 (ii) the standards for installation, maintenance and
- 2 operation of, and access to, camera surveillance
- 3 equipment and the collection, keeping, sharing
- 4 and use of the camera footage and audio material
- 5 created; and
- 6 (iii) the use of meters and the display of metered
- 7 fares; and
- 8 (iv) the livery to be displayed on and inside the
- 9 vehicles; and
- 10 (v) the equipment to be used; and
- 11 (vi) accessibility;
- 12 (g) specifications and requirements for wheelchair
- 13 accessible vehicles, including —
- 14 (i) structural requirements; and
- 15 (ii) accessibility requirements; and
- 16 (iii) vehicle examination requirements; and
- 17 (iv) signage requirements; and
- 18 (v) equipment requirements; and
- 19 (vi) number plate requirements; and
- 20 (vii) conditions on use.
- 21 (2) For subsection (1)(g) —
- 22 ***wheelchair accessible vehicle*** means an on-demand vehicle that
- 23 is used or intended to be used for the transport of persons who
- 24 have a disability and any wheelchairs or other aids required by
- 25 those persons.

26 **Division 8 — Fares and subsidies**

27 **279. Fares**

28 The regulations may regulate fares and charges (including
29 payment surcharges) for or in connection with the use of
30 passenger transport vehicles or on-demand booking services or

- 1 for the provision of passenger transport services including the
2 following —
- 3 (a) pre-payment, collection, provision of estimates,
4 publication and display of fares, the requirements for
5 receipts and the information to be included in receipts;
- 6 (b) requirements for fare schedules;
- 7 (c) processes for calculating fares for the provision of
8 on-demand passenger transport services, including the
9 transparency and availability of those processes;
- 10 (d) regulating surge pricing and queue jumping for the use
11 of on-demand vehicles at specified times;
- 12 (e) regulating charges on transactions involving payment of
13 a fare or part of a fare by way of a subsidy.

14 **280. Subsidies**

15 The regulations may —

- 16 (a) provide for the payment of grants and subsidies for the
17 use of passenger transport vehicles in specified
18 circumstances including —
- 19 (i) the persons (including members of the public) to
20 or for whom subsidies are payable; and
- 21 (ii) when subsidies must be accepted as payment or
22 part payment of fares; and
- 23 (iii) what form subsidies may be in; and
- 24 (iv) prohibiting the improper or fraudulent use of
25 subsidies; and
- 26 (v) imposing penalties for the improper or fraudulent
27 use of subsidies; and
- 28 (vi) the recovery of subsidies by the CEO in a court
29 of competent jurisdiction as a debt due to the
30 Crown;
- 31 and

- 1 (b) impose duties on the provider of an on-demand booking
2 service or regular passenger transport service or a
3 passenger transport driver to —
- 4 (i) facilitate the payment or part payment of fares by
5 the provision of a subsidy or by a person who is
6 eligible for a subsidy for the fare; and
- 7 (ii) keep the required records in relation to subsidies;
8 and
- 9 (iii) report to the CEO on specified matters relating to
10 subsidies; and
- 11 (iv) take the required steps to prevent the improper or
12 fraudulent use of subsidies.

13 **Division 9 — On-demand passenger transport levy**

14 **281. On-demand passenger transport levy**

15 The regulations may make provision in relation to the
16 on-demand passenger transport levy, including the following —

- 17 (a) the provision of information by providers of on-demand
18 booking services, providers of on-demand passenger
19 transport services, providers of on-demand vehicles and
20 drivers of on-demand vehicles for the purpose of
21 determining the levy payable by an on-demand booking
22 service;
- 23 (b) assessments and reassessments of liability for the levy;
- 24 (c) the manner in which amounts are allocated for the levy
25 in fares that relate to leviable passenger service
26 transactions and how those amounts are dealt with;
- 27 (d) rebates of levy;
- 28 (e) the manner of lodging a return under section 250 or
29 making a payment of the levy including the lodging of a
30 return or the payment of the levy by electronic means.

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Part 12 — Miscellaneous

Division 1 — Giving of documents

282. Giving of documents generally

- (1) A document required or authorised under this Act to be given to a person may be given to the person by —
- (a) giving it to the person personally; or
 - (b) sending it by prepaid post (including document exchange) addressed to the person —
 - (i) to the address provided by the person for the giving or service of documents; or
 - (ii) if no address is specified by the person to the CEO, to the last known address of the person;
- or
- (c) leaving it at the person’s usual or last known place of residence or business; or
 - (d) emailing it to an email address or faxing it to a fax number —
 - (i) provided by the person for the giving or service of documents; or
 - (ii) if no email address or fax number is provided as referred to in subparagraph (i), to the email address or fax number appearing on recent correspondence addressed by or on behalf of the person to the CEO, or otherwise notified to the CEO or published by the person;
- or
- (e) communicating it in some other way agreed with the person; or
 - (f) in the case of a corporation or of an association of persons (whether incorporated or not), by delivering or leaving the document or posting it as a letter, addressed

1 in each case to the corporation or association, at its
2 principal place of business or principal office in the
3 State.

