

Queensland



Subordinate Legislation 2000 No. 61

*Transport Operations (Passenger Transport) Act 1994*

**TRANSPORT OPERATIONS (PASSENGER  
TRANSPORT) STANDARD 2000**

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## PART 1—PRELIMINARY

### Short title

1. This standard may be cited as the *Transport Operations (Passenger Transport) Standard 2000*.

### Commencement

2. This standard commences on 1 May 2000.

### Definitions

3. The dictionary in the schedule defines particular words used in this standard.

## PART 2—DRIVERS

### Definition

4. In this part—

“**relevant vehicle**” means a vehicle providing a public passenger service for which driver authorisation is required.

### Purpose of pt 2

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

- (a) on applicants for a grant or renewal of driver authorisation; and
- (b) about operating relevant vehicles.

**Qualifications for operating relevant vehicles that are motorbikes**

**6.(1)** An applicant for driver authorisation for the operation of a relevant vehicle that is a motorbike must hold a prescribed licence of the appropriate class.

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

- (a) have held continuously for at least 5 years—
  - (i) an open or provisional licence for a motorbike; or
  - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
  - (iii) a series of any of the licences mentioned in subparagraph (i) or (ii); or
- (b) passed an approved competence test for the operation of a motorbike with a pillion passenger and have held continuously for at least 3 years—
  - (i) an open or provisional licence for a motorbike; or
  - (ii) a corresponding licence to an open or provisional licence for a motorbike; or
  - (iii) a series of any of the licences mentioned in subparagraph (i) or (ii).

**(3)** Also, for at least 2 years of the continuous 5 or 3 year period mentioned in subsection (2), the applicant must have held continuously—

- (a) an open or provisional licence for a motorbike; or
- (b) a corresponding licence to an open or provisional licence for a motorbike issued under the law of another State; or
- (c) a series of any of the licences mentioned in paragraph (a) or (b).

**(4)** A person must not operate a relevant vehicle that is a motorbike unless the person holds a prescribed licence of the appropriate class.

**Qualifications for operating relevant vehicles other than motorbikes**

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

**(2)** The applicant must also—

- (a) subject to subsection (3), have held continuously for at least 3 years—
  - (i) an open or provisional licence for a car, truck or bus; or
  - (ii) a corresponding licence to an open or provisional licence for a car, truck or bus; or
  - (iii) a series of any of the licences mentioned in subparagraph (i) or (ii); or
- (b) have passed an approved competence test for the operation of the type of vehicle the person intends to drive under the driver authorisation.

**(3)** Also, for at least 2 years of the continuous 3 year period mentioned in subsection (2), the applicant must have held continuously—

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

**(4)** However, subsection (3) does not apply if the driver authorisation applied for is for a scheduled passenger service, long distance scheduled passenger service, taxi service, limousine service, community transport service or courtesy transport service.

**(5)** A person must not operate a relevant vehicle, other than a motorbike, unless the person holds a prescribed licence of the appropriate class.

### **Medical fitness for driver authorisation**

**8.(1)** An applicant for driver authorisation must give the chief executive a certificate in the approved form from a doctor (a “**medical certificate**”) that the applicant is medically fit to operate vehicles of the type the applicant intends to drive under the driver authorisation.

**(2)** An authorised driver must—

- (a) notify the chief executive if there is a change in the driver’s medical condition that makes the driver continuously unfit to safely operate a motor vehicle for more than 1 month; and
- (b) within every 5 years after the issue by a doctor of the last medical certificate given to the chief executive under this section, give the chief executive a fresh medical certificate.

**(3)** However, if the medical certificate indicates it is for a period of less than 5 years, the next medical certificate must be given to the chief executive within the stated period.

*Examples of indications—*

1. The certificate states it lasts or applies for 2 years.
2. The certificate states it should be renewed or reviewed after 2 years.
3. The certificate states the driver’s condition should be reviewed, or the driver should be re-examined, within 2 years.

**(4)** If the medical certificate given under subsection (1) or (3) for a person contains a limitation on operating a vehicle, the person must not operate a relevant vehicle contrary to the limitation.

