

# Information Bulletin

PT 410/10.14

## Vehicle types for providing passenger services

### What is a public passenger service?

The *Transport Operations (Passenger Transport) Act 1994* describes a public passenger service in the following terms.

**public passenger service** means a service for the carriage of passengers if—

- (a) the service is provided for fare or other consideration; or
- (b) the service is provided in the course of a trade or business (but not if it is provided by an employer solely for employees); or
- (c) the service is a courtesy or community transport service; and includes a driver service and a service for the administration of taxi services but does not include a service excluded from this Act by a regulation.

The *Transport Operations (Passenger Transport) Regulation 2005* prescribes in Schedule 8 the types of vehicles which can be used to provide the various public passenger services.

These services and vehicle types are listed below.

### Important note:

Section 126B of the *Transport Operations (Passenger Transport) Regulation 2005* prohibits a public passenger service being provided using a vehicle which is fitted with a prescribed alcohol interlock device.

A prescribed device is one which under the legislation may be fitted to the vehicle to reduce the interlock period following a high range or multiple drink driving offence. However, usually as a risk management tool, an operator may choose to voluntarily install an alcohol interlock device with more flexible requirements than a prescribed interlock.

Any person who has an interlock condition on their driver licence is ineligible to hold driver authorisation for 2 years after the interlock condition was imposed.

### Types of services

The Department has produced separate Information Bulletins in relation to the types of services which require Operator Accreditation. These bulletins explain in detail the specific requirements of each category of service.

- PT201 — Operator Accreditation for General Services
- PT202 — Operator Accreditation for Scheduled Services
- PT203 — Operator Accreditation for Taxis
- PT204 — Operator Accreditation for Limousines
- PT205 — Operator Accreditation for Community and Courtesy Transport Services
- PT207 — Operator Accreditation for Motorcycle Tourist Services

## ***Vehicle definitions from Passenger Transport Legislation***

### ***Transport Operations (Passenger Transport) Act 1994*** **Schedule 3 - Dictionary**

**bus** means a motor vehicle with seating capacity for 9 or more passengers (excluding the driver).

***forward-control passenger vehicle***—

(a) means a passenger vehicle, other than an off-road passenger vehicle, having up to 9 seating positions, including the driver's position, and in which the centre of the steering wheel is in the forward quarter of the vehicle's total length; and

(b) includes—

(i) a vehicle prescribed under a regulation to be a forward-control passenger vehicle; or

(ii) a vehicle declared by the chief executive under section 145 to be a forward-control passenger vehicle.

*Note*— The reference to the number of seating positions allows for a consistent definition for the Act and subordinate legislation.

**limousine** means a motor vehicle for which a limousine service licence is in force.

***luxury motor vehicle*** means—

(a) a vehicle declared under a regulation to be a luxury motor vehicle; or

(b) a vehicle declared by the chief executive under section 145 to be a luxury motor vehicle

**motor vehicle** has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

**motor vehicle** means a vehicle, other than a motorised scooter, propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.

**off-road passenger vehicle** means a passenger vehicle that has up to 9 seating positions, including the driver's position, designed with special features for off-road operation as defined by the Australian Design Rules.

*Note*— The reference to the number of seating positions allows for a consistent definition for the Act and subordinate legislation.

**passenger car** means a passenger vehicle, other than an off-road passenger vehicle or a forward-control passenger vehicle, having up to 9 seating positions, including the driver's position.

**passenger vehicle** means a motor vehicle constructed primarily for the carriage of persons and having at least 4 wheels.

**public passenger vehicle** means any of the following vehicles used to transport members of the public—

(a) a bus;

(b) a ferry;

(c) a taxi;

(d) a fixed track vehicle;

(e) an aircraft;

(f) a limousine;

(g) a vehicle classified by regulation as a public passenger vehicle.

**special purpose limousine** means a motor vehicle prescribed under a regulation as a motor vehicle that may be used under a special purpose limousine service licence

**Transport Operations (Passenger Transport) Regulation 2005**  
**Schedule 11 - Dictionary**

**heavy bus** means a bus with a gross vehicle mass of more than 5t.

**light bus** means a bus with a gross vehicle mass of not more than 5t.

**motorbike** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**motorbike** means—

- (a) a 2-wheeled motor vehicle, whether or not a sidecar is attached to it; and
- (b) a 3-wheeled motor vehicle that is ridden in the same way as a 2-wheeled motor vehicle.