4 (2) A document required to be given by the CEO to a partnership is
5 taken to have been given to all members of the partnership if it
6 is given to any member of the partnership in accordance with
7 subsection (1).

8 (3) A document required to be given by the CEO to the provider of
9 an on-demand booking service is taken to have been given to
10 the provider if it is given to a responsible officer of the provider
11 of the booking service in accordance with subsection (1).

12 (4) The use of a particular method for giving a document to a
13 particular person does not prevent the giving of other documents
14 to the same person in a different way.

15 (5) This section does not apply to a document to which the *Taxation*
16 *Administration Act 2003* section 117 applies.

17 **283. Time when document given**

18 (1) In the absence of proof to the contrary, a document that is
19 emailed or faxed to a person in accordance with
20 section 282(1)(d) or delivered to or left for a person in
21 accordance with section 282(1)(f) is taken to be given on the
22 next business day after the document was emailed or faxed or
23 delivered or left.

24 (2) In the absence of proof to the contrary, a document that is sent
25 by prepaid post —

26 (a) to an address within Australia, is taken to be given at the
27 time the document would have been delivered in the
28 ordinary course of the post; or

29 (b) to an address outside Australia, is taken to be given on
30 the day that is 11 business days after the document was
31 posted.

Division 2 — General

284. Delegation

- (1) The CEO may delegate any power or duty of the CEO under another provision of this Act to —
 - (a) a person employed in, or engaged for the purposes of, the Department; or
 - (b) a person in a class of person approved by the Minister.
- (2) The delegation must be in writing signed by the CEO.
- (3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.
- (4) A person exercising or performing a power or duty that has been delegated to the person under this section is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

285. CEO may enter into agreements for performance of functions

- (1) The CEO may enter into an agreement providing for the CEO's functions under this Act that are described in the agreement to be performed on behalf of the CEO.
- (2) The CEO's functions include any functions delegated to the CEO under the *Taxation Administration Act 2003*.
- (3) The agreement may be with the Commissioner of Police, a local government, or any other person or body, whether or not the person or body has itself functions of a public nature.
- (4) A function described in the agreement may be performed —
 - (a) in accordance with the agreement; and
 - (b) on and subject to the terms of the agreement.

- 1 (5) If the performance of a function is dependent on the opinion,
2 belief or state of mind of the CEO it may be performed under
3 the agreement on the opinion, belief or state of mind of the
4 person or body with whom the agreement is made or another
5 person provided for in the agreement.
- 6 (6) For the purposes of this Act or any other written law, an act or
7 thing done by, to, by reference to, or in relation to a person or
8 body in connection with the performance by that person or body
9 under the agreement of a function of the CEO is as effectual as
10 if it had been done by, to, by reference to, or in relation to, the
11 CEO.

12 **286. Protection from personal liability**

- 13 (1) An action in tort does not lie against a person for anything that
14 the person has done, in good faith, in the performance or
15 purported performance of a function under this Act.
- 16 (2) The Minister and the State are also relieved of any liability that
17 either of them might otherwise have had for another person
18 having done anything as described in subsection (1).
- 19 (3) The protection given by this section applies even though the
20 thing done as described in subsection (1) may have been
21 capable of being done whether or not this Act had been enacted.
- 22 (4) In this section, a reference to the doing of anything includes a
23 reference to an omission to do anything.
- 24 (5) To avoid doubt, subsection (1) applies to a function performed
25 pursuant to an agreement referred to in section 285.

26 **287. Protection of people testing or examining or giving certain**
27 **information**

- 28 (1) The protection given by this section is in addition to any
29 protection given by section 286.
- 30 (2) Proceedings for an offence are not to be brought against a
31 person for giving or reporting to the CEO, in good faith, an

1 opinion formed as a result of having administered a test for the
2 purposes of this Act.

