

Legislation changes to support *Creating Better Connections for Queenslanders*

Discussion paper (Plain English)

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Introduction

What is this discussion paper about?

The Department of Transport and Main Roads, or TMR, wrote this discussion paper. When you see the word **we** it means TMR.

It is about passenger transport services on roads. Passenger transport includes buses, taxis, limousines and rideshare services, airport and accommodation shuttles, tourist services and other services.

TMR regulates passenger transport in Queensland. This means that TMR ensures everyone is following rules that make passenger transport safe, fair, affordable and easy to use. The rules are made under a law called the *Transport Operations (Passenger Transport Act) 1994*. When you see the phrase **the Act** it means this law.

This is a Plain English version of the discussion paper. The full discussion paper has more detail and a list of questions. We advise you to read the relevant chapter in the full discussion paper if you can before you answer the questions. This is because the full discussion paper has more detail.

Why do we need a discussion paper?

The way people use passenger transport is changing. The laws are still working well, but there is opportunity to make some parts work better. We need a discussion paper because we want to know what you think about the rules and how they should change.

The laws around passenger transport were made in 1994. Most services back then were provided in buses on a timetable, and taxis.

Things are different now. The government has introduced new laws to give people more choice and safety in what services they can use, like ride-booking services. Other rules that affect organisations that provide passenger transport, like laws about workplace health and safety and heavy vehicle laws, have also changed.

The Queensland Government has a plan for passenger transport, called *Creating Better Connections for Queenslanders*. We want to see an integrated passenger transport system accessible to everyone. To achieve this, safety is the first priority. We also need to pay attention to changing community needs and make it easier to use passenger transport for your whole trip.

We have ideas about some laws that need to change to make passenger transport work better in the future.

We want laws that make it easier for organisations to develop and offer new kinds of services. We also want to make it easy for everyone involved in delivering passenger transport services – operators, personalised transport providers, drivers, booking entities, schools, government and other organisations – to understand the laws and how they apply. And safety always needs to come first.

We have written about these ideas in the discussion paper and we want your feedback.

Why do I need to read and respond to this discussion paper?

This discussion paper contains ideas for changes to the laws to make them easier to understand and deliver more flexible services. The ideas could mean changes for you – such as:

- a different authorisation for your service to operate
- new or different requirements for your service – like security cameras or safety equipment

- new safety laws to follow
- an opportunity to offer a new service.

TMR wants to hear from you about how the changes would impact you. This is important information that will help us make decisions about what changes to make.

How do I have my say?

This discussion paper is public and anyone can have their say.

Each chapter has a list of who might be affected by the ideas, options and proposals, and a list of questions.

Read the chapters of the paper that are relevant to you. You can give your answers to the questions using the Get Involved website www.getinvolved.qld.gov.au by clicking on 'Legislation changes to support Creating Better Connections for Queenslanders'.

The Get Involved website also has questions to help us understand more about you and your business. We are collecting this information to help us understand the impacts. We will keep this information safe and won't use it for any other purpose.

You can also send TMR a submission by emailing regulatorysettings@tmr.qld.gov.au.

Consultation closes on 18 November 2022.

Your contribution is very important and will make a difference to laws about passenger transport in Queensland.

What will happen next?

We will review all the feedback received about our proposals. We may consult again before we decide on the best approach.

We will then make a recommendation to the Minister for Transport and Main Roads and the Queensland Government for consideration. This takes more than a year.

We will keep you informed about any plans for change.

Part A: The regulatory framework for passenger transport – or how the laws for passenger transport work

Chapter 1: Re-classifying services to make the laws easier to understand

This chapter describes options for changing the law. We want to hear from stakeholders before we decide the best option. Providers of personalised transport services and providers of other road-based services that must hold operator accreditation may be impacted by the options in this chapter, if adopted.

How do we classify passenger transport?

The laws for passenger transport depend on how a service is classified.

Services usually provided by taxis, limousines and ride-booking vehicles are classified as personalised transport. People who provide personalised transport services must have a personalised transport licence (either a taxi service licence, a limousine licence or a booked hire service licence). There are also specific laws for personalised transport and for the people that customers book personalised transport with.

Other passenger transport operating on roads have different laws. People who operate most of these other services must have Operator Accreditation (or OA). In this paper we are calling these other passenger transport services 'OA services'. They also have specific laws and these are different to the laws for personalised transport.

Drivers of personalised transport services and OA services must have Driver Authorisation.

There are rules that decide if a service is a personalised transport service. The service must be provided 'by the hire of a vehicle and a person to drive the vehicle'. It must be available to the public and the vehicle must have no more than 12 seats. If a service is not a personalised transport service then it is likely to be an OA service. (There are some exceptions to this for example, some community and courtesy transport services).

What problems does this cause?

In 2016 the laws for personalised transport changed. These changes work well for personalised transport, but there are some issues to fix.

