

Queensland



Subordinate Legislation 1995 No. 121

Transport Operations (Passenger Transport) Act 1994

TRANSPORT OPERATIONS (PASSENGER TRANSPORT) STANDARD 1995

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Commencement	3
3	Application	3
4	Definition	3
PART 2—DRIVER AUTHORISATION		
5	Purpose of part	3
6	Competence	3
7	Customer service	4
8	Driver fitness	5
9	Fatigue management	6
PART 3—OPERATOR ACCREDITATION		
<i>Division 1—Vehicles</i>		
10	Purpose of division	6
11	Design and construction of vehicles	6
12	Type, age and use of vehicles	7
13	Condition of vehicles	7
14	Operational safety of vehicles	7
15	Bus seating	8
16	Driver records	8

Division 2—Customer service

17	Purpose of division	8
18	Service quality	8
19	Reliability of service	8
20	Complaints	9

Division 3—Driver management

21	Purpose of division	9
22	Safety	9
23	Customer service	9

PART 1—PRELIMINARY

Short title

1. This standard may be cited as the *Transport Operations (Passenger Transport) Standard 1995*.

Commencement

2. This standard commences on 8 May 1995.

Application

3. This standard applies to operator accreditation and driver authorisation under the Act.

Definition

4. In this standard—

“approved” means approved by the chief executive.

PART 2—DRIVER AUTHORISATION

Purpose of part

5. The purpose of this part is to establish performance criteria for drivers of public passenger vehicles about the safe operation of vehicles and customer service.

Competence

6.(1) A driver of a public passenger vehicle must be competent to safely operate the vehicle.

(2) This must be established by—

- (a) for all drivers—holding the appropriate class of either—
 - (i) a current Australian open licence; or
 - (ii) a provisional licence issued to a person after cancellation of the person’s open licence under the *Traffic Regulation 1962*, section 108BB(3)(b);¹ and
- (b) for all drivers (other than drivers of motorcycles or motortricycles)—having held an open or provisional licence for a car continuously for at least 3 years or having passed an approved competence test for the particular type of vehicle; and
- (c) for drivers of motorcycles and motortricycles either—
 - (i) having held an open or provisional licence for a motorcycle continuously for at least 5 years; or
 - (ii) having held an open or provisional licence for a motorcycle continuously for at least 3 years and having passed an approved competence test for a motorcycle with a pillion passenger.

(3) A person is taken to have held a licence continuously for a particular period even if there are periods during the particular period, each of not more than 7 days, when the person did not hold a licence.

(4) In this section—

“open licence” has the same meaning as in the *Traffic Act 1949*.

“provisional licence” has the same meaning as in the *Traffic Act 1949*.

Customer service

7.(1) A driver of a public passenger vehicle must be competent in providing customer service.

(2) This must be established by—

- (a) for drivers of taxis and limousines—being able to speak and understand English at the time of application for authorisation;

¹ Section 108BB(3)(b) (Suspension or cancellation of driver’s licence on accumulation of demerit points)

and

- (b) for all drivers of public passenger vehicles—having passed an approved training course for the type of service they provide at the time of application for authorisation and, if required by the chief executive, on renewal of authorisation; and
- (c) for drivers of taxi services—having a knowledge of common destinations and major connecting roads within the taxi service area where they are driving, or intend to drive, at the time of application for authorisation and while operating the service; and
- (d) for drivers providing scheduled services and long distance scheduled services—following advertised routes and timetables while operating the service; and
- (e) for all drivers of public passenger vehicles—behaving courteously towards passengers and the public and adhering to an approved code of customer service for the type of public passenger service concerned.

Driver fitness

8.(1) A driver of a public passenger vehicle must be fit to safely operate the vehicle.

(2) This must be established by the driver—

- (a) providing a certificate of the driver's medical fitness to operate the vehicle, to an approved standard, at the time of application for authorisation and on renewal of authorisation; and
- (b) having a blood alcohol concentration of zero while driving a public passenger vehicle; and
- (c) not being under the influence of a drug that affects or could affect the driver's ability to safely operate the vehicle.