3 (3) An action in tort does not lie against a person, and proceedings
4 for an offence are not to be brought against a person, for giving
5 or reporting to the CEO, in good faith, information that
6 discloses or suggests that —

7 (a) another person may not be a fit and proper person to
8 hold a passenger transport authorisation; or

9 (b) it may be dangerous to —

10 (i) grant a passenger transport authorisation to
11 another person; or

12 (ii) allow another person to hold a passenger
13 transport authorisation; or

14 (iii) vary, or not to vary, the conditions of a passenger
15 transport authorisation.

16 **288. False or misleading information**

17 A person commits an offence if the person provides information
18 that the person knows to be false or misleading in a material
19 particular to the CEO under this Act or to any other person
20 performing a function under this Act.

21 Penalty: a fine of \$5 000.

22 **289. Compensation not payable**

23 (1) Compensation is not payable by or on behalf of the State
24 because of —

25 (a) the variation, suspension or cancellation of an
26 authorisation under this Act; or

27 (b) any statement or conduct relating to the variation,
28 suspension or cancellation of an authorisation under this
29 Act; or

30 (c) the removal by this Act of any right of a person under
31 the *Taxi Act 1994*, the *Transport Co-ordination*

(2) In subsection (1) —

authorisation means a passenger transport authorisation;

compensation includes damages or any other form of monetary consideration;

conduct includes any act or omission;

statement includes a representation of any kind.

- (1) The Minister may by order published in the *Gazette* grant exemptions from the provisions of Parts 4 and 6.
- (2) An order made under subsection (1) may be amended or revoked by the Minister by order published in the *Gazette*.
- (3) The *Interpretation Act 1984* section 43(7), (8) and (9) applies to an order made under this section as though the order were subsidiary legislation.

18 **291. Review of Act**

- 19 (1) The Minister must carry out a review of the operation and
20 effectiveness of this Act as soon as practicable after the 5th
21 anniversary of the day on which this section comes into
22 operation.
- 23 (2) In carrying out the review, the Minister is to have regard to —
24 (a) the attainment of the objects of this Act; and
25 (b) the administration of this Act; and
26 (c) the effectiveness of the operation of the Department in
27 relation to this Act; and
28 (d) any other matters that appear to the Minister to be
29 relevant.

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Division 3 Review of Act

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- 1 (3) The Minister must prepare a report based on the review and, as
2 soon as practicable after its preparation, cause the report to be
3 laid before each House of Parliament.

Part 13 — Transitional provisions

292. Terms used

In this Part —

‘F’ or ‘T’ endorsed driver’s licence means a driver’s licence that is endorsed with an extension F or T in accordance with regulations made under the *Road Traffic (Authorisation to Drive) Act 2008*;

on-demand rank or hail vehicle authorisation means a passenger transport vehicle authorisation that authorises the operation of the vehicle for use in providing an on-demand rank or hail passenger transport service.

293. Disclosure of information about drivers and vehicles

(1) In this section —

disclose includes to provide, to release and to give access to.

(2) The CEO may disclose the following information about an ‘F’ or ‘T’ endorsed driver’s licence to providers of on-demand booking services, passenger transport services and passenger transport vehicles in accordance with the regulations —

(a) whether the ‘F’ or ‘T’ endorsed driver’s licence is in force under the *Road Traffic (Authorisation to Drive) Act 2008*; and

(b) whether the ‘F’ or ‘T’ endorsement is in force under the *Road Traffic (Authorisation to Drive) Act 2008*.

(3) The CEO may disclose information about a passenger transport vehicle on the Department’s website or to any member of the public or any other person including —

(a) the number plate of the vehicle;

(b) whether or not a vehicle licence is in force in relation to the vehicle under the *Road Traffic (Vehicles) Act 2012*;

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- 1 (c) whether or not an omnibus licence is in force in relation
2 to the vehicle under the *Transport Co-ordination*
3 *Act 1966*;
- 4 (d) whether or not a country taxi-car licence is in force in
5 relation to the vehicle under the *Transport*
6 *Co-ordination Act 1966* and the district in which the
7 licence permits the operation of the vehicle;
- 8 (e) whether or not the vehicle is authorised to operate as a
9 taxi under the *Taxi Act 1994* and whether that operation
10 is subject to conditions restricting the operation of the
11 taxi to specified times or areas.