### **Particular qualification to drive a taxi**

**9.(1)** An applicant for driver authorisation for a relevant vehicle that is a taxi must—

- (a) be able to speak and understand English; and
- (b) have a knowledge of common destinations and major connecting roads within the taxi service area where the applicant intends to drive the taxi; and
- (c) either—

- (i) have successfully completed a training course for taxi drivers specified by the chief executive; or
- (ii) have attained competency in each of the following Road Transport Competency Standards approved by the Australian National Training Authority—
  - (A) Follow occupational health and safety procedures;
  - (B) Drive a taxicab;
  - (C) Apply customer service skills;
  - (D) Apply quality procedures;
  - (E) Transport persons with disabilities.

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

(3) This section is in addition to, and does not limit, section 7 or 8.

### **Alcohol and drugs**

**10.(1)** A driver of a relevant vehicle must have a blood alcohol concentration of zero while operating the vehicle.

(2) A driver of a relevant vehicle must not be under the influence of a drug while operating the vehicle.

### **Fatigue management**

**11.(1)** A driver of a relevant vehicle must not operate the vehicle if the driver's fatigue level may endanger passenger safety.

(2) The driver does not contravene subsection (1) if the driver complies with any requirements about fatigue management applying to the driver under—

- (a) the *Transport Operations (Road Use Management—Fatigue Management) Regulation 1998*; or
- (b) an alternative compliance scheme about fatigue management approved under the *Transport Operations (Road Use Management) Act 1995*.

**Operational safety of vehicles**

**12.(1)** A driver of a relevant vehicle must operate it safely.

**(2)** Without limiting subsection (1) the driver must ensure—

- (a) the vehicle is not overloaded; and
- (b) if the vehicle is used for long distance scheduled passenger services or tourist services, it does not carry standing passengers; and
- (c) if the vehicle is a bus that carries standing passengers—
  - (i) the bus is specifically designed and constructed for the purpose; and
  - (ii) no passenger stands for more than 20 km; and
  - (iii) when carrying standing passengers, the bus does not travel on a road notified by the chief executive, by gazette notice, as a road on which the bus must not carry standing passengers.

**(2)** In subsection (1)—

**“overloaded”**, for a vehicle, includes carrying more than the maximum number of passengers—

- (a) for which the vehicle is designed; or
- (b) specified or recommended by the vehicle’s manufacturer.

**Seating**

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

**(2)** However if the vehicle is a bus, 3 primary school or pre-school children may sit in a bench type bus seat designed for 2 adults if—

- (a) the seat is not required to be fitted with seat belts; and
- (b) the placement and construction of the seat allows; and
- (c) no child sits in the seat for more than a total of 90 minutes while any 2 other children sit in the seat.



**Customer service**

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

**(2)** A driver of a relevant vehicle providing a scheduled passenger service or long distance scheduled passenger service must follow advertised routes and timetables while operating the vehicle.

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

**Compliance with certain transport legislation**

**15.** A driver of a relevant vehicle must comply with all provisions of the *Transport Operations (Road Use Management) Act 1995*<sup>1</sup> imposing an obligation, prohibition, restriction or other requirement on the driver in relation to—

- (a) the driving, use or operation of the vehicle; or
- (b) being in charge of the vehicle; or
- (c) the vehicle (including, for example, its design, condition, equipment, mass, loading or signs).

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<sup>1</sup> A reference to the Act includes a reference to the statutory instruments made or in force under the Act. See the *Acts Interpretation Act 1954*, section 7.

## PART 3—OPERATORS

### Definition

16. In this part—

“**relevant service**” means a public passenger service for which operator accreditation is required.

### Purpose of pt 3

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

- (a) on applicants for a grant or renewal of operator accreditation; and
- (b) on operators of relevant services.

### Training of operators

18.(1) An applicant for operator accreditation must successfully complete a training course specified by the chief executive in the matters mentioned in section 14 of the Act.<sup>2</sup>

(2) An applicant for renewal of operator accreditation may be required to successfully complete a training course mentioned in subsection (1).

(3) However, the chief executive may accept another qualification from the applicant as compliance with subsection (1) or (2) if the chief executive considers the qualification equivalent to, or better than, the training under the training course mentioned in subsection (1).

(4) In this section—

“**qualification**” means experience or training, other than training under a training course mentioned in subsection (1).