It can be difficult to understand what service you provide and which rules apply. Personalised transport is open to the public and customers choose where they get picked up, the route and the destination. For some new services customers don't get to choose everything. These services don't meet the definition of personalised transport services. We get a lot of questions about the rules now.

Sometimes the rules seem to treat similar services differently, without a clear reason. This could mean some services have more costs, which might seem unfair.

Many vehicles provide personalised transport some of the time, and OA services other times. This means they have to follow both sets of laws. This costs extra money and time following two different sets of rules.

We expect different types of services to emerge in the future that will experience these problems. So it's worth looking at better ways to classify services now.

What could we do instead?

We have been thinking about different ways to classify services. We have narrowed it down to four ideas:

- Option 1 – we could classify by whether the passenger controls the whole trip
- Option 2 – we could classify by whether the passenger controls where and when the trip starts and/or finishes
- Option 3 – we could classify by the type of route
- Option 4 – we could classify by the number of seats in the vehicle (including the driver's seat).

Personalised transport services would stay as personalised transport if they are fully controlled by their passengers. This means most services in taxis, limousines, booked hire and wheelchair accessible vehicles wouldn't change.

Some services don't need to have an authorisation, and this would continue. This happens now for some community and courtesy transport services and locally significant event services. We may review rules for these services later.

Some services we give funding to might change classification. If this happens, we will continue to fund these services.

How would Option 1 work?

We call this option 'exclusive hire'.

A personalised transport service would be:

- where the person who 'hires' the vehicle controls where and when the trip starts and finishes, the route and if other passengers travel in the vehicle
- in a vehicle with 12 seats or fewer
- available to the public.

Any other service would be an OA service.

Which services does this affect?

This option is very similar to the current definition of a personalised transport service. Most services wouldn't change classification.

What are the advantages and disadvantages of Option 1?

This option means less change than the other options.

However, it isn't as clear as the other options. We might have different views on whether the passenger has full control over all aspects of the trip.

Some vehicles might still need to follow both sets of laws.

How would Option 2 work?

We call this option 'demand responsive service'.

A personalised transport service would be:

- the passenger has some control over some aspects of the trip – such as where and when the trip starts and/or finishes – but not everything
- in a vehicle with 12 seats or fewer.

Any other service would be an OA service.

Which services does this affect?

Some services would move from being classified as OA services to being classified as personalised transport services. For example:

- shared flexible services in smaller vehicles (passenger transport services for passengers who share a ride and which don't follow a fixed route – see Chapter 6 for more on these services)
- some community and courtesy transport services that operate on demand.

What are the advantages and disadvantages of Option 2?

Services that are demand responsive have similar risks, so it makes sense to have the same rules for these services.

This approach might be clearer than the current laws.

It isn't as clear as Option 4. For some services, it might be hard to tell for sure whether all the passengers using the service have control of where and when the trip starts or finishes.

It might also discourage new services from evolving. They may start with demand responsive services for their passengers, but then want to change to fixed routes between popular locations. This would mean a change in classification.

Some vehicles might still need to follow both sets of laws.

How would Option 3 work?

We call this option 'no regular route'.

A personalised transport service would be:

- in a vehicle smaller than 12 seats
- not operated on a regular route at regular times (like a timetable).

Any other service would be an OA service.

Which services does this affect?

Some services would move from being classified as OA services to being classified as personalised transport services. For example:

- shared flexible services in smaller vehicles
- some community and courtesy transport services that operate on demand.

What are the advantages and disadvantages of Option 3?

Services that have flexible routes have similar risks, so it makes sense to have the same rules for these services.

This approach might be clearer than the current laws.

It isn't as clear as Option 4. We might have different views on whether it is a regular route, or whether it is open to the public.

Some vehicles might still need to follow both sets of laws, for example if they sometimes provide services on a regular route but also provide services that are not on a regular route.

How would Option 4 work?

We call this option 'seating capacity'.

If a vehicle is smaller than the limit it would be a personalised transport service. If the vehicle was larger it would be an OA service. We have discussed two different limits: nine seats and 12 seats.

Why nine seats?

Nine seats is the same as the definition of a bus in passenger transport law and is used in other laws like those for vehicle standards. The nine-seat limit would mean that most school services would not be affected.

Why 12 seats?

Twelve seats is the same as the current definition for personalised transport and the same as the definition of a bus in the Road Rules. More services, including school services, will be affected by the 12-seat limit.

Which services does this affect?

Some services would move from being classified as OA services to being classified as personalised transport services. For example:

- shared flexible services
- tourist services and services that take people from the airport to their hotel
- some fixed route services such as school services if the vehicle is small
- Specialist School Transport services for students with a disability.

What are the advantages and disadvantages of Option 4?

It will be clearer what laws apply. It is easy to work out how many seats there are in a vehicle. Services provided in large vehicles (for example buses) have different risks to services in smaller vehicles.

No one would have to obey both sets of laws when using the same vehicle.

Some people who have both large and small vehicles would have to deal with both sets of laws. Size of vehicle might not be the right way to split passenger transport. For example, it would mean that a charter service in a small bus would have different rules to a charter service in a large bus.