12 **294. 'F' or 'T' endorsed driver's licences**

- 13 (1) In this section —
14 ***commencement day*** means the day on which Part 5 comes into
15 operation.
- 16 (2) A person who holds an 'F' or 'T' endorsed driver's licence
17 under the *Road Traffic (Authorisation to Drive) Act 2008* may
18 on and from commencement day drive a vehicle for the purpose
19 of transporting passengers for hire or reward without a
20 passenger transport driver authorisation until the earlier of the
21 following to occur —
- 22 (a) the grant of a passenger transport driver authorisation to
23 the person;
- 24 (b) the end of the prescribed transition period for the
25 licence.
- 26 (3) Subsection (2) does not apply to a driver's licence while the
27 driver's licence or the 'F' or 'T' endorsement of the driver's
28 licence is not in force.
- 29 (4) The *Road Traffic (Authorisation to Drive) Act 2008* as in force
30 immediately before commencement day to the extent that it
31 relates to 'F' and 'T' endorsed driver's licences continues to
32 apply to an 'F' or 'T' endorsed driver's licence until the end of

1 the prescribed transition period for the licence despite the
2 amendment of that Act by this Act.

3 **295. Owned taxi plates**

4 (1) In this section —

5 *commencement day* means the day on which Part 6 comes into
6 operation;

7 *owned taxi plates* means taxi plates owned by an eligible owner
8 (buyback) as defined in section 226(1);

9 *owner*, in relation to a vehicle, has the same meaning as it has in
10 the *Road Traffic (Administration) Act 2008* section 5 as if this
11 Part were a road law referred to in that section;

12 *relevant vehicle* means a vehicle that immediately before
13 commencement day —

14 (a) was operated under owned taxi plates; or

15 (b) would have been operated under owned taxi plates if a
16 grant of a buyback payment had not been made under
17 Part 9 Division 1 before commencement day;

18 *taxi plates* has the same meaning as it has in Part 9 Division 1.

19 (2) A person who immediately before commencement day is the
20 owner of a relevant vehicle, or has the written consent of the
21 owner of a relevant vehicle to operate the vehicle, is taken on
22 and from commencement day until the prescribed day to be the
23 holder of an on-demand rank or hail vehicle authorisation for
24 the vehicle.

25 (3) A person who is the eligible owner (buyback) of taxi plates
26 immediately before commencement day for which no grant of a
27 buyback payment has been made under Part 9 Division 1 before
28 commencement day and to whom subsection (2) does not apply
29 is taken on and from commencement day until the prescribed
30 day to be the holder of an on-demand rank or hail vehicle
31 authorisation for a nominated vehicle.

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1 (4) For the purposes of subsection (3), a ***nominated vehicle*** is a
2 vehicle nominated to the CEO before commencement day by
3 the owner of the taxi plates that complies with the prescribed
4 requirements.

5 (5) An on-demand rank or hail vehicle authorisation referred to in
6 this section may be suspended or cancelled under Part 6
7 Division 4.

8 **296. Leased taxi plates**

9 (1) In this section —

10 ***commencement day*** means the day on which Part 6 comes into
11 operation;

12 ***lessee*** has the meaning given in the *Taxi Act 1994* section 3(1);

13 ***relevant date*** means the first of the following to occur —

14 (a) the prescribed date;

15 (b) the first anniversary after commencement day of the last
16 date for payment of the annual fee for taxi plates under
17 the *Taxi Act 1994* that occurred before commencement
18 day.

19 (2) A person who is the lessee of taxi plates for a taxi under the
20 *Taxi Act 1994* immediately before commencement day is taken
21 on and from commencement day until the relevant date to be the
22 holder of an on-demand rank or hail vehicle authorisation for a
23 nominated vehicle.

24 (3) For the purposes of subsection (2), a ***nominated vehicle*** is —

25 (a) the taxi referred to in subsection (2); or

26 (b) a vehicle nominated to the CEO by the lessee of the taxi
27 plates that complies with the requirements of the
28 regulations.

29 (4) An on-demand rank or hail vehicle authorisation referred to in
30 subsection (2) may be suspended or cancelled under Part 6
31 Division 4.

297. Licensed taxi-cars

(1) In this section —

commencement day means the day on which Part 6 comes into operation.

(2) Subject to subsection (3), a person who is the holder of a taxi-car licence under the *Transport Co-ordination Act 1966* Part IIIB immediately before commencement day is taken on and from commencement day to be the holder of an on-demand rank or hail vehicle authorisation for the vehicle for the remainder of the term for which the licence was issued.

(3) If a taxi-car licence under the *Transport Co-ordination Act 1966* Part IIIB was suspended immediately before commencement day, the holder of the taxi-car licence is not to be taken to be the holder of an on-demand rank or hail vehicle authorisation for the vehicle —

(a) during the remaining period for which the licence was suspended; or

(b) if the remainder of the term for which the licence was issued expires during the period referred to in paragraph (a).

