Operator Accreditation for Motorcycle Tourist Services

What is operator accreditation?

The Transport Operations (Passenger Transport) Act 1994 requires operators of public passenger services in Queensland to hold operator accreditation (OA) unless specifically exempt.

The purpose of operator accreditation is to encourage the high quality operation of public passenger services by—

- raising standards and awareness of operators in the areas of safety, service delivery and business acumen; and
- ensuring operators are held accountable for complying with appropriate standards.

Who needs to hold operator accreditation?

An individual, partnership or organisation that operates a passenger transport service must hold operator accreditation for the type of service being operated. If an operator assigns the operation of their services to second party through a lease or management agreement, the second party is also required to hold operator accreditation.

What are motorcycle tourist services?

A Motorcycle Tourist Service is a pre-booked public passenger service for the carriage of tourists on a publicly available itinerary to a common scenic or tourist attraction using a motorcycle, motorcycle and side-car, or motor tricycle. For more information on these services, refer to the information bulletin titled “Motorcycle Tourist Services”.

Criteria for granting and holding operator accreditation

To obtain full accreditation, applicants must have one of the following qualifications:

(a) A Statement of Attainment from a Registered Training Organisation for the following competencies from the Transport and Distribution (Road Transport) Training Package:
- Implement and monitor occupational health and safety procedures;
- Apply quality procedures; and
- Coordinate fleet control logistics.
(b) A Certificate of Transport Management or an equivalent university qualification recognised by the Department of Transport and Main Roads.

(c) Successful completion of the Operator Accreditation Workbook included in the Operator Accreditation Training Certification Package available from the department.

Note—
- Applicants who do not meet the above requirement may be issued with provisional operator accreditation for three months. During these three months, the operator must successfully complete the Operator Accreditation Workbook.
- Operators who do not successfully complete the workbook will not be able to renew their accreditation. They will have to reapply and purchase a new Operator Accreditation Training Certification Package. Furthermore, the operator will be required to cease operating until a new accreditation is granted.

Refusal, amendment, suspension or cancellation of operator accreditation

An operator accreditation may be refused, amended, suspended, or cancelled if an applicant or holder—
- is convicted of a disqualifying offence; or
- does not comply with a requirement of the Transport Operations (Passenger Transport) Standard 2010 applying to the operator accreditation; or
- the department considers that the person has behaved in a way that has damaged the reputation of public passenger services or accredited operators or otherwise is contrary to the encouragement of the high quality operation of public passenger services.

Furthermore, an application for operator accreditation may also be refused if a party to the application—
- has been charged with a disqualifying offence and the charge has not been finally disposed of; or
- has had an operator accreditation granted to the person cancelled or suspended.

Note—
- Under the Transport Operations (Passenger Transport) Act 1994, a "conviction" is defined as including a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.
- Disqualifying offences include certain criminal and civil offences. For more information, refer to the information bulletin titled “Effect of a Disqualifying Offence”.
- A criminal history check will be made on all applicants before their application is approved. (If an overseas criminal history check is required, applicants are responsible for obtaining and providing an original copy of the overseas criminal history check.)

How to apply

(1) Obtain an Operator Accreditation Application (form F2982), a Vehicle Declaration (form F3858), and relevant information bulletins from your local Passenger Transport (Department of Transport and Main Roads) office. (This is also a good time to check requirements with staff.)

(2) Complete the application form and vehicle declaration form and lodge these with the required fees together with the original proof of identity of each member, partner, director and nominated executive officer on the application. Acceptable proof of identity is either a Queensland driver licence or the forms of personal identification required to obtain a Queensland driver licence.
For individuals and partnerships: all persons must present their proof of identity in person.

For corporations and other incorporated organisations: any person not named on the certified list of current directors must present their proof of identity in person, otherwise only one person on the list of current directors need to attend in person.

**Note:**
(i) For corporations: the Certificate of Incorporation, including a certified copy of the list of the current directors of the corporation (available from the Australian Securities and Investment Commission), must be provided.

(ii) For an individual, partnership, or incorporated company trading under a business name: a copy of the Business Names Extract from the Office of Fair Trading is required.

(3) Lodge training certificates, where applicable.

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**Operational requirements**

Accredited operators must comply with specific legislative requirements. Requirements are made in the following areas.

**Vehicles**

- Operators must ensure that vehicles used to provide a service are maintained to a standard that complies with, or exceeds, the servicing and maintenance program specified by a vehicle’s manufacturer. This must be established by following a documented maintenance schedule for each vehicle. Refer to the information bulletin titled *Maintenance of Public Passenger Vehicles* for more detailed information on what documentation is required.

- Operators must ensure all vehicles used to provide the service display their operator accreditation number. Refer to the information bulletin titled *OA Display on Passenger Transport Vehicles*.

- Vehicles providing a motorcycle tourist service must -
  - comply with schedule 5 (Equipment for Vehicles) and schedule 8 (Public Passenger Vehicles) of the *Transport Operations (Passenger Transport) Regulation 2005* – please contact your local Passenger Transport Office for further details
  - comply with section 5 of the *Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 1999*
  - be operated in a safe manner.

- Operators must ensure that the following is maintained for each vehicle -
  - a current Certificate of Registration
  - a current Certificate of Inspection
  - appropriate Compulsory Third Party Insurance for the type of service operated.