More impacts of the options

These options will provide a simpler and clearer outcome in the future. Some services will change classification, so they might need to obtain a different authorisation and follow different rules. But this may not be appropriate for all services that change classification.

Once we understand the best option for classifying services, we need to consider how the different rules would apply to services. For example, we need to consider whether those services that change classification to become personalised transport services would need to comply with the requirements that currently apply

to personalised transport services – like needing a security camera if the service were high risk. We also need to consider whether those services that become personalised transport services should continue to have to comply with requirements for OA services – like the Code of Conduct for school students. We need to hear from you about your business, so we can further analyse and develop proposals for change. Please answer the questions to help.

Please tell us what you think

We are asking people for their opinions about our ideas. If you want to tell us what you think, please answer the questions in this paper. You can give your answers using the Get Involved website www.getinvolved.qld.gov.au or send your opinions to regulatorysettings@tmr.qld.gov.au. The closing date is on the Get Involved website.

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- (1) Do you think we have identified the right issues (ambiguity, duplication and inequity) with the way that services are currently classified? (Yes / No) What else do we need to know?
 - (2) What are the impacts due to the way we currently classify services?
 - (3) Do you support the options presented for re-classifying services by defining personalised transport services as:
 - (a) Option A: Exclusive hire (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
 - (b) Option B: Demand responsive services (passenger determines origin or destination and time of travel) (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
 - (c) Option C: No regular route (services do not operate on a regular route at regular intervals) (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
 - (d) Option D1: Services in smaller capacity vehicles – nine seats or fewer (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
 - (e) Option D2: Services in smaller capacity vehicles – 12 seats or fewer (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
 - (4) Are there any other options for classifying services we have not considered?
 - (5) For the services you provide in small vehicles (12 seats or fewer):
 - (a) Do you provide exclusive hire services? (Yes / No / Not sure)
 - (b) Do you provide services where the customer determines the origin or destination and time of travel? (Yes / No / Not sure)
 - (c) Do you provide services that do not operate on a regular route at regular intervals? (Yes / No / Not sure)
 - (d) Do you provide services that are available to the public? (Yes / No / Not sure)
 - (e) Do you carry school children? (Mostly / Sometimes / Rarely / No)
 - (f) Do you provide a school service (taking children between their home and school)? (Mostly / Sometimes / Rarely / No)
 - (g) Do passengers pre-book their services? (Mostly / Sometimes / Rarely / No)
 - (h) Do you accept cash? (Mostly / Sometimes / Rarely / No)
 - (6) Are you willing to participate in follow-up discussions regarding the application of these requirements? (Yes / No) If yes, please provide email address. We will only use your email to contact you about this survey.
 - (7) Is there anything else you want to tell us?

Chapter 2: Simplifying Operator Accreditation

This chapter describes the options for simplifying operator accreditation (OA). We want to hear from stakeholders before we decide the best option. Providers of road-based services that must hold operator accreditation and TMR-approved OA Workbook assessors may be impacted by the options in this chapter, if adopted.

How do we categorise OA?

There are ten different types of OA. The types of OA are generally connected to the service type.

General OA covers more than one service type. Other types of OA are specific to one service type, or can be more specific, for example:

- Long distance scheduled services
- School scheduled services – unfunded in a declared area
- School scheduled – unfunded/non-declared area
- School scheduled (prescribed).

A person must have OA for each service they provide. This can mean a person may hold more than one OA category. Operators that hold more than one category pay for the category with the highest fee.

What training is needed?

It is the law that anyone new to OA must be trained.

This training could be:

- a qualification that includes transport and logistics or transport management. The qualification must be from:
 - Registered Training Organisation
 or
 - a university
- or
- completing the OA Workbook. This costs \$65 including postage and must be completed within three months of application for OA.

The OA Workbook has information about what operators need to know and do to make sure they operate within the law. It includes sections on:

- vehicle maintenance
- operating a public passenger service
- safety and operational rules.

There are also sections for some specific service types. For example, School scheduled services covers the TMR *Code of Conduct for School Students Travelling on Buses*.

When the operator has completed the OA Workbook, they must post it to an assessor. The assessors are approved by TMR. Assessors charge a fee of up to \$197 plus GST to review the OA Workbook.

What problems does this cause?

We get a lot of questions about service types. Operators don't always understand what category of service they provide.

Operators often need more than one category of OA. This may mean that operators may need to apply and pay for other categories. This could also mean that additional training must be completed.

The OA Workbook includes questions that do not apply to all service types.

There is no evidence that the OA Workbook has improved standards or compliance with the law.

The OA Workbook is only available as a book which must be posted to you. It is difficult and costly to update.

The equivalent qualifications do not include information about the rules for OA holders.

What could we do instead?

We could reduce the number of OA categories and make changes to the training. This could help make OA simpler.

How could we reduce OA categories?