(3) The driver must notify the chief executive if the driver's medical condition changes in relation to the approved standard and makes the driver unfit to safely operate the vehicle for more than 1 month from the change in medical condition.

Fatigue management

9.(1) A driver of a public passenger vehicle must not operate the vehicle when the driver's fatigue level may endanger passenger safety.

(2) For a driver operating a heavy vehicle within the meaning of the *State Transport Regulation 1987*, part 6, this must be established by regulating the driver's driving time in accordance with that part or complying with an alternative compliance scheme approved under the *Transport Operations (Road Use Management) Act 1995*.

PART 3—OPERATOR ACCREDITATION*Division 1—Vehicles***Purpose of division**

10. The purpose of this division is to establish performance criteria for operators of public passenger services for the safety and operation of vehicles used to provide public passenger services.

Design and construction of vehicles

11.(1) A public passenger vehicle must be of a design and construction making it safe to provide the public passenger service provided by the vehicle.

(2) This must be established by—

- (a) complying with Australian Design Rules in force at the date of manufacture; or
- (b) for buses manufactured before 20 May 1992—complying with the Code of Practice 'Omnibus Licensing Evaluation S6' as issued at August 1992.

Type, age and use of vehicles

12.(1) A public passenger vehicle must be of a type and age suitable for the public passenger service provided by the vehicle.

(2) This may be established by complying with policies supported by approved information bulletins, applying to the type of vehicle used, issued by the chief executive from time to time.

Condition of vehicles

13.(1) A public passenger vehicle must be in a safe condition to provide a public passenger service whenever being operated.

(2) This must be established by—

- (a) complying with the *Motor Vehicles Safety Act 1980* and the *Traffic Act 1949*; and
- (b) having current registration and third party insurance of the appropriate type; and
- (c) recording and keeping records of vehicle maintenance for each public passenger vehicle.

Operational safety of vehicles

14. A public passenger vehicle must be operated safely and, in particular—

- (a) a vehicle must not be overloaded; and
- (b) a bus may carry persons who are standing only if—
 - (i) the bus is specifically designed and constructed for the purpose; and
 - (ii) the persons standing travel for less than 20 km; and
 - (iii) the persons standing travel on a road other than a road notified by the chief executive, by public notice, as a road on which a bus must not carry persons who are standing; and
- (c) a vehicle used for long distance scheduled services and tourist services must not carry persons who are standing.

Bus seating

15.(1) A public passenger vehicle must not carry more than 1 seated passenger per adult seat.

(2) However, 3 primary or pre-school children may be carried 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) the journey time of the third child in the seat is not longer than 90 minutes.

Driver records

16. Operators must keep records of drivers operating each vehicle in use by date and time.

Division 2—Customer service**Purpose of division**

17. The purpose of this division is to establish customer service performance criteria for operators of public passenger services.

Service quality

18. An operator of a public passenger service must adhere to the approved code of customer service for the type of service.

Reliability of service

19.(1) An operator of a public passenger service must provide public passenger services in accordance with the operator's advertised schedules.

(2) The schedules for services must be realistically achievable.

Complaints

20. An operator of a public passenger service must ensure that all complaints are responded to promptly and systematically, and the complaints and any action taken recorded.

Division 3—Driver management

Purpose of division

21. The purpose of this division is to establish performance criteria for operators of public passenger services about the management of drivers and their vehicles.

Safety

22. An operator of a public passenger service must ensure—

- (a) the operator's drivers are competent to safely operate the vehicles used to provide a service; and
- (b) the operator's drivers hold appropriate driver authorisation; and
- (c) the operator's drivers of buses that are heavy vehicles adhere to the driving hours prescribed in the *State Transport Regulation 1987*, part 6, or an alternative compliance scheme approved under the *Transport Operations (Road Use Management) Act 1995*.

Customer service

23.(1) An operator of a public passenger service providing scheduled services must ensure the operator's drivers are competent in providing customer service.

(2) This must be evidenced by having procedures for ensuring drivers are aware of the timetables and routes.

ENDNOTES

1. Made by the Governor in Council on 4 May 1995.
2. Notified in the Gazette on 5 May 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.