

## Exempt Taxi Service Area Wheelchair Accessible Taxi Service Licence

### Retained licence conditions

- This licence is issued in accordance with and subject to the Transport Operations (Passenger Transport) Act 1994.
- The operator is required to provide a taxi service in a vehicle which has the capacity to carry wheelchair(s) and is approved as a vehicle for that purpose.
- The operator must ensure that an appropriate vehicle is recorded against this licence at all times.

### Licence conditions that no longer apply

- The operator must ensure that the vehicle is maintained in a clean and tidy state.
- The operator must provide a suitable process for addressing customer complaints against the operator and any authorised driver who operates the taxi.
- The operator must keep a register which details complaints and any action taken. This register must be made available to the Chief Executive or their delegate on request.
- The operator shall hold and maintain operator accreditation for the term of this licence. Evidence of the operator accreditation must be displayed in a manner approved by the chief executive.

### Licence obligations that remain requirements under legislation

Below are excerpts from current legislation that briefly outline your obligations and responsibilities under the *Transport Operations (Passenger Transport) Act 1994 (TOPTA)*, *Transport Operations (Passenger Transport) Regulation 2018 (TOPTR)* and *Transport Operations (Passenger Transport) Standard 2010 (TOPTS)* which were previously prescribed under licence conditions. This is provided for information purposes and you will need to refer to the relevant sections of legislation for complete provisions relating to your licence obligations. **Note: These legislative provisions are current as at 15 November 2018 and may be subject to change-you should always refer to the current version of legislation available from [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)**

Licence conditions under old legislative framework	New legislative provision
<p>The operator must ensure that any driver who drives the taxi vehicle holds and maintains driver authorisation to drive or operate the vehicle to provide a taxi service.</p>	<p>Section 27(2) <b>TOPTA</b>- A person must not provide a public passenger service of a kind for which driver authorisation is required under this Act unless the person uses drivers who are authorised drivers for a service of that kind.</p> <p>Maximum penalty-160 penalty units.</p> <p>(A person provides a public passenger service if the person is an operator of the service or, for a booked hire service, provides a booking service for the service)</p>

<p>The operator must not charge, or encourage or permit any driver to charge more than the maximum fares published in the Gazette under section 74A of the <i>Transport Operations (Passenger Transport) Act 1994</i> and permitted in accordance with section 63 of the <i>Transport Operations (Passenger Transport) Regulation 2005</i>.</p>	<p>Section 91ZR <b>TOPTA</b> – (3) A person must not charge more than the maximum fare for a taxi service or booked hire service to which a maximum fare under subsection (1) or (2) applies. Maximum penalty-40 penalty units</p>
<p>The operator is authorised to ply or stand a taxi vehicle for hire within the Taxi Service Area specified in this licence unless specified in a separate condition in the licence.</p>	<p>Section 91ZU <b>TOPTA</b> – A person must not use a taxi to provide a public passenger service for a journey that starts in a taxi service area unless-</p> <ul style="list-style-type: none"> <li>(a) the taxi service area in which the journey starts is the taxi service area for the taxi; or</li> <li>(b) a condition of the taxi service licence otherwise authorises the taxi to be used to provide a public passenger service for the journey.</li> </ul> <p>Maximum penalty-40 penalty units</p>
<p>The operator and driver must give preference to the carriage of people confined to a wheelchair. At all other times the vehicle can be used to provide a taxi service for the carriage of other passengers generally.</p>	<p>Section 81 <b>TOPTR</b> –</p> <ul style="list-style-type: none"> <li>(1) The driver of a taxi available for hire must not refuse to provide a booked hire service to a prescribed person, or a taxi service to any person, unless- <ul style="list-style-type: none"> <li>(a) the service is for a journey that- <ul style="list-style-type: none"> <li>(i) starts in a taxi service area other than the taxi service area for the taxi; or</li> <li>(ii) ends somewhere other than in the taxi service area for the taxi; or</li> <li>(iii) when taking the shortest route for the journey that can reasonably be taken, ends more than 40km from the pick-up point for the journey; or</li> </ul> </li> <li>(b) the driver has a reasonable excuse.</li> </ul> </li> </ul> <p>Maximum penalty-20 penalty units.</p> <ul style="list-style-type: none"> <li>(2) In this section- <i>prescribed person</i> means- <ul style="list-style-type: none"> <li>(a) a person using a wheelchair; or</li> <li>(b) an approved relevant person.</li> </ul> </li> </ul>