We could reduce the number of OA categories from 10 to three. The three OA categories are:

- General OA – operate any kind of public passenger service except a prescribed school service, community or courtesy transport service
- Funded OA – only operate a prescribed school service. Other school services not funded by TMR would need General OA
- Restricted OA – operate a community transport service or a courtesy transport service. This would apply to operators that currently hold Community OA or Courtesy OA.

We will not have a hierarchy of OA categories. A person must have OA for each service they provide. This can mean a person might need more than one OA category.

These changes might mean a change to the fees. A review of fees will need to happen. We will discuss this with operators before any changes are made.

(8) Will the simplification and reduction of Operator Accreditation categories be beneficial to you? (Yes / No) Why? Is there anything else we should know?

(9) Do you think we have the right naming and grouping of the three proposed Operator Accreditation categories? (Yes / No) Why? Is there anything else we should know?

How could we improve training?

We have been thinking about changing the rules about training. We have narrowed it down to two main ideas:

- Option 1 – all new OA holders will continue to do the training
- Option 2 – we could remove training for all OA holders.

How would Option 1 work?

Training must be done by anyone new to OA. This would be the OA Workbook.

We would update the OA Workbook. It would be electronic instead of a book. This would make it easy to update in the future.

An electronic workbook would be easier for operators and assessors.

How would Option 2 work?

No training would be required by law.

New operators would need to declare that they understand the rules about operating a public passenger service. They can find this information on our website.

If new operators don't have to complete the OA Workbook, this could save money and time. This is less 'red tape'. This option also reduces costs for TMR.

TMR-approved assessors can still provide their knowledge to help industry.

The information available on our website will be better for people who have a range of accessibility needs. The OA Workbook is not available in accessible formats.

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- (10) Are the current training requirements a burden on your industry? (Yes / No) Why?
- (11) Are you willing to participate in any follow-up discussions regarding all the options outlined in this chapter? (Yes / No) If yes, please provide your email address. We will only use your email to contact you about the survey.
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Please tell us what you think

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Chapter 3: New safety laws

This chapter describes a firm proposal for changes to the law to implement a safety duty and a safety management plan. We want to hear from stakeholders to help us decide how to proceed. All providers of road based passenger transport services should read this chapter.

We want to know what you think about our plans for safety laws

We are asking you for your opinion about some new safety laws. The new safety laws are a safety duty and a safety management plan.

Why are we making these changes?

We want to make sure that the services that transport passengers are as safe as possible.

Vehicles and services are changing. This means the current laws may be out of date.

For example, there are no specific laws for electric buses. Electric buses have different safety problems to diesel buses.

There are other laws called Work Health and Safety or WHS. This law also has a safety duty and says you must have a plan for safety.

There is also a safety duty law for heavy vehicles.

We think it will be easier for you if we have similar laws. Your safety management plan will also help show that you are obeying other laws for example WHS. You won't have to keep separate plans for both laws. This is less 'red tape'.

What is a safety duty?

A duty is a responsibility. A safety duty is a responsibility to make sure everyone is safe on your services. This means:

- drivers
- passengers
- employees
- the public.

The duty is not a list of things you must do. It means you must think ahead about potential problems and how to solve them to make sure other people are safe. It will apply to transport services for passengers where the service operates on roads.

What is a safety management plan?

A safety management plan is a written document that shows how you will keep everyone safe and protect them from harm. The plan will include:

- the potential problems (which are called hazards) that could harm people
- how likely a problem is to happen
- what you will do about the problem

- who is responsible for doing what you said you will do.

You may not be able to solve every problem, but you must do what you can within reason.

Your drivers, other staff and customers might tell you about potential problems.

Potential problems might include:

- assault of drivers and passengers
- alcohol and drugs
- a bus moving when it is not under the control of a driver
- fire
- general passenger safety such as passengers being trapped in a closed bus door, leaving children on the bus at the end of a run
- services in remote or isolated areas
- new technologies such as new fuels or automated vehicles.

Bigger businesses might need larger plans with more information to manage risks. For some smaller businesses the plan might be quite simple.

What services will these safety laws apply to?

The safety duty already applies to taxis, limousines and services like Uber, we call personalised transport services.

The new safety laws apply to all transport services for passengers that operate on roads. This service could be provided in a bus, a car or a motorbike. The safety laws apply to services that collect a fare and services that are free.





What does this mean for me?

The new laws mean you need to always be thinking about how to make sure other people are safe.

The safety duty applies to most people who are involved in providing services that transport passengers on a road.

Some of those people must also have a safety management plan. Other people can help you make this plan. It will cost you to implement the actions in the plan, but this is part of running a safe service.

People responsible for the new safety laws for road-based passenger transport

	 Driver	 Registered operator of vehicle	 Operator	 Booking Service (for personalised transport)
Safety Duty	✓ * Take reasonable care	✓	✓	✓
Safety Management Plan			✓	✓

Drivers have a different role. They must take reasonable care. This means drivers must make sure that they look after their own safety when driving and that they do not hurt anybody else.

