

FACT SHEET

Operator Accreditation Requirements for Free Buses Provided by Licensed Clubs & Other Similar Organisations

It is a growing trend for accommodation houses, clubs and other licensed premises to offer patrons a "courtesy" or "free" transport service to and from the premises. Sometimes, the organisation owns and operates the vehicle themselves, while others charter a local bus operator to provide the service on their behalf.

This Fact Sheet clarifies when organisations can and cannot provide a 'courtesy/free bus' service to its patrons/guests in the following situations:

- (1) providing the bus service using a vehicle it owns or leases, or
- (2) chartering or employing another bus operator to provide the service.

(1) FREE BUS SERVICES OPERATED BY THE ORGANISATION

[defined as a courtesy transport service under the *Transport Operations (Passenger Transport) Act 1994*]

The definition of a courtesy transport service is "a public passenger service provided, free of charge, by an entity using a vehicle owned or leased by the entity for customers, clients or students of the entity". The following conditions apply to a courtesy transport service:-

- a) The operator cannot request or require any payment or consideration for the courtesy service - for example, a levy, donation, the purchase of a raffle ticket, displaying a receptacle for contributions, "petrol money", or any benefit/compensation in any other form.

The customer, client or student pays the same amount for the primary service notwithstanding whether he/she uses the transport component.

- b) The "customer, client or student of the entity" must have a direct relationship with the entity.
- c) "Owned" or "leased" by the entity means that the entity must have control and management of the service, vehicle and driver (leasing also includes hire vehicle arrangements).

A service that meets the definition of a courtesy transport service may be operated in a government contract area and may run to a route and timetable.

A courtesy transport service may also operate on a demand responsive basis.

Operator Accreditation Requirements

Any club/licensed premises that operates a courtesy transport service that is “available to the general community”:*

- *in a vehicle with more than 12 seats, or*
- *using three or more vehicles with 12 or less seats,*

must hold Operator Accreditation for Courtesy Services, and as of 1 June 2000, the drivers must be appropriately authorised (either Restricted Driver Authorisation, General Driver Authorisation or Scheduled Driver Authorisation).

* *“available to the general community” services are those services which are available to potential users on meeting a condition or conditions which could be met ordinarily or easily by a member of the public. Examples include:*

- *a club or licensed premises*
- *accommodation house (resort, backpackers, motel, etc)*
- *tourist attraction (theme park, diving expedition, etc)*
- *car servicing centre.*

(2) CHARTERING ANOTHER BUS OPERATOR TO PROVIDE THE SERVICE

An accommodation house/club/licensed premises/etc can only charter or employ another bus operator to provide a 'courtesy/free bus' service for their business under the following conditions.

a) For chartered 'courtesy/free bus' services operating to an established route and regular timetable:

The service cannot operate within a declared commercial service contract area [refer to section 42(1) of the *Transport Operations (Passenger Transport) Act 1994*].

However, section 43 of the *Transport Operations (Passenger Transport) Act 1994* states another public passenger service may be operated within a commercial service contract area under an agreement with the holder of the service contract. Such an agreement needs to be sought by the person or organisation wishing to operate the 'courtesy/free bus' service.

Operator Accreditation Requirements

*Under such an arrangement, the club/licensed premises does not require Operator Accreditation. However, the **bus operator** requires Operator Accreditation for General Services and Operator Accreditation for Minor Scheduled Services.*

- b) ***For chartered 'courtesy/free bus' services operating on a demand responsive basis*** (for example, taking bookings over the telephone):

Under the definition of a taxi service a charter bus cannot operate in a demand responsive manner. This means a chartered bus service cannot be "held out as being able to respond to requests for service immediately or within a period of time appropriate to a taxi or within a similar period of time".

Therefore, a chartered 'courtesy/free bus' service can operate using an electronic (telephone) booking system as long as they are not operating in a demand responsive manner. For example, a guest/patron may make a telephone booking in advance for that afternoon's 'courtesy/free bus', but cannot ring up and expect to be picked up straight away. It is recommended a minimum 2 hour booking period be applied to be considered not demand responsive.

Operator Accreditation Requirements

*Under such an arrangement, the club/licensed premises does not require Operator Accreditation. However, the **bus operator** requires Operator Accreditation for General Services.*

- c) ***Chartered 'courtesy/free bus' services that utilise both scheduled timetable and electronic booking (telephone) practices but do not operate on an established route***

It is possible for a chartered 'courtesy/free bus' service to operate to a scheduled timetable (but not an established route), and also take telephone bookings (in advance) as the service is not considered "demand responsive" or "scheduled". In these cases, the route to be travelled would need to be determined on an as needs basis.

For example, a club could charter a bus operator to provide a "free bus" service where patrons prebook (a minimum two hours in advance) to be picked up and then assemble in a designated area when they want to catch a timetabled journey home. In this case, the route to be travelled would need to be determined on an as need basis. [Note, if running to a timetable, the journey home does not need to be prebooked.]

If the club did not offer a timetabled journey home, the journey home would have to be prebooked two hours in advance.

Operator Accreditation Requirements

*In these cases, the club/licensed premises is not required to hold Operator Accreditation. However, the **bus operator** is required to hold Operator Accreditation for General Services.*

This information has been produced as a guide to assist in the understanding of the legislation and policy. It is an interpretation of the relevant Acts and Regulations and should not be used as a reference to a point of