(4) An on-demand rank or hail vehicle authorisation referred to in subsection (2) may be suspended or cancelled under Part 6 Division 4.

298. Licensed omnibuses

(1) In this section —

commencement day means the day on which Part 6 comes into operation.

(2) A person who is the holder of a licence under the *Transport Co-ordination Act 1966* Part III Division 2 for an omnibus immediately before commencement day that prohibits the use of the vehicle to provide a regular passenger transport service is taken on and from commencement day to be the holder of a

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- 1 passenger transport vehicle authorisation that authorises the
2 operation of a vehicle for use in providing an on-demand charter
3 passenger transport service or a tourism passenger transport
4 service for the remainder of the term for which the licence was
5 issued.
- 6 (3) A person who is the holder of a licence under the *Transport*
7 *Co-ordination Act 1966* Part III Division 2 for an omnibus
8 immediately before commencement day that does not prohibit
9 the use of the vehicle to provide a regular passenger transport
10 service is taken on and from commencement day to be the
11 holder of a passenger transport vehicle authorisation that
12 authorises the operation of a vehicle for use in providing a
13 regular passenger transport service, an on-demand charter
14 passenger vehicle service or a tourism passenger transport
15 service for the remainder of the term for which the licence was
16 issued.
- 17 (4) Despite subsection (2) or (3), if a licence for an omnibus under
18 the *Transport Co-ordination Act 1966* Part III Division 2 was
19 suspended immediately before commencement day, the holder
20 of the licence is not to be taken to be the holder of a passenger
21 transport vehicle authorisation for the vehicle —
- 22 (a) during the remaining period for which the licence was
23 suspended; or
- 24 (b) if the remainder of the term for which the licence was
25 issued expires during the period referred to in
26 paragraph (a).
- 27 (5) An authorisation referred to in subsection (2) or (3) may be
28 suspended or cancelled under Part 6 Division 4.
- 29 **299. Taxi Industry Development Account abolished**
- 30 (1) In this section —
- 31 ***commencement day*** means the day on which section 303 comes
32 into operation.

- 1 (2) On commencement day —
 - 2 (a) the Taxi Industry Development Account established
 - 3 under the *Taxi Act 1994* is abolished; and
 - 4 (b) all money standing to the credit of that Account is to be
 - 5 credited to the Consolidated Account.

6 **300. Bond provisions to continue to apply**

- 7 (1) In this section —
 - 8 *commencement day* means the day on which section 303 comes
 - 9 into operation.

- 10 (2) Despite the repeal of the *Taxi Act 1994*, section 36 of that Act
- 11 and the regulations applying for the purposes of that section
- 12 continue to apply on and after commencement day in relation to
- 13 any bond paid to an operator under that section before
- 14 commencement day until the bond, or the relevant amount of
- 15 bond, and interest are paid to the driver in accordance with
- 16 section 36(8) of that Act.

17 **301. Transitional regulations**

18 The regulations may contain provisions that are necessary or

19 convenient for dealing with matters concerning the transition

20 from the provisions of any written law applying before the

21 coming into operation of specified provisions of this Act,

22 including regulations made under this Act, applying after the

23 commencement of those provisions.

1 **Part 14 — Repeals and consequential amendments**

2 **Division 1 — Repeals**

3 **302. *Taxi Act 1994* Part 3 Division 2 deleted**

4 The *Taxi Act 1994* Part 3 Division 2 is deleted.

5 **303. *Taxi Act 1994* repealed**

6 The *Taxi Act 1994* is repealed.

7 **304. *Taxi Drivers Licensing Act 2014* repealed**

8 The *Taxi Drivers Licensing Act 2014* is repealed.

9 **Division 2 — Consequential amendments**

10 **Subdivision 1 — *Constitution Acts Amendment Act 1899* amended**

11 **305. Act amended**

12 This Subdivision amends the *Constitution Acts Amendment*
13 *Act 1899*.

14 **306. Schedule V Part 3 amended**

15 In Schedule V Part 3 delete the item relating to the Taxi
16 Industry Board.

17 **Subdivision 2 — *The Criminal Code* amended**

18 **307. Act amended**

19 This Subdivision amends *The Criminal Code*.

1 **308. Section 297 amended**

2 Delete section 297(4)(c)(iii) and insert:

3

4 (iii) a passenger transport vehicle as defined
5 in the *Transport (Road Passenger*
6 *Services) Act 2018* section 4(1);