The new safety laws do not apply to you if you make the vehicle or if you repair it. It does not apply to you if you are a passenger of the service.

What do I do with the safety management plan?

You must do the things you say in your plan.

The plan must be available:

- to other people who have a duty, for example, drivers
- to Transport and Main Roads officers who will check that you are doing what it says in your plan.

You must keep your plan up to date. You must review it every year.

What happens if I don't take responsibility for safety?

If you don't take responsibility for safety and follow your safety duty you will have broken the law.

You could be fined or sent to prison. This depends on how serious the offence is:

- a fine for one person could be up to \$431,250 and 5 years in prison
- a company could be fined up to \$4,312,500.

If you do not have a safety management plan that is up to date, you could also be fined. The fine for a person is up to \$14,375 and for a company it is up to \$143,750.

We can also take away your permission to provide the service.

Please tell us what you think

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- (12) Do you think we have identified why new safety laws may be required? (Yes / No) If no, what else do we need to know?
- (13) Do you support the proposed changes to passenger transport legislation to:
- introduce a safety duty for providers of all road-based public passenger services? (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
 - require a safety management plan for operators of all road-based public passenger services and booking services for personalised transport services? (*Strongly oppose / Oppose / Neutral / Support / Strongly support*)
- (14) Do you think:
- the right people have responsibility for the safety duty and safety management plan? (Yes / No)
 - it is fair that drivers have a duty to take reasonable care rather than the requirement on other duty holders to ensure safety? (Yes / No)
 - the matters to be considered in the safety management plan (hazards, risks, actions to be taken and the person responsible) are appropriate for both small and large operators alike? (Yes / No)
 - it is appropriate to have to review your safety management plan at least once a year? (Yes / No)

- (e) it is reasonable for providers of services that are currently exempt from the requirement to have an authorisation to have to comply with the safety duty and safety management plan? (*Yes / No*)
 - (15) What impact would a safety duty and safety management plan have on you? If there will be costs or savings, can you estimate how big they could be? Do the estimates provided accurately reflect the likely costs?
 - (16) Are the impacts on your business from a safety duty and safety management plan over and above those you currently experience as a result of complying with the WHS Act and/or Heavy Vehicle National Law? (*Yes / No / Not applicable*)
 - (17) Is there anything else we should know?
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Chapter 4: Simplifying equipment requirements for four-wheel drive tourism

This chapter describes options for changing the law. We want to hear from stakeholders before we decide the best option. Operators of tourist services provided in small four-wheel drive vehicles who hold Operator Accreditation may be impacted by options in this chapter, if adopted.

We want to know what you think about our plans to change requirements for businesses that provide four-wheel drive tours

We are asking for your opinion about removing a law that four-wheel drive tours must carry certain equipment in their vehicle.

What services are affected?

The changes affect businesses that provide tourist services in small four-wheel drive vehicles. Small means vehicles with up to nine seating positions, including the driver.

These services are mainly scenic and adventure tours.

These businesses are required to hold Operator Accreditation. This permits them to operate a transport service that carries members of the public.

What happens now?

The vehicles must be fitted with:

- a fire extinguisher
- a tail shaft guard

and, for journeys lasting over one day:

- a winch
- a first aid kit
- a Royal Flying Doctor radio or satellite phone.

The equipment must be in working order.

If TMR finds out the equipment is missing or not in working order, it may fine the business or stop them from operating the service – temporarily or permanently.

Why are looking at changing this?

This law has been in place since 1994. It has not been updated for a long time.

Vehicle design has changed so not all four-wheel drive vehicles need a tail shaft guard to be safe off-road.

Some of the items in the list are requirements in workplace health and safety laws. Workplace health and safety law requires a business to:

- have a plan, equipment and training in place to deal with an emergency like a fire
- train its employees in first aid and have first aid equipment available at all times

- have communications equipment.

We want to encourage businesses to provide their services to the public safely – not give them another checklist that may also go out of date.

What are we proposing to do?

We propose to remove the equipment requirement list from the law.

There are two ways this could be done:

- Option 1: Remove the equipment requirements from the laws for passenger transport. Providers would still need to follow laws about workplace health and safety. This would mean businesses only need to follow one set of laws about safety
- Option 2: Remove the equipment requirements and manage risk through a safety duty. You can read more about the safety duty in Chapter 3 of this discussion paper.

Please tell us what you think

We are asking people for their opinions about our ideas. If you want to tell us what you think, please answer the questions in this paper. You can give your answers using the Get Involved website www.getinvolved.qld.gov.au or send your opinions to regulatorysettings@tmr.qld.gov.au. The closing date is on the Get Involved website.

