



Information Bulletin

PT 23/01.13

Exemptions from operator accreditation and driver authorisation for community and courtesy transport services

Operator accreditation (OA) and driver authorisation (DA) requirements apply to the provision of public passenger services in Queensland. Under some circumstances, community transport services and courtesy transport services may be exempt from these requirements (these exemptions do not apply to other categories of public passenger services).

For more information about community or courtesy transport services and the requirements for operator accreditation and driver authorisation, please refer to the following information bulletins:

- PT20 *Community & Courtesy Transport Services*; and
- PT205 *Operator Accreditation for Community & Courtesy Transport Services*

Exemption criteria

OA and DA requirements do not 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 under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*;

or

- the service is a locally significant event service.

Note: A “class C driver licence” is commonly referred to as a driver licence for a car or 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 satisfied by any member of the community then the service is available to the general community.

Example of a service that is available to the general community—

- Membership of a bowls club is open to the general community. The club provides a courtesy transport service but only to club members. The service is available to the general community.

Further 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.

Example of a service that is not available to the general community—

- A service provided only to persons with a disability and their carers is not available to the general community.

Further 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.

Additional information about community transport services

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:

- (i) a community transport service to young people with a disability; and
- (ii) 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 non-exempt 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 not be 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.

Attachments

- *Attachment 1* contains various examples of services and the requirements applicable to these services.
- *Attachment 2* provides some further information relevant to services provided under the *Home and Community Care Program* (HACC).

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 of the Department.

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

Copies of the *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2005* and *Transport Operations (Passenger Transport) Standard 2010* can be purchased from LitSupport Pty Ltd on 07 3223 9202 or email legislation@litsupport.com.au.

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

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 but only to club members. The service is available to the general community.
2. A community transport service provided to meet the transport needs of a broad-based group within the community will most likely be considered to be available to the general community unless criteria restrict who might use the service.
3. The following services are considered available to the general community:
 - (a) a charity funded service operated to take people to a local community centre or local medical centre
 - (b) a courtesy bus, operated by a hotel, tourist resort, or backpacker hostel, that provides a pick-up and drop-off service for guests and clients
 - (c) a courtesy bus operated by a hospital or medical centre for clients and visitors.
4. A sporting club or surf lifesaving club provides a courtesy transport for members and guests to attend its club house for social activities. This service is available to the general community.

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 satisfied by any member of the general public. Such eligibility criteria may include, but is not restricted to, matters such as age, disability, or medical condition.
2. Examples of community transport services not available to the general community include a community transport service for:
 - (a) refugees
 - (b) residents of aged care homes, respite care facilities, group homes or institutions
 - (c) clients of a day respite care centres
 - (d) students of a school, university or TAFE
 - (e) church congregations attending church activities.
3. If a community transport service is attached to a particular facility (for example, a respite centre or nursing home) and is used solely for that facility's clients then the transport is considered to be not available to the general community.
4. A sporting club provides transport to training and sporting events to officials, team members, and to parents and guardians of team members. These services are not available to the general community.
5. A surf lifesaving club provides transport to members to attend surf patrols, training, and competitions. These services are considered to be not available to the general community.

Additional information regarding HACC services

HACC service providers

The following information is provided with regard to passenger transport services delivered by providers of services under the *Home and Community Care Program*.

HACC identifies its “target population” as:

- Older, frail people with moderate, severe or profound disabilities;
- Younger people with moderate, severe or profound disabilities;
- Other client groups targeted from time to time, upon agreement by the Commonwealth and the State.

HACC service eligibility

Not all persons within the HACC target population are eligible for HACC services.

Eligibility for HACC services is based on functional disability. A person having a functional disability includes—

A person (who) has difficulty performing the tasks of daily living and needs assistance or supervision due to ongoing, moderate, severe or functional disability and without this assistance would be at risk of inappropriate or premature admission due to long term residential care (tasks of daily living include dressing, preparing meals, house cleaning and maintenance and using public transport).

(Source: *National Program Guidelines for the Home and Community Care Program 2007*.)

Passenger transport services operated by HACC service providers

- A community transport service that is provided *solely* to HACC-eligible persons and their carers is exempt from operator accreditation and driver authorisation requirements because the service is not available to the general community.
- A community transport service that is operated for the benefit of HACC-eligible persons and which also carries other persons (other than carers) is considered to be available to the general community. This service would be exempt from OA and DA requirements only if 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.
- To fall within the meaning of a community transport service, a service must be funded or subsidised out of public money or by a charity and be provided for the benefit of a particular group. If a service is operated for the equal or greater benefit of persons outside of the ‘particular group’ then the service will not be considered a community transport service.