

# Information Bulletin

PT 307 (09/18)

## Driver Responsibilities

The following information is provided as a guideline about the responsibilities of driver authorisation holders (authorised drivers.) Authorised drivers are expected to meet their responsibilities with due care and diligence. If an authorised driver fails to meet their responsibilities they risk action being taken against their driver authorisation, infringement notices (fines), or court action.

### General

- When driving a public passenger vehicle, an authorised driver must:
  - carry evidence of their driver authorisation
  - have a blood alcohol concentration of zero
  - not be under the influence of a drug
  - not drive if fatigued
  - be medically fit.
- Authorised drivers must:
  - be courteous to passengers and the public
  - comply with the *Code of Conduct for School Students Travelling on Buses* whenever a school student is being carried on a bus. (Note: this requirement does not apply to drivers providing taxi or booked hire services.)
- Smoking is not permitted in a public passenger vehicle.
- A person must not tout or solicit for passengers for a hiring of a public passenger vehicle.
- If a passenger asks for help to board or leave a vehicle, or asks for help with luggage, an authorised driver must give the help to the extent that it is reasonable for the driver to do so.
- An authorised driver must allow a person to take an assistance animal on a vehicle if the person has control of the animal. A driver can otherwise refuse to allow an animal in a public passenger vehicle.

### Notification

- An authorised driver must notify the department:
  - in writing and within 10 business days, if they change their name, address or postal address
  - if there is a change in their medical condition that makes them continuously unfit to safely drive for more than 1 month
  - if their *Industry Authority* card (evidence of driver authorisation) is damaged, lost or stolen
  - in writing if charged with a driver disqualifying offence and additionally of the outcome of the charge when it is dealt with.
- An authorised driver must immediately give written notice to the operator of the service or the person who provides booking services for the service if their driver authorisation or driver licence is suspended or cancelled.

## Meet service schedules

- Where reasonable, an authorised driver providing a general route service or school service must provide the service in accordance with the advertised schedule for the service.

## Incident management

- Authorised drivers should be aware of any responsibilities assigned to them under an operator's incident management plan.
- If an incident happens an authorised driver must tell passengers the reason for the disruption and the arrangements being made for the completion of the service. (This requirement does not apply to a driver providing a taxi or booked hire service.)

## Operation of vehicles

- Authorised drivers must operate vehicles safely and be aware of their surroundings. Drivers should pay particular attention when reversing a vehicle to ensure all areas surrounding the vehicle are clear before proceeding. Extra caution should be taken by drivers of larger vehicles (such as buses and maxi taxis) to ensure the safety of nearby persons when reversing the vehicle.
- Authorised drivers must take care when passing cyclists and ensure that there is minimum passing distance of at least 1m if the speed limit is less than 60km/h or 1.5m if the speed limit is over 60km/h. Drivers should be aware that road rules allow motorists to cross centre lines, straddle lane lines or drive on painted traffic islands to make it easier for them to pass cyclists, when it is safe to do so.
- With the exception of booked hire services, community transport services, courtesy transport services and taxi services, a motor vehicle used to provide a public passenger service must be:
  - a passenger vehicle\* or
  - if the service is a tourist service: a passenger vehicle or motorbike (including a motor trike and a motorbike with a sidecar).

\*A passenger vehicle means a motor vehicle in one of the following vehicle categories specified in a vehicle standard made under the *Motor Vehicle Standards Act 1989* (Cwlth):

- passenger car (MA)
  - forward-control passenger vehicle (MB)
  - off-road passenger vehicle (MC)
  - light omnibus (MD)
  - heavy omnibus (ME)
- Authorised drivers must ensure the vehicle is not overloaded.
  - Authorised drivers must take reasonable steps to ensure that no more than one passenger sits in any adult seat in the vehicle.
  - Three primary school or pre-school children may sit in a bench type bus seat designed for 2 adults if—
    - (a) either—
      - (i) the seat is not fitted with any seatbelts or approved child restraints; or
      - (ii) the seat is fitted with either a seatbelt or approved child restraint for each of the 3 children; and
    - (b) the placement and construction of the seat allows the children to sit in the seat; and
    - (c) no child sits in the seat for more than a total of 90 minutes while any two other children sit in the seat.

- Authorised drivers must not carry standing passengers:
  - on a vehicle used for a long distance scheduled passenger service or tourist service
  - on a bus if the bus is not specifically designed and constructed to carry standing passengers
  - on a bus travelling on a no standing passenger road (see next section for more information about bus travel on no standing roads).
- If a school bus carries standing passengers, authorised drivers must ensure no passenger stands for more than 20km.
- The following requirements apply if a public passenger vehicle is fitted with an external luggage compartment:
  - If the vehicle is not fitted with an electronic warning system to alert the driver that the external luggage compartment door is open or is not securely fastened then a physical inspection should be made by the driver (or other staff) to ensure all compartment doors are closed and properly fastened immediately after any use and before the vehicle proceeds with a journey.
  - If an electronic warning system is fitted and identifies a problem with the closure of an external door then the driver (or other staff) must physically inspect the door and rectify the issue before proceeding.