7

8 **309. Section 318 amended**

9 Delete section 318(1)(g)(iii) and insert:

10

11 (iii) a passenger transport vehicle as defined
12 in the *Transport (Road Passenger*
13 *Services) Act 2018* section 4(1);

14

15 **Subdivision 3 — *Road Traffic Act 1974* amended**

16 **310. Act amended**

17 This Subdivision amends the *Road Traffic Act 1974*.

18 **311. Section 64A amended**

19 In section 64A(5):

20 (a) in paragraph (a) delete “carried for hire or reward; or”
21 and insert:

22

23 transported for hire or reward as defined in the
24 *Transport (Road Passenger Services) Act 2018*
25 section 11 (except subsection (2)); or

26

27 (b) delete paragraph (b);

1 (c) delete paragraph (c) and insert:

2

3 (c) if, at the relevant time, the vehicle is
4 transporting passengers for hire or reward as
5 defined in the *Transport (Road Passenger*
6 *Services) Act 2018* section 11 (except
7 subsection (2)); or
8

9 **312. Section 79D amended**

10 (1) In section 79D(1) delete the definitions of:

11 *taxi*

12 *taxi operator*

13 (2) In section 79D(1) insert in alphabetical order:

14

15 *passenger transport vehicle* means a passenger
16 transport vehicle for which a passenger transport
17 vehicle authorisation has been issued under the
18 *Transport (Road Passenger Services) Act 2018*
19 whether or not, at the relevant time, the vehicle is
20 standing or plying for hire or transporting passengers
21 for reward;

22 *provider of a passenger transport vehicle* has the
23 meaning given in the *Transport (Road Passenger*
24 *Services) Act 2018* section 4(1);
25

26 (3) Delete section 79D(2)(h) and (i) and insert:

27

28 (h) a senior police officer is satisfied that, at the
29 time the offence for which the vehicle was
30 impounded was committed —

31 (i) the vehicle was a passenger transport
32 vehicle; and

- 1 (ii) the person who allegedly committed the
2 offence (the *alleged offender*) was
3 driving the passenger transport vehicle
4 under an agreement between the alleged
5 offender and the provider of the
6 passenger transport vehicle, or an agent
7 of the provider, under which the alleged
8 offender pays the provider or agent in
9 order to be allowed to drive the
10 passenger transport vehicle for reward;
11 and
- 12 (iii) the provider of the passenger transport
13 vehicle or agent who entered into the
14 agreement with the alleged offender had
15 complied with subsection (5); and
- 16 (iv) the alleged offender was not a
17 responsible person for the vehicle;
- 18 or
- 19 (i) a senior police officer is satisfied that, at the
20 time the offence for which the vehicle was
21 impounded was committed —
- 22 (i) the vehicle was a passenger transport
23 vehicle; and
- 24 (ii) the person who allegedly committed the
25 offence (the *alleged offender*) was an
26 employee or contractor of the provider
27 of the passenger transport vehicle; and
- 28 (iii) the alleged offender was driving the
29 vehicle with the consent of the provider
30 of the vehicle; and
- 31 (iv) the person who consented to the alleged
32 offender driving the vehicle had
33 complied with subsection (5A); and

- 1 (v) the alleged offender was not a
2 responsible person for the vehicle;
3 or
4
- 5 (4) In section 79D(4) delete “(2)(g)(iv) and (i)(iv),” and insert:
6
7 (2)(g)(iv),
8
- 9 (5) Delete section 79D(5) and insert:
10
- 11 (5) For the purposes of subsection (2)(h)(iii), a provider of
12 a passenger transport vehicle or agent who enters into
13 an agreement with a driver of a passenger transport
14 vehicle must —
15 (a) ensure the driver holds a current passenger
16 transport driver authorisation under the
17 *Transport (Road Passenger Services) Act 2018*;
18 and
19 (b) ensure the driver has been instructed to obey
20 the law when driving the vehicle.
- 21 (5A) For the purposes of subsection (2)(i)(iv), a provider of
22 a passenger transport vehicle or agent who consents to
23 an employee or contractor driving the vehicle must —
24 (a) ensure the driver holds a current passenger
25 transport driver authorisation under the
26 *Transport (Road Passenger Services) Act 2018*;
27 and
28 (b) ensure the driver has been instructed to obey
29 the law when driving the vehicle.
30

1 **Subdivision 4 — *Road Traffic (Administration) Act 2008* amended**

2 **313. Act amended**

3 This Subdivision amends the *Road Traffic (Administration)*
4 *Act 2008*.

5 **314. Section 12 amended**

6 In section 12(5) delete “road law” and insert:

7
8 road law, the *Transport (Road Passenger Services) Act 2018*
9 Part 7

10

11 **315. Section 14 amended**

12 In section 14(3) delete the Penalty and insert:

13

14 Penalty for this subsection: imprisonment for
15 12 months or a fine of 240 PU.

16

17 **316. Section 15 amended**

18 In section 15(3) delete the Penalty and insert:

19

20 Penalty for this subsection: imprisonment for
21 12 months or a fine of 240 PU.

22

1 **317. Section 110 amended**

2 After section 110(1) insert:

3

4 (1A) In subsection (1) —

5 *road law* includes the *Transport (Road Passenger*
6 *Services) Act 2018*.