<p>The operator is required to provide a telephone booking facility which accepts bookings for the taxi service 24 hours a day.</p>	<p>Section 82 <b>TOPTR</b> – (2) The authorised booked entity must provide the booking services in a way that ensures bookings for a taxi to provide a booked hire service for a prescribed person can be received at any time.</p> <p>Maximum penalty-20 penalty units</p> <p><i>Prescribed person means</i></p> <ul style="list-style-type: none"> <li>(a) a person using a wheelchair; or</li> <li>(b) an approved relevant person.</li> </ul>
<p>The operator is required to install and maintain any equipment listed in Schedule 5 of the <i>Transport Operations (Passenger Transport) Regulation 2005</i>.</p>	<p>Section 219 <b>TOPTR</b> – An operator of a public passenger service that uses a public passenger vehicle mentioned in schedule 5 must ensure the vehicle complies with the schedule.</p> <p>Maximum penalty-20 penalty units</p>
<p>The operator is required to display a registration plate on the vehicle distinguishing it as a taxi. The operator must ensure that an appropriate vehicle displaying appropriate registration plates is registered against this licence at all times.</p>	<p>Section 93 <b>TOPTR</b> – The operator of a public passenger service provided using a taxi must ensure a T plate is attached to the taxi.</p> <p>Maximum penalty-40 penalty units</p> <p><i>T plate means a number plate issued for a taxi under the Transport Operations (Road Use Management) Act 1995</i></p>
<p>The operator must ensure that the vehicle to be used under this licence, including any substitute taxi, complies with section 67 and Schedule 8 of the <i>Transport Operations (Passenger Transport) Regulation 2005</i>, and that all additional requirements on the type of vehicle which must be used to provide the taxi service contained in this licence (including the “Wheelchair Accessible Taxi Requirements” as amended).</p>	<p>Section 158 <b>TOPTR</b> – The requirements for a motor vehicle stated in a licence are that the vehicle must be –</p> <ul style="list-style-type: none"> <li>(a) an appropriate vehicle for the licence; and</li> <li>(b) registered under the <i>Transport Operations (Road Use Management) Act 1995</i>; and</li> <li>(c) the subject of a current certificate of inspection; and</li> <li>(d) the subject of a CTP insurance policy for a class of motor vehicle that includes the following vehicles or another class of vehicle that attracts a higher premium- <ul style="list-style-type: none"> <li>(i) for a booked hire service licence-booked hire vehicles;</li> <li>(ii) for a limousine licence-limousines;</li> <li>(iii) for a taxi service licence-taxis.</li> </ul> </li> </ul>

<p>The operator must ensure that appropriate third party insurance is maintained for the taxi service provided under this licence.</p>	<p><i>appropriate vehicle</i> means-</p> <ul style="list-style-type: none"> <li>(a) for a booked hire service licence-a passenger vehicle or utility vehicle that has no more than 12 seating positions, including the driver’s position; or</li> <li>(b) for a limousine licence-a passenger vehicle that- <ul style="list-style-type: none"> <li>(i) has a wheelbase of at least 2,800mm; or</li> <li>(ii) is at least 30 years old from its date of manufacture; or</li> <li>(iii) for a taxi service licence-a passenger vehicle that has no more than 12 seating positions, including the driver’s position.</li> </ul> </li> <li>(c) for a taxi service licence-a passenger vehicle that has no more than 12 seating positions, including the driver’s position.</li> </ul> <p>The vehicle must meet all requirements under the <i>Disability Standards for Accessible Public Transport 2002</i>.</p>
<p>A substitute taxi may be used under this licence in accordance with the substitute taxi authority issued under section 73 of the Transport Operations (Passenger Transport) Regulation 2005.</p>	<p>Section 172 <b>TOPTR</b> – The chief executive may issue a substitute vehicle authority-</p> <ul style="list-style-type: none"> <li>(a) to an authorised booking entity that provides booking services for booked hire services provided using taxis; and</li> <li>(b) for a motor vehicle that complies with the vehicle requirements for a taxi service licence.</li> </ul>
<p>The operator must ensure that if the taxi is fitted with an approved Taxi Security Camera System that the Taxi Security Camera System is fully operational and prescribed signs are displayed at each relevant place in or on the taxi.</p>	<p>Section 208 <b>TOPTR</b> – When an operator of a booked hire service or taxi service makes the vehicle available to a person to drive to provide the service, the operator must ensure-</p> <ul style="list-style-type: none"> <li>(a) the approved security camera system is- <ul style="list-style-type: none"> <li>(i) properly fitted; and</li> <li>(ii) fully operational; and</li> </ul> </li> <li>(b) an approved security camera system sign is displayed at each relevant place in or on the vehicle</li> </ul> <p>Maximum penalty-40 penalty units</p>
<p><b><i>Operators have various other safety obligations, including safety duties under Chapter 7, Part 3 of the Transport Operations (Passenger Transport) Act 1994.</i></b></p>	