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- (18) Does this discussion paper accurately identify and describe the issues affecting the safety of four-wheel drive tourism? If not, what else do we need to know?
- (19) Do you support the option to remove the equipment requirements from:
- passenger transport legislation (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)
 - passenger transport legislation and replace them with a safety duty? (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)
- (20) Tell us about the impact on your business of the option to remove the equipment requirements from passenger transport legislation
- (21) Tell us about the impact on your business of the option to remove the equipment requirements from passenger transport legislation and replace them with a safety duty.
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Chapter 5: Safety laws when transporting children to and from school

This chapter describes options for changing the law. We want to hear from stakeholders before we decide the best option. Schools and other organisations that take children to and from school may be impacted by the options in this chapter.

We want to know what you think about our plans for simplifying the laws for school services.

We are asking you for your opinion about how we make it easier to work out what safety laws you need to follow.

What services are affected?

Some schools own or lease a bus to run their own ‘school service’ to and from school, on school days. A bus used to transport school children for other reasons, such as an excursion, is not a school service.

What happens now?

Most bus services that transport members of the public must have Operator Accreditation. The drivers of these services also have Driver Authorisation. This allows someone to drive a vehicle that carries members of the public. Operator Accreditation and Driver Authorisation are important parts of our safety laws.

Some services are exempt from these requirements. An example of services that are exempt is some community and courtesy transport services. These services:

- use only one or two vehicles that can be driven by someone with a C Class driver licence, or
- are not generally available to the community.

This exemption aims to reduce red tape for some services.

Some school services consider that they meet these criteria. This means that some school services do not have to have Operator Accreditation and Driver Authorisation.

Why might Operator Accreditation and Driver Authorisation be good to have for school services?

Services that have Operator Accreditation must show they follow certain requirements about safety and customer service. These include ensuring drivers are not too tired to drive safely and developing and following a plan to manage incidents such as a fire.

People who have Driver Authorisation have special responsibilities while they are driving members of the public. These include:

- maintaining a zero alcohol limit
- following rules about where it is safe to carry standing passengers
- being courteous to passengers and members of the public
- providing the service to schedule as fair as possible
- telling passengers when an incident like a fire or injury happens, and what is going to happen next.

If someone is charged or convicted of a serious offence or lose their licence while they have Driver Authorisation, TMR may remove it – temporarily or permanently.

People who have Operator Accreditation and Driver Authorisation must also follow TMR’s Code of Conduct for School Students Travelling on Buses. This helps to ensure that everyone is treated fairly when someone complains about a student misbehaving on a bus.

Why are we looking at changing this?

We think it is a good idea that all services taking children to and from school have a similar base level of safety.

What are we proposing to do?

TMR is considering two options:

- Option 1: changing the law so that all school services must have Operator Accreditation and Driver Authorisation, and that they are not eligible for an exemption
- Option 2: changing the law so that everyone has a duty to ensure safety, even if their service is exempt from Operator Accreditation and Driver Authorisation. You can read more about the safety duty in Chapter 3.

Please tell us what you think

We are asking people for their opinions about our ideas. If you want to tell us what you think, please answer the questions in this paper. You can give your answers using the Get Involved website www.getinvolved.qld.gov.au or send your opinions to regulatorysettings@tmr.qld.gov.au. The closing date is on the Get Involved website.

(22) Do you support:

- (a) requiring Operator Accreditation (OA) and Driver Authorisation (DA) for all school scheduled services? (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)
- (b) requiring exempt school scheduled services to comply with a safety duty? (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)

(23) If your organisation provides a service that transports children between school and their home (or other pick up/drop-off point in the community) on schooldays, and does not have Operator Accreditation and Driver Authorisation:

- (a) describe your service, including how safety risks are managed
- (b) describe the impact the requirement to hold Operator Accreditation and Driver Authorisation would have on your service and organisation.

(24) Do you think the community and courtesy services that are currently exempt from the requirement to hold Operator Accreditation and Driver Authorisation should continue to be exempt?

Part B: Market Entry Restrictions

TMR manages the passenger transport market to improve services for customers. In this context, the market is all the different types of passenger transport. This part of the discussion paper is about how TMR controls competition in the market using market entry restrictions.

What are market entry restrictions?

Market entry restrictions are laws which control the number and type of passenger transport operators in specified locations. The Minister can only introduce market entry restrictions where the existing commercial transport market is not providing enough services for customers. The Minister does this so that TMR can fund reliable and cost-effective public transport options in that location.

Market entry restrictions can apply to many types of service. This discussion paper is about market entry restrictions on two types of services:

- general route services (which include buses)
- school services.

These services are generally open to the public. Services restricted to particular groups or for a specific purpose, such as community transport or tourist services do not usually have market entry restrictions.

How do market entry restrictions currently work?

Market entry restrictions do not automatically apply to all passenger transport services. TMR must first advertise or 'declare' the location where market entry restrictions will apply. TMR must undertake public consultation with any affected operators that are located inside the area.

These locations are called declared service contract areas. A full list of all declared service contract areas can be found on TMR's website.

Operators must get permission from TMR to operate a general route service or a school service inside a declared service contract area. TMR issues a contract if they give permission.

If a person does not hold a contract, TMR may issue a fine or charge this person with an offence.