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<sup>2</sup> Act, section 14 (Operator accreditation standards)

**Ensuring drivers are trained in obligations under the Act**

**19.(1)** An operator of a relevant service must ensure each driver who is to operate a vehicle providing the service is given an introduction to the driver's obligations under the Act.

**(2)** However, the operator does not contravene subsection (1) if the operator is satisfied, by documentary evidence, that the driver's experience, or experience and training, provide an adequate level of knowledge of the obligations.

**(3)** An operator of a relevant service must ensure each driver who operates a vehicle providing the service is given training, under a documented training program, in the driver's obligations under the Act.

**Ensuring drivers comply with fatigue management requirements**

**20.** An operator of a relevant service must take reasonable steps to ensure that each driver of a vehicle providing the service complies with section 11.<sup>3</sup>

**Ensuring operational safety of vehicles**

**21.** An operator of a relevant service must take reasonable steps to ensure that a vehicle providing the service is safely operated.

**(2)** Without limiting subsection (1), the operator must take reasonable steps to ensure—

- (a) the vehicle is not overloaded; and
- (b) if the vehicle is used for long distance scheduled passenger services or tourist services—it does not carry standing passengers; and
- (c) if the vehicle is a bus, that carries standing passengers—
  - (i) the bus is specifically designed and constructed for the purpose; and
  - (ii) no passenger stands for more than 20 km; and

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<sup>3</sup> Section 11 (Fatigue management)

- (iii) when carrying standing passengers, the bus does not travel on a road notified by the chief executive, by gazette notice, as a road on which the bus must not carry standing passengers.

### **Compliance with Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999, s 5**

**22.** An operator of a relevant service must ensure that each vehicle providing the service complies with the requirements for the vehicle stated in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* section 5.<sup>4</sup>

### **Design and construction of bus manufactured before 20 May 1992**

**23.** An operator of a relevant service must ensure that a bus manufactured before 20 May 1992 used to provide the service complies with the Code of Practice ‘Omnibus Licensing Evaluation S6’ as issued at August 1992.<sup>5</sup>

### **Seating**

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

**(2)** However if the vehicle is a bus, 3 primary school or pre-school children may sit in a bench type bus seat designed for 2 adults if—

- (a) the seat is not required to be fitted with seat belts; and
- (b) the placement and construction of the seat allows; and
- (c) no child sits in the seat for more than a total of 90 minutes while any 2 other children sit in the seat.

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<sup>4</sup> Section 5 (Vehicles must comply with vehicle standards)

<sup>5</sup> This code forms part of the Code of Practice—Commercial Motor Vehicle Modifications and is available for inspection at the offices of the department at Transport House, Brunswick Street, Fortitude Valley, Brisbane.

**Type and age of vehicles**

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

**(2)** The operator is taken to comply with subsection (1) if the operator uses a vehicle of a type and age suitable to provide the service mentioned in a guideline issued by the chief executive under the *Transport Operations (Passenger Transport) Regulation 1994*, section 62B(1)(a).<sup>6</sup>

**Compulsory third party insurance**

**26.** An operator of a relevant service must not operate, or allow someone else to operate, a vehicle providing the service unless the insurance requirements under the *Motor Accident Insurance Act 1994* for the vehicle have been complied with.

**Maintenance of vehicles**

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

**(2)** The program must provide—

- (a) for the servicing and other maintenance of the vehicle to a standard that complies with, or exceeds, the servicing and maintenance program specified by the vehicle's manufacturer; and
- (b) for a daily pre-trip inspection of the vehicle, to a standard appropriate to an experienced driver of that general type of vehicle, to identify defects in the vehicle that may endanger public safety or substantially reduce passenger comfort; and
- (c) a system to ensure—
  - (i) defects in the vehicle that come to the notice of the driver or anyone else involved in providing the service are reported to the operator and recorded; and

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<sup>6</sup> Section 62B (Chief executive may issue guidelines)

- (ii) the vehicle is not returned to service until a reported defect that may endanger public safety has been fixed; and
- (iii) reported defects in the vehicle that substantially reduce passenger comfort are fixed within a reasonable time; and
- (iv) action taken to fix defects in the vehicle is recorded.

(3) An operator of a relevant service must keep a record of all servicing or other maintenance on each vehicle used to provide the service.