### **Bus travel on a *no standing passenger road***

- A ***no standing passenger road*** is a road notified by the chief executive, by gazette notice, as a road on which a bus providing a public passenger service (for which operator accreditation and driver authorisation are required) must not carry standing passengers.
- The following requirements apply if a bus:
  - is descending a no standing passenger road; and
  - is carrying school students on a general route service, or school service, on a journey that is, or is part of, a journey to or from a school; and
  - is being used to provide a general route service or school service under a service contract, integrated mass transit service contract or prescribed school service contract.
- If the bus is a heavy bus (bus with a gross vehicle mass of more than 5t), the driver must use the power-train retarder required to be fitted to the bus
- If the bus is a light bus built to carry more than 16 passengers (whether seated or standing and not including the driver and crew) and it is being used to provide a school service then the driver must activate the exhaust brake.

### **Refusal of service to a person**

- An authorised driver may refuse travel to a person if they believe, on reasonable grounds, that the person—
  - is creating, or is likely to create, a disturbance or nuisance on the vehicle
  - is causing, or is likely to cause, a danger to anyone
  - has evaded the fare
  - has unlawfully interfered with the vehicle, equipment, public transport infrastructure or a public passenger service.
- An authorised driver may direct a person to leave a vehicle if the person over-travels the fare paid for travel on the vehicle.
- An authorised driver may direct a person to leave, or not to enter, a vehicle if the vehicle appears already to have its full complement of passengers,

- If an authorised driver refuses travel to a person or directs a person to leave or not enter a vehicle, the driver must tell the person in a general way the reason for the direction and that it is an offence for the person not to comply with that direction.
- However, a driver must not refuse travel to a person or direct a person to leave or not enter a vehicle if doing so:
  - might endanger the person; or
  - is inconsistent with the *Code of Conduct for Students Travelling on Buses*.
- An authorised driver of a motorbike (including a motor trike or motorbike with sidecar) being used to provide a public passenger service must not allow a person to ride as a passenger if the driver reasonably believes the person might put at risk the safety of another person riding on that service.

### **Additional responsibilities of taxi and booked hire vehicle drivers**

- A driver must not use a taxi to provide a service outside the area stated in the taxi service licence unless:
  - completing a journey with a passenger which commenced within the area stated in the licence, or
  - providing a public passenger service under contract to a government entity.
- Taxi drivers operating in a prescribed taxi service area must display an Authorised Queensland Taxi Driver Display Card in the taxi where it can be clearly and readily seen by passengers.
- A driver of a taxi must not refuse to provide a taxi service to any person and must not refuse to provide a booked hire service to a person using a wheelchair or a Taxi Subsidy Scheme member for a journey that:
  - starts or ends in a taxi service area for which the taxi is licensed, or
  - ends less than 40 kilometres from the pickup point.
- A driver may refuse a hiring if they reasonably believe that the passenger poses a risk to themselves, the driver or other passengers.
- If a taxi driver believes they will not be able to obtain the fare at the destination, before starting the hiring, the driver may require the hirer to pay the estimated fare or an agreed amount as a deposit. If the passenger refuses to pay the estimated fare or agreed amount, a driver may refuse a hiring.
- A driver of a taxi must not charge more than the maximum fare for the journey when:
  - obtained from a rank or hailed
  - the journey is for a member of the Taxi Subsidy Scheme (TSS) or
  - the vehicle is a wheelchair accessible taxi carrying a person in a wheelchair.
- A driver of a vehicle, required to be fitted with an approved security camera system, must not drive the vehicle unless the approved security camera system is fully operational and the approved signs are displayed at each relevant place in or on the vehicle.
- A driver of a taxi providing a taxi service must ensure that they use the TSS membership card with the approved card reader:
  - to validate the currency of the membership card by sighting the response from the approved card reader
  - to facilitate the payment under the scheme.
- If the approved card reader is not working properly or at all, a driver must use a manual card reader to take an imprint of the membership card.

- A driver of a taxi providing a taxi service must make a visual comparison between the person and the photograph on the taxi subsidy scheme membership card.
- A driver of a booked hire service must not drive the vehicle unless identification signage, which complies with the specifications and positioning detailed in legislation, is displayed on vehicle.
- The driver of a booked hire service must carry a copy of a booking record for the service in the motor vehicle. If requested, the driver must be able to show an authorised person a copy of the booking record or allow the authorised person to enter the vehicle to read the booking record.

## **Additional information**

This bulletin has been produced as a guideline and is not a reference to a point of law. Clarification of any information in this bulletin may be obtained by contacting your local passenger transport office. Details of passenger transport locations can be accessed at: [www.translink.com.au/contact-us](http://www.translink.com.au/contact-us)

The *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2018* and *Transport Operations (Passenger Transport) Standard 2010* can be accessed on the internet at <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).