The future of market entry restrictions

Market entry restrictions help improve the quality of passenger transport.

The laws about market entry restrictions are more than 25 years old. New technology and population growth have changed what customers need and the services that are available.

This discussion paper asks about options for market entry restrictions that will affect:

- which services should be included
- how to apply market entry restrictions to different areas.

Chapter 6: Clearer rules for shared flexible services

This chapter describes options for changing the law. We want to hear from stakeholders before we decide the best option. Operators of shared flexible services may be impacted by options in this chapter.

What are shared flexible transport services?

Shared flexible transport services is the term we are using to describe passenger transport services for passengers who share a ride that doesn't follow a fixed route.

These services can be flexible like personalised transport. They might have a flexible route or timetable, or they might arrive on demand. But personalised transport is usually for one customer or a group of passengers who know each other. Shared flexible transport might include passengers who don't know each other, similar to a bus, which is a general route service.

These are new types of services that use technology to match up passengers and vehicles. Examples of these services which are funded by TMR are the Gold Coast On Demand Transport and Logan Demand Responsive Transport. There are also commercial models such as Uber Pool and Didi Share.

What problems does this cause?

It can be difficult to work out if these new types of services are general route services or personalised transport services.

If a service is a general route service, the operator must get permission from TMR to operate the service in some areas. TMR issues a contract if they give permission. If a person does not hold a contract, TMR may issue a fine or charge this person with an offence.

Currently some of these services are operating as a general route service and others are operating as a personalised transport service. Services which are the same should be treated in the same way.

What options are there for doing it differently?

Operators need to be able to work out what services they can operate. Having certainty will also help them plan for future services and grow their businesses. This could increase transport options for customers.

We are considering two options to make it clearer how market entry restrictions apply for shared flexible transport services.

Option 1: The nature of the route determines whether market entry restrictions apply

In this option, TMR would make market entry restrictions apply to shared services operating on a fixed, regular route. This means any shared service operating on a flexible basis would not require a service contract or permission from TMR to operate in a declared service contract area. The size of the vehicle, and the number of seats, would not be considered. This option does mean someone has to decide what is fixed route and what is a flexible route.

Option 2: The number of seats determines whether market entry restrictions apply

Under this option, the number of seats in the vehicle providing the shared service determines whether market entry restrictions apply. The number of seats is easy to understand. This could happen in one of two ways:

- **Nine-seat threshold:** Shared services provided in a vehicle with nine seats or fewer (including the driver) could operate without a contract. Shared services in larger vehicles would have market entry restrictions applied
- **12-seat threshold:** Shared services provided in a vehicle with 12 seats or fewer (including the driver) could operate without a contract. Shared services in larger vehicles would have market entry restrictions applied.

We are seeking feedback on both options before making a decision and we need to understand the impact these options may have on your business.

Please tell us what you think

We are asking people for their opinions about our ideas. If you want to tell us what you think, please answer the questions in this paper. You can give your answers using the Get Involved website www.getinvolved.qld.gov.au or send your opinions to regulatorysettings@tmr.qld.gov.au. The closing date is on the Get Involved website.

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- (25) Do you think we have identified the right issues and impacts for shared flexible services? If not, what else do we need to know?
- (26) Do you support these options?
- Option 1: The nature of the route (fixed or flexible) determines whether market entry restrictions apply (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)
 - Option 2A: Nine-seat threshold for market entry restrictions (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)
 - Option 2B: 12-seat threshold for market entry restrictions (*Strongly disagree / Disagree / Neutral / Agree / Strongly agree*)
- (27) What impact both positive and negative could the options have? If you are planning to expand or offer new services, how would the options affect these plans?
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Chapter 7: Simplifying and updating rules about market entry restrictions

This chapter describes ideas for changing the law about how and where market entry restrictions are applied. We want to hear more from stakeholders before we decide if and how to proceed. Operators of OA services, operators of school services, and operators that hold a TMR service contract may be impacted by ideas in this chapter, if adopted.

What are declared service contract areas?

Market entry restrictions only apply in certain locations in Queensland. These locations are called declared service contract areas.

Certain criteria must be met before TMR can introduce market entry restrictions on general route services or school services. For general route services the criteria are based on the population of cities, towns and villages in Queensland. For school services, the criteria are based on whether the service operates to and from a school.

Before any restrictions apply, TMR must first advertise or ‘declare’ the location. A full list of all declared service contract areas can be found on TMR’s website.

Any person operating a general route service or a school service inside a declared service contract area must get permission from TMR. TMR gives permission when they issue a contract.

If a person does not hold a contract, TMR may issue a fine or charge this person with an offence.

All States in Australia have market entry restrictions for public passenger services. Queensland is the only State that has declared service contract areas. Most other States make all operators get permission regardless of where in the State they are located. This is simple to understand but is more ‘red tape’ for businesses.

What are the challenges of the current arrangements?

Queensland’s population is growing. Areas where new houses are built are often outside declared service contract areas.