**motor cycle** means a 2-wheeled motor vehicle with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/h.

**motor cycle and sidecar** means a motor vehicle with 3 wheels asymmetrically in relation to the longitudinal median axis and with either—

- (a) an engine cylinder capacity of more than 50ml; or
- (b) a maximum speed of more than 50km/h.

**motor tricycle** means a motor vehicle with 3 wheels symmetrically arranged in relation to the longitudinal median axis with—

- (a) a gross vehicle mass of not more than 1t; and
- (b) either—
  - (i) an engine cylinder capacity of more than 50ml; or
  - (ii) a maximum speed of more than 50km/h.

**NSW taxi** means a motor vehicle licensed as a taxi-cab under the *Passenger Transport Act 1990* (NSW), part 4, division 4.

**people mover** means a passenger car having at least 6 seating positions, including the driver's position, that are not limited for use by reference to a person's age or weight.

**schedule 4 vehicle** means a motor vehicle that is a luxury motor vehicle within the meaning of section 105(a) of TOPTR.

**Section 105 Luxury motor vehicles—Act, sch 3, def luxury motor vehicle, paragraph (a)**

A luxury motor vehicle is—

- (a) a motor vehicle mentioned in schedule 4 that—
  - (i) has a wheelbase of at least 2800mm; and
  - (ii) is not more than the vehicle's maximum age limit mentioned in schedule 4; or
- (b) a motor vehicle that is at least 40 years old, registered and safe.

**taxi**, other than in the definition *demand responsive service* means—

- (a) a motor vehicle for which a taxi service licence or peak demand taxi permit is in force; or
- (b) a substitute taxi.

## Schedule 8 - Public passenger vehicles

Transport Operations (Passenger Transport) Regulation 2005

Service category	Service Description	Vehicle type which can be used
general route service or school service	<p><b>general route service</b> means—</p> <p>(a) a scheduled passenger service available to the public for general purposes; or</p> <p>(b) a scheduled passenger service available to any person if the person pays a subscription or a membership fee that is paid principally for the service.</p> <p><i>Examples of general purposes—</i></p> <p>a purpose related to education, employment, entertainment or shopping and a financial, health or a medical service</p> <p><b>school service</b> means a scheduled passenger service only or primarily for the transport of school students to and from school (other than for school excursions) on days that schools are open for instruction.</p>	<p>forward-control passenger vehicle, people mover, off-road passenger vehicle, light bus or heavy bus.</p> <p>passenger car for which a taxi service licence or limousine service licence is in force</p> <p>passenger car while it is being used to provide a general route service or school service under—</p> <p>(a) a service contract; or</p> <p>(b) an arrangement under section 144 of the Act</p>
long distance scheduled passenger service	<p><b>long distance scheduled passenger service</b> means a road-based general route service in which passengers are carried on an established route—</p> <p>(a) for an average distance of at least 40km; or</p> <p>(b) between non-adjointing service contract areas or routes.</p>	<p>forward-control passenger vehicle, people mover, off-road passenger vehicle, light bus or a heavy bus</p>
charter bus service	<p><b>charter bus service</b> means a public passenger service involving the charter of a bus and driver for prearranged journeys and for pre-agreed amounts if—</p> <p>(a) neither the operator nor the driver receive individual fares; and</p> <p>(b) each journey has a common origin or destination or both; and</p> <p>(c) the charterer has the right to decide the route and time of travel.</p>	<p>light bus or heavy bus</p>
community transport service	<p><b>community transport service</b> means a public passenger service funded or subsidised out of public money or by a charity and provided for the benefit of a particular group.</p>	<p>motor vehicle</p>