- Operators must ensure that the vehicles are not overloaded.

- A public passenger vehicle must not carry more than one seated passenger per adult seat.
Where services are operated other than on a public road (for example, be entering private property or a National Park) the operator must have an authority from the owner to enter the place.

**Driver Management**

Operators must ensure that their drivers—

- Hold driver authorisation for the type of passenger service being provided.
- Do not operate a public passenger vehicle if the driver’s fatigue level may endanger passenger safety.
- Are given training, under a documented training program, in the driver’s responsibilities under the *Transport Operations (Passenger Transport) Act 1994*. A separate information bulletin “Driver Training by Operators” details the criteria for meeting this requirement.

**Incident Management Plans**

An operator must have an incident management plan in place. A copy of the parts of the plan relevant to a driver must be kept in each vehicle used to provide a service.

**Customer service**

An operator must record and respond to all complaints. All action taken must also be recorded.

**Record keeping**

- All records must be kept for five years.
- For each trip undertaken, operators must keep records of: the name of the driver; the driver’s driver authorisation number; the vehicle used (including the registration number and where applicable, the fleet number); the date; and the period of time the vehicle was assigned to the driver.
- Operators must keep a record of their drivers’ driver authorisation numbers.
- Operators must record details of vehicle maintenance for each vehicle used.
- Operators must keep a copy of their incident management plan and copies of completed incident management reports.
- Operators must keep a copy of all complaints received and any action taken in regard to the complaints.

**Fees**

- Applicants for and holders of operator accreditation (OA) are required to pay the fees prescribed in schedule 9 of the *Transport Operations (Passenger Transport) Regulation 2005*.
- There are two components to the OA fees. There is the "annual application/renewal fee" (refer schedule 9, sections 5 and 6) and there is the "additional application fee" (refer schedule 9, section 10), which is used to offset the costs of criminal history checks.
- The "additional application fee" must be paid must be paid in full at time of application or request to add a new person to an existing accreditation.
The "annual application/renewal fee" must be paid before an OA is issued.

Fees are calculated on the following basis

- Where more than one service category is performed, only the highest "annual application / renewal fee" applicable is payable. (If the prescribed fee categories are equal then only the one "annual application/renewal fee" is payable.)

- When applicable to the determination of fees, the calculation of the number of vehicles is determined by the maximum number of vehicles used at any one time for that type of service. For example, if an operator needs ten vehicles to provide services, but has an eleventh vehicle as a spare, the "annual application/renewal fee" would be calculated on ten vehicles only.

- The charge for the "annual application/renewal fee" may be paid on a pro-rata basis calculated on the number of months required.

- An "additional application fee" is payable for each person nominated on the operator accreditation application form.

- The "additional application fee" also applies to any application to add a new person to an existing OA.

- Pro-rata does not apply to the "additional application fee".

Note—
- In addition to the above fees, applicants for operator accreditation may be required to pay for the Operator Accreditation Training Certification Package (which includes the Operator Accreditation Workbook and Information Guide for Passenger Transport Operators).
- It is the operator's responsibility to have the Operator Accreditation Workbook assessed by a department approved assessor. The assessment fee will have to be paid directly to the assessor.

Period of issue

Operator accreditation can be granted for a period of up to five years (in multiples of one year periods). Accreditation may be issued on a part year basis for the purpose of aligning the expiry date with other department products; however there is a minimum issue period of one year.

Persons who have not completed training requirements may be granted provisional operator accreditation for three months.

Notification of disqualifying offences

- A person who is an accredited operator must immediately notify the department in writing if—
  (i) for an individual—the person is charged with a disqualifying offence; or
  (ii) for a member of a partnership—the person, or another member of the partnership, is charged with a disqualifying offence; or
  (iii) for a corporation—the corporation, or an executive officer of the corporation, is charged with a disqualifying offence.

- The department must also be immediately notified in writing about the outcome of the charge.

- When operator accreditation is held by a partnership, if a member of a partnership is charged with a disqualifying offence that person must immediately inform in writing the other member of the partnership about the charge. When the charge is dealt with, the person must also inform
the other partner in writing of the outcome of the charge.

- When operator accreditation is held by a corporation, if an executive officer of the corporation is charged with a disqualifying offence that person must immediately inform in writing another executive officer of the corporation the charge. When the charge is dealt with, the person must also inform another executive officer in writing of the outcome of the charge.

**Compliance**

Information about disqualifying offences and compliance is detailed in the information bulletin titled “Compliance – Public Transport Operators and Drivers”.


If a person does not comply with a requirement they risk being issued with an Infringement Notice or being charged with committing an offence and being taken to court (through issue of a Complaint and Summons).

If a person is convicted by a court for a disqualifying offence then action can also be taken to suspend or cancel any Operator Accreditation, Driver Authorisation, Taxi Service Licence or Limousine Service Licence held by that person.

**Reviews of decisions affecting operator accreditation**

If a person is dissatisfied with a decision affecting their operator accreditation or application for operator accreditation, they may request an internal review of the decision. If the person is not satisfied with the outcome of the review then the person may apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review. For more information please refer to the information bulletin “Reviews of Decisions affecting Operator Accreditation and Driver Authorisation”.

**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.