TMR cannot easily issue contracts for new public transport services in locations outside of the declared service contract areas. This is a particular problem in South-East Queensland as the population is growing significantly.

The criteria are out of date. They refer to population levels that were agreed in 1995.

The laws about market entry restrictions and declared service areas are very complex and difficult to understand.

The process for making declarations is very time consuming. This cost is not in proportion to the change proposed.

What are the options for doing it differently?

TMR is considering several ideas to improve market entry restrictions and declared service contract areas because we want to reduce complexity.

These ideas include:

1. making the language for all declared service contract areas consistent and easy to understand, and improving how TMR communicates and advertises declared service contract areas

2. making South East Queensland one declared service contract area instead of many separate ones
3. updating the current population criteria for declared service contract areas.

It is important that TMR understands the current passenger transport market before making any decisions.

Please tell us what you think

We are asking people for their opinions about our ideas. If you want to tell us what you think, please answer the questions in this paper. You can give your answers using the Get Involved website

www.getinvolved.qld.gov.au or send your opinions to regulatorysettings@tmr.qld.gov.au. The closing date is on the Get Involved website.

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- (28) Do declared service contract areas create any other issues that impact the operation of your service that the Department of Transport and Main Roads (TMR) have not identified?
 - (29) Do you support:
 - (a) updates to the phrasing and publishing for all declared service contract areas? (*Yes / No / Unsure*)
 - (b) the introduction of a broad declared service contract area in South East Queensland? (*Yes / No / Unsure*)
 - (c) amendments to the population criteria that allow TMR to introduce declared service contract areas? (*Yes / No / Unsure*)
 - (30) What are the impacts (both positive and negative) that these options will have on your service?
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How do I have my say?

This discussion paper is public and anyone can have their say.

Each chapter has a list of who might be affected by the ideas, options and proposals, and a list of questions.

Read the chapters of the paper that are relevant to you. You can give your answers to the questions using the Get Involved website www.getinvolved.qld.gov.au by clicking on 'Legislation changes to support Creating Better Connections for Queenslanders'.

The Get Involved website also has questions to help us understand more about you and your business. We are collecting this information to help us understand the impacts. We will keep this information safe and won't use it for any other purpose.

You can also send TMR a submission by emailing regulatorysettings@tmr.qld.gov.au.

Consultation closes on 18 November 2022.

Your contribution is very important and will make a difference to laws about passenger transport in Queensland.

What will happen next?

We will review all the feedback received about our proposals. We may consult again before we decide on the best approach.

We will then make a recommendation to the Minister for Transport and Main Roads and the Queensland Government for consideration. This takes more than a year. We will keep you informed about any plans for change.

Questions about you and your business

Who are you responding on behalf of:

- a. Individual
- b. Company or organisation (provide name)
- c. Peak or representative body (provide name)
- d. Other (please specify)

Are you a (note: able to choose multiple):

- a. Booking entity
- b. Customer (including parents of customers)
- c. Driver
- d. Licence Holder (Taxi Service Licence, Limousine Licence, Booked Hire Service Licence)
- e. Looking to provide a public passenger transport service in the future?
- f. Operator
- g. Service contract holder
- h. Other (please specify)

Do you currently have:

- a. Driver Authorisation *Yes / No / Not applicable*; Tell us what driver authorisation type - BHTX, General, Restricted, Don't know
- b. Operator Accreditation: *Yes / No / Not applicable*; If yes, please list all your Operator Accreditation categories

- c. A personalised transport licence, select which ones from the following list: Taxi Service Licence, Limousine Licence, Booked Hire Service Licence
- d. Booking Entity Authorisation (*Yes / No / Not applicable*)
- e. A service contract with TMR *Yes / No / Not applicable* (tell us what type, if known – for example, Prescribed School Service Contract)

Fleet and company/organisation:

- a. Can you tell us the number of vehicles in your fleet? (specify the number)
- b. Does your fleet consist of (tick all that apply):
 - a. vehicles that have up to and including 9 seats (including the driver's seat)
 - b. vehicles that have 10 to 12 seats (including the driver's seat)
 - c. vehicles that have more than 12 seats (including the driver's seat)

Do you consider your organisation to be:

- a. Small
- b. Medium
- c. Large

Do you provide services:

- a. On a regular route
- b. Where the customer determines the origin or destination and route
- c. Other – please describe.

Are your customers (able to choose multiple):

- a. the general public
- b. school students
- c. targeted groups (for example, people with disability, residents of an aged or respite care facility, customers of your business, children enrolled in a childcare centre) – please specify
- d. Other – please specify

Where do you provide services:

- a. South East Queensland
- b. Regional Queensland (please specify)
- c. Other (for example, another state)

Are your services (able to choose multiple):

- a. Funded by the Department of Transport and Main Roads
- b. Funded by another part of government (State, Federal or Local)
- c. Funded by a charity
- d. Fully commercial (without funding)
- e. Other