

Fact Sheet

1 December 2012

Non Compliance Notices

Background (Issue and effect of Non Compliance notices; Offence provisions)

Drivers and operators of public passenger services are required to comply with performance standards regarding customer service and safety. These requirements are provided for in legislation through the *Transport Operations (Passenger Transport) Standard 2010*.

Effect of a Non Compliance notice

If a person does not comply with a particular standard, then the person can be issued with a non compliance notice issued by a Department of Transport and Main Roads (DTMR) "Authorised Officer".

Although the notice has no force in law, it informs the person that the non-compliance has been recorded and that further action may follow.

The matters which a non compliance notice can be issued are—

- (a) fatigue, or another matter about a driver's fitness to drive or operate a vehicle; or
- (b) the condition of a vehicle; or
- (c) the safe operation of a vehicle, including overloading and the seating or standing of passengers.

As a result of a non compliance notice being issued, DTMR may take action against both the operator of the service and the driver.

Action which can occur against an operator or driver

If a section 100 Notice is not already in force DTMR may:

- Issue a Pre-Section 100 notice
- Consider operator or driver response and, depending on the response may issue a section 100 notice.

See Fact Sheet "Section 100 Notices" for explanation about these notices.

If a section 100 notice is already in force, DTMR may issue a Penalty Infringement Notice or, depending on the severity of the non compliance, complete an offence report so that the matter can be dealt with through the courts.

Disclaimer: *This document is a guide only and should not be used as a reference to a point in law.*