7

8 **318. Section 143A amended**

9 In section 143A(1) delete the Penalty and insert:

10

11 Penalty for this subsection: imprisonment for
12 12 months or a fine of 240 PU.

13

14 **Subdivision 5 — *Road Traffic (Authorisation to Drive) Act 2008***
15 **amended**

16 **319. Act amended**

17 This Subdivision amends the *Road Traffic (Authorisation to*
18 *Drive) Act 2008*.

19 **320. Section 9 amended**

20 After section 9(7) insert:

21

22 (8) Subsection (7) does not apply to a person who
23 reproduces a photograph provided under this section
24 for the purposes of the *Transport (Road Passenger*
25 *Services) Act 2018* Part 7.

26

1 **321. Section 11B amended**

2 In section 11B insert in alphabetical order:

3

4 ***CEO (road passenger services)*** means the CEO as
5 defined in the *Transport (Road Passenger Services)*
6 *Act 2018* section 4(1);

7

8 **322. Section 11E inserted**

9 At the end of Part 2 Division 3A insert:

10

11 **11E. Disclosure to CEO (road passenger services)**

12 The CEO may disclose photographs to the CEO (road
13 passenger services) for the purposes of the performance
14 of the functions of the CEO (road passenger services)
15 under the *Transport (Road Passenger Services)*
16 *Act 2018*.

17

18 **Subdivision 6 — *Road Traffic (Vehicles) Act 2012* amended**

19 **323. Act amended**

20 This Subdivision amends the *Road Traffic (Vehicles) Act 2012*.

21 **324. Section 21 amended**

22 In section 21(c) delete “1966.” and insert:

23

24 1966 or the *Transport (Road Passenger Services) Act 2018*.

25

1 **325. Section 131 amended**

2 Delete section 131(2) and insert:

3

4 (2) For the purposes of subsection (1) a carriage of
5 passengers is under a motor vehicle pooling
6 arrangement if —

7 (a) the motor vehicle is provided by the driver; and

8 (b) the driver would be undertaking the relevant
9 journey in any event; and

10 (c) the carriage is not the result of plying or touting
11 for hire by the driver or another person; and

12 (d) the maximum number of persons in the motor
13 vehicle, including the driver, is 9; and

14 (e) a payment by a passenger is limited to making a
15 contribution to the costs incurred in making the
16 journey and does not involve profit for the
17 driver or any other person.

18

19 **Subdivision 7 — *State Administrative Tribunal Act 2004* amended**

20 **326. Act amended**

21 This Subdivision amends the *State Administrative Tribunal*
22 *Act 2004*.

23 **327. Schedule 1 amended**

24 (1) In Schedule 1 delete:

25 *Taxi Act 1994*

26 (2) In Schedule 1 insert in alphabetical order:

27

28 *Transport (Road Passenger Services) Act 2018*

29

1 **Subdivision 8 — *Taxation Administration Act 2003* amended**

2 **328. Act amended**

3 This Subdivision amends the *Taxation Administration Act 2003*.

4 **329. Section 3 amended**

5 After section 3(1)(j) insert —

6
7 (jaa) the *Transport (Road Passenger Services)*
8 *Act 2018* Part 9 Division 2;

10 **Subdivision 9 — *Taxi Act 1994* amended**

11 **330. Act amended**

12 This Subdivision amends the *Taxi Act 1994*.

13 **331. Section 3 amended**

14 (1) In section 3(1) delete the definitions of:

15 *registration*

16 *taxi dispatch service*

17 (2) In section 3(1) insert in alphabetical order:

18
19 *taxi dispatch service* means an on-demand booking
20 service as defined in the *Transport (Road Passenger*
21 *Services) Act 2018* section 10;

22
23 (3) In section 3(3):

24 (a) in paragraph (a) delete “or an application for
25 registration”;

1 (b) after paragraph (b) insert:

