

Information Bulletin

PT 23/09.16

Operator Accreditation (OA) and Driver Authorisation (DA) Exemptions

OA & DA requirements apply to the provision of particular public passenger services in Queensland.

This bulletin provides information about:

- Exemptions from OA requirements for booked hire services
- Exemptions from OA and DA requirements for courtesy and community transport services.

For more information, please refer to the following information bulletins:

- PT20 *Community & Courtesy Transport Services*
- PT205 *Operator Accreditation for Community & Courtesy Transport Services* – PT303 *Driver Authorisation for Booked Hire & Taxi*.

Exemptions for booked hire services

An exemption from OA applies to an operator of a booked hire service when it is provided by an individual who is the operator and only driver for the service. If an operator of a booked hire service does not qualify for this exemption, they are required to hold OA for Taxis (including booked hire services). For more information about this OA requirement, refer to information bulletin PT203 *OA for Taxis (including booked hire services)*.

Exemptions for courtesy and community transport services

OA and DA exemptions apply to a community or courtesy transport service if:

- the service is not available to the general community (regardless of the number of vehicles or type of vehicle used to provide the service); or
- no more than two vehicles are available, at any time, to provide the service, and each of the vehicles may be driven under a class C driver licence; or
- the service is a 'locally significant event service'.

Note: A 'class C driver licence' is commonly known as a driver licence for a car. It may be used to drive a motor vehicle, other than a motorbike, with a seating capacity for 12 or less adults (including the driver) and that has a gross vehicle mass of not more than 4.5t.

When is a service available to the general community?

A service is available to the general community if any member of the community is capable of meeting requirements for receiving the service. In other words, if a restriction on receiving the service can be easily met by any member of the community then the service is available to the



general community. Examples are provided in Attachment 1.

When is a service not available to the general community?

A service is not available to the general community if a condition for travel cannot be easily satisfied by any member of the community. Examples of this type of restriction include conditions of travel that relate to disability, medical conditions, or age. Examples are provided in Attachment 1.

What is a locally significant event service?

A locally significant event service is a public passenger service:

- operating in or near a local government area with a population of less than 2500 people according to the most recent estimated resident population for the area stated on the Australian Bureau of Statistics website; and
- provided, free of charge, for carrying passengers to or from an event (such as an annual show day or race day) that is held no more than twice a year in or near the area and open to attendance by the general public, either free of charge or on payment of an entry fee; and
- for which no more than 2 motor vehicles are available, at any time, to provide the service.

Operators who provide more than one community transport service

If an operator provides more than one service, each service must be considered independently to determine the OA and DA requirements that apply to each service. Some services provided by one operator may require OA and DA while others may be exempt.

Example—

An operator through separate government funding arrangements might provide: a) a community transport service to young people with a disability; and

b) a community transport service attached to a alcohol and drug education program.

Each of these community transport services must be considered separately when determining OA and DA requirements. Even though OA and DA may be required for one community transport service provided by an operator, an exemption can still be applied to another community transport service provided by that same operator if the exemption requirements are satisfied.

For the example above—

- OA and DA requirements apply to the service attached to the alcohol and drug education program if participation in the program is open to the general community.
- The service to young people with a disability is exempt from the requirements for OA and DA requirements because the service is not available to the general community.
- An operator of both these two services would require OA but only in regard to the provision of the nonexempt service (the service attached to the alcohol and drug education program).
- Drivers of the non-exempt service will require DA while drivers of the exempt service do not.

Operators who provide community transport services to numerous beneficiary groups in the same vehicle, at the same time.

Some operators may receive separate funding to provide community transport services to different beneficiary groups. For cost efficiencies the operator may want to provide shared transport to the funded beneficiary groups. It is permissible for an operator to provide community transport services

to two or more funded beneficiary groups in the same vehicle at the same time. Furthermore, doing so does not change whether any service qualifies for an exemption. If, when considered independently, each of the funded services were determined to be not available to the general community, then the services would not require OA or DA. Alternately, if one of the funded services did not qualify for an exemption then OA and DA would apply to service.

Provision of transport to persons outside the target beneficiary group of a community transport service

A community transport service is a public passenger service funded or subsidised out of public money or by a charity and provided for the benefit of a particular group. A community transport service can carry passengers outside of the funded beneficiary group so long as the service is being provided primarily for the funded target group. A service would no longer be considered a community transport service if it was evident that the funded target group was not the primary beneficiary of the service.

OA and DA requirements will apply to a community transport service that carries passengers outside its beneficiary group. The only exception is where the service uses no more than two vehicles that can be driven under a class C driver licence. A community transport service that carries passengers outside its beneficiary group is held to be available to the general community.

Additional information

The information contained in this bulletin has been produced as a guide to assist in the understanding of the legislation and policy. Clarification of any information in this bulletin may be obtained from the Department of Transport and Main Roads by contacting your local passenger transport office.

This bulletin is an interpretation of the relevant Acts, Regulation and Standard and should not be used as a reference to a point of law.

The legislation may be viewed on the internet at www.legislation.qld.gov.au. Additional information about public passenger services is available on the Department of Transport and Main Roads internet site at www.tmr.qld.gov.au/information_bulletins.

Attachment 1

Examples

Services available to the general community

1. Membership of a bowls club is open to the general community. The club provides a courtesy transport service bus to club members and guests. The service is available to the general community.
2. A service provided to meet the transport needs of a broad-based group within the community would be considered available to the general community unless criteria restrict who might use the service.

3. A sporting club or surf lifesaving club providing transport for members and guests to attend its club house for social activities is considered available to the general community.
4. The following are also considered available to the general community:
 - (a) a service operated to take members of the general public to a local community or medical centre
 - (b) a bus operated by a hotel, tourist resort, or backpacker hostel, that provides a pick-up and drop-off transport service for guests and clients
 - (c) a bus operated by a hospital or medical centre to provide transport for clients and visitors (not operated solely for patients).

Services not available to the general community

1. A service is not available to the general community if, in order to receive the transport service, a person needs to meet eligibility criteria that cannot be easily met by any member of the public. Such criteria may include, but is not restricted to, matters such as age, disability, or medical condition.
2. A service provided only to persons with a disability and their carers is not available to the general community.
3. A service provided solely for the clients of a particular facility (for example, a respite centre or nursing home) is not available to the general community.
4. A sporting club providing transport to training and sporting events for officials, team members, and parents and guardians of team members is considered not available to the general community.
5. Community transport services not available to the general community include a community transport service provided solely for the benefit of:
 - (a) refugees
 - (b) residents of aged care homes, respite care facilities, group homes or institutions
 - (c) clients of respite centres
 - (d) students of a school, university or TAFE.