Service category	Service Description	Vehicle type which can be used
courtesy transport service	<p><b><i>courtesy transport service</i></b> means 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.</p>	motor vehicle
taxi service other than a cross-border taxi service	<p><b><i>taxi service</i></b> means a public passenger service, other than an excluded public passenger service, provided by a motor vehicle under which the vehicle—</p> <p>(a) is able, when not hired, to be hailed for hire by members of the public; or</p> <p>(b) provides a demand responsive service under which members of the public are able to hire the vehicle through electronic communication; or</p> <p>(c) plies or stands for hire on a road.</p>	<p>forward-control passenger vehicle, passenger car, people mover, off-road passenger vehicle or schedule 4 vehicle (section 105 and schedule 4 of TOPTR)</p> <p>light bus having up to 12 seating positions, including the driver's position</p>
cross-border taxi service	<p><b><i>cross-border taxi service</i></b> means a taxi service that is provided—</p> <p>(a) by using a NSW taxi; and</p> <p>(b) for only 1 or more of the following journeys—</p> <p>(i) a journey that starts in New South Wales and ends in Queensland;</p> <p>(ii) a journey that starts at a cross-border taxi rank and ends in New South Wales and is not pre-booked;</p> <p>(iii) a single passenger journey that starts and ends in New South Wales.</p> <p><i>Example of a single passenger journey—</i></p> <p>A passenger is picked up in Tweed Heads and is taken to Coolangatta. The taxi waits for the passenger at Coolangatta and then takes the passenger to Kirra and waits again before returning the passenger to Tweed Heads.</p>	NSW taxi
tourist service	<p><b><i>tourist service</i></b> means a pre-booked public passenger service operated in accordance with a publicly available itinerary to—</p> <p>(a) for all services—a common scenic or tourist attraction; or</p> <p>(b) if the service is not wholly within a service contract area or route—a major sporting or cultural event.</p>	<p>off-road passenger vehicle, light bus, heavy bus, motor cycle, motor cycle and sidecar, motor tricycle, forward-control passenger vehicle, people mover, or passenger car for which a taxi service licence or limousine service licence is in force</p>

Service category	Service Description	Vehicle type which can be used
limousine service other than a limousine service provided under a special purpose limousine service licence	<b>limousine service</b> means an unscheduled public passenger service provided by a luxury motor vehicle or special purpose limousine where the fare for a journey is decided before the journey begins.	luxury motor vehicle (section 105 and Schedule 4 of TOPTR)
limousine service provided under a special purpose limousine service licence	<b>special purpose limousine service licence</b> means a limousine service licence that is subject to the condition that the provision of a limousine service under the licence is restricted to 1 or more the following— (a) a service for the carriage of passengers to or from a wedding event; (b) a service for the carriage of passengers to or from a student event; (c) a tourist service.	special purpose limousine (section 105(a) and Schedule 4A of TOPTR)
accommodation transfer service	<b>accommodation transfer service</b> means a public passenger service— (a) that— (i) is provided for travellers arriving in or departing from an area; and (ii) operates between an airport, ferry terminal, intercity bus terminal or railway terminal and an accommodation house in the area; and (b) that requires journeys on the service to be pre-booked and travel documentation for them to be issued before the travellers arrive in the area.	forward-control passenger vehicle, people mover, off-road passenger vehicle, light bus or heavy bus  passenger car for which a taxi service licence or limousine service licence is in force
tourist transfer service	<b>tourist transfer service</b> means a public passenger service— (a) that operates between— (i) an accommodation house; and (ii) a tourist attraction or tourist service; and (b) for which journeys are pre-booked before the time of travel.	forward-control passenger vehicle, people mover, off-road passenger vehicle, light bus or heavy bus  passenger car for which a taxi service licence or limousine service licence is in force

Service category	Service Description	Vehicle type which can be used
unscheduled long distance passenger service	<p><b>unscheduled long distance passenger service</b> means a pre-booked public passenger service by road—</p> <ul style="list-style-type: none"> <li>(a) that is unscheduled; and</li> <li>(b) by which all passengers on the service are carried on a journey of at least 40km to a general destination that has been predetermined by the operator of the service; and</li> <li>(c) in relation to which no passenger's journey is entirely within— <ul style="list-style-type: none"> <li>(i) a single service contract area or route, other than for a service for the administration of taxi services; or</li> <li>(ii) a single taxi service area.</li> </ul> </li> </ul>	forward-control passenger vehicle, people mover, off-road passenger vehicle, light bus or heavy bus
other public passenger service	<p><b>other public passenger service</b> means a road-based public passenger service other than any one of the following services—</p> <ul style="list-style-type: none"> <li>(a) an accommodation transfer service;</li> <li>(b) a charter bus service;</li> <li>(c) a community transport service;</li> <li>(d) a courtesy transport service;</li> <li>(e) a limousine service;</li> <li>(f) a long distance scheduled passenger service;</li> <li>(g) a scheduled passenger service;</li> <li>(h) a taxi service;</li> <li>(i) a tourist service;</li> <li>(j) a tourist transfer service;</li> <li>(k) an unscheduled long distance passenger service.</li> </ul>	light bus or heavy bus

## 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](mailto:legislation@litsupport.com.au).

The legislation may be viewed on the internet at [www.legislation.qld.gov.au](http://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](http://www.tmr.qld.gov.au/information_bulletins).