2

3 (ba) a reference to the provider of a taxi dispatch
4 service is a reference to the provider of an
5 on-demand booking service as defined in the
6 *Transport (Road Passenger Services) Act 2018*
7 section 10; and
8

9 **332. Section 33 amended**

10 Delete section 33(c).

11 **333. Section 37 amended**

12 In section 37(1):

13 (a) in paragraph (b) delete “section 24; or” and insert:

14

15 section 24,

16

17 (b) delete paragraph (c);

18 (c) in paragraph (e) delete “transferee; or” and insert:

19

20 transferee,

21

22 (d) delete paragraph (f);

23 (e) delete “plates or the provider of a taxi dispatch service,”
24 and insert:

25

26 plates,

27

1 **Subdivision 10 — *Transport Co-ordination Act 1966* amended**

2 **334. Act amended**

3 This Subdivision amends the *Transport Co-ordination*
4 *Act 1966*.

5 **335. Section 4 amended**

6 (1) In section 4(1) delete the definition of *omnibus*.

7 (2) Delete section 4(3) and (4).

8 **336. Section 15D inserted**

9 After section 15C insert:

11 **15D. Stopping places**

12 (1) In this section —

13 *local government* includes the Commissioner of Main
14 Roads, in relation to any road in relation to which the
15 Commissioner may exercise power under the *Main*
16 *Roads Act 1930*;

17 *passenger transport vehicle* means a passenger
18 transport vehicle as defined in the *Transport (Road*
19 *Passenger Services) Act 2018* section 4(1).

20 (2) The Minister may appoint stopping places to be used
21 for passenger transport vehicles operated for hire or
22 reward.

23 (3) The Minister may cause to be erected at a stopping
24 place appointed under subsection (2) —

25 (a) any sign indicating and identifying the stopping
26 place; and

27 (b) shelters of any design or construction the
28 Minister thinks fit.

- 1 (4) Before a sign or shelter is erected under subsection (3),
2 the Minister must cause the Director General to confer
3 with the local government concerned on the matter.
- 4 (5) If agreement cannot be reached on the location, size
5 and type of sign or shelter, the matter is to be
6 determined by —
- 7 (a) the Minister; and
8 (b) as the case requires, the Minister administering
9 the *Local Government Act 1995* or the Minister
10 administering the *Main Roads Act 1930*.
- 11 (6) A local government must, if so required by the
12 Minister, appoint within its district any stands for
13 passenger transport vehicles that are agreed on between
14 the Minister and the local government.
- 15 (7) If agreement is not reached under subsection (6), the
16 matter must be resolved in the manner provided by
17 subsection (5) for resolving matters in dispute.
18

19 **337. Section 17 amended**

- 20 (1) After section 17(2) insert:
21
- 22 (2A) The Minister may impose conditions, restrictions and
23 prohibitions on an authorisation granted to a tenderer
24 under the *Transport (Road Passenger Services)*
25 *Act 2018* Part 4 Division 2 in addition to any other
26 conditions that may be imposed under that Division.
27
- 28 (2) In section 17(3):
29 (a) after “licence” (first occurrence) insert:
30
31 or authorisation
32

1 (b) delete “this Act to cancel the licence” and insert:
2
3 this Act or the *Transport (Road Passenger Services)*
4 *Act 2018* to cancel the licence or authorisation
5

6 **338. Section 19 amended**

7 (1) In section 19(1) after “subject to” insert:
8

9 subsection (1A) and
10

11 (2) After section 19(1) insert:
12

13 (1A) This Part does not apply to a passenger transport
14 vehicle as defined in the *Transport (Road Passenger*
15 *Services) Act 2018* section 4(1).
16

17 **339. Section 20 amended**

18 In section 20(2) delete “vehicle or omnibus,” and insert:
19

20 vehicle,
21

22 **340. Section 21 amended**

23 Delete section 21(1)(a).

24 **341. Part III Division 2 deleted**

25 Delete Part III Division 2.

26 **342. Part IIIB deleted**

27 Delete Part IIIB.

Transport (Road Passenger Services) Bill 2018

Part 14 Repeals and consequential amendments

Division 2 Consequential amendments

s. 343

1 **343. Section 55 deleted**

2 Delete section 55.

3 **344. Section 57 amended**

4 Delete section 57(7).

5 **345. Section 60 amended**

6 Delete section 60(2)(c), (d), (e) and (ea).

7 **346. Section 63 amended**

8 In section 63 delete “this Act.” and insert:

9

10 this Act or the *Transport (Road Passenger Services) Act 2018*.

11

12

=====

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

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