

STATUTORY RULE 2020
S.R. No /2020
Bus Safety Act 2009
Bus Safety Regulations 2020

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

BEN CARROLL

Minister for Public Transport

Clerk of the Executive Council

Part 1—Preliminary

1 Objective

The objective of these Regulations is to provide for the following matters relating to the safety of bus services—

- (a) bus operations and vehicle requirements; and
- (b) the accreditation and registration of bus operators; and
- (c) exemptions from designated provisions of the **Bus Safety Act 2009**; and
- (d) inspections and audits of bus operators; and
- (e) the reporting and investigation of bus incidents; and
- (f) any other matters necessary to give effect to the **Bus Safety Act 2009**.

2 Authorising provision

These Regulations are made under sections 72, 73, 74, 75, 76 and 77 of the **Bus Safety Act