

## Compensation Claims

While the TransLink Division will use its best endeavours to ensure that TransLink operators provide services in accordance with published timetables, the TTA cannot guarantee that all services are provided or are provided on time because this is beyond its control.

The provision of bus, ferry and rail services in South East Queensland is provided by various public transport service providers (TransLink operators) pursuant to a service contract under the **Transport Operations (Passenger Transport) Act 1994** (TOPTA) with the State. These contracts are administered by the TTA on behalf of the State.

Under the contract, TransLink operators:

- Are deemed to be independent operators; and
- Indemnify the State from and against all actions, claims, demands, direct, indirect or consequential losses (including lost profits, revenue and opportunities), damages, costs (including legal costs on a full indemnity basis) and expenses for which the State may become liable to the extent they are directly or indirectly caused by reason of or in connection with:
  - (a) the performance or non-performance of this contract by the Operator or any Tier 2 Agent, subcontractor or employee of the Operator;
  - (b) any act or omission of the Operator or any Tier 2 Agent, subcontractor or employee of the Operator (whether arising in tort, contract, by law or under statute);
  - (c) the provision of or failure to provide the Services under this contract;
  - (d) any inaccurate or incorrect information provided by the Operator under this contract that is relied upon by TMR or a third party to their detriment; or
  - (e) the use of the Operator's premises, Vehicles or other installation sites by any Person in order to access, travel on or exit the Services."

For this reason, the TransLink Division accepts no responsibility (and denies all liability) for any cancellation of services, disruption to services or late running of services by TransLink operators.