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

### **Customer service**

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

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

### **Vehicles to be maintained in clean, tidy and comfortable condition**

**29.(1)** An operator of a relevant service that is a taxi service, limousine service, a scheduled passenger service or long distance scheduled passenger service, must take reasonable steps to ensure that each vehicle providing the service is maintained in a clean, tidy and reasonably comfortable condition.<sup>7</sup>

(2) The operator is taken to comply with subsection (1) if the operator maintains the vehicle in accordance with a guideline issued by the chief executive under the *Transport Operations (Passenger Transport) Regulation 1994*, section 62B(1)(b).<sup>8</sup>

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<sup>7</sup> For additional obligations about vehicle comfort see the *Transport Operations (Passenger Transport) Regulation 1994*, section 20 (Safety requirements).

<sup>8</sup> Section 62B (Chief executive may issue guidelines)

**Access to information about services provided**

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

- (a) a scheduled passenger service; or
- (b) a taxi service if bookings for the service are not taken by a service for the administration of taxi services.

**(2)** The operator must provide the public with a convenient way of obtaining information about the scheduled passenger service or taxi service.

*Example—*

Ensuring information about the service is obtainable by telephone during appropriate hours.

**Vehicle unable to complete journey**

**31.(1)** An operator of a relevant service must have a procedure to ensure that, if a vehicle providing the service is unable to complete a passenger's journey on the vehicle—

- (a) alternative arrangements are made to complete the journey; and
- (b) the passenger is told why the vehicle is unable to complete the journey and the arrangements being made for the completion of the journey.

**(2)** This section does not apply to an operator of a taxi service if a service for the administration of taxi services takes bookings for the taxi service under a service contract.

**Reliability of service**

**32.(1)** An operator of a relevant service that is a scheduled passenger or long distance scheduled passenger service must provide public passenger services in accordance with the operator's advertised schedules.

**(2)** The schedules must be realistically achievable.

**Scheduled service—what must be shown on vehicle**

**33.(1)** An operator of a relevant service that is a scheduled passenger service or long distance scheduled passenger service, other than a school

service, must ensure that each vehicle providing the service—

- (a) is readily identifiable as belonging to the service; and
- (b) displays a conspicuous destination sign.

### **Complaints**

**34.(1)** An operator of a relevant service must—

- (a) ensure a complaint about the service, whether or not it is about conduct by the operator or a driver, is recorded; and
- (b) promptly investigate the complaint; and
- (c) ensure action, if any, taken in response to the complaint is recorded.

**(2)** This section does not apply to an operator of a taxi service if a service for the administration of taxi services takes bookings for the taxi service under a service contract.

## **PART 4—REPEAL**

### **Repeal**

**35.(1)** The *Transport Operations (Passenger Transport) Standard 1995* is repealed.

**(2)** This part expires the day after it commences.



## SCHEDULE

### DICTIONARY

section 3

**“approved”** means approved by the chief executive.

**“car”** see the *Transport Operations (Road Use Management) Act 1995*, dictionary.

**“corresponding licence”** to—

- (a) an open licence—means a document corresponding to the open licence that is issued under a law of another State or country that provides for the same matter as the provision under which the open licence is issued; or
- (b) a provisional licence—means a document corresponding to the provisional licence that is issued under a law of another State or country that provides for the same matter as the provision under which the provisional licence is issued.

**“held continuously”**, for a period, includes being held for the period without a break that lasted more than 7 days.

**“motorbike”** see the *Transport Operations (Road Use Management) Act 1995*, dictionary.

**“open licence”** see the *Transport Operations (Road Use Management) Act 1995*, dictionary.

**“prescribed licence”** means—

- (a) an open licence, or a corresponding licence to an open licence; or
- (b) a restricted licence.

**“provisional licence”** see the *Transport Operations (Road Use Management) Act 1995*, dictionary.

**“relevant service”**, for part 3, see section 16.

**“relevant vehicle”**, for part 2, see section 4.

**“restricted licence”** see the *Transport Operations (Road Use Management) Act 1995*, dictionary.

**“truck”** see the *Transport Operations (Road Use Management) Act 1995*, dictionary.

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#### ENDNOTES

1. Made by the chief executive on 1 March 2000.
2. Approved by the Governor in Council on 6 April 2000.
3. Notified in the gazette on 7 April 2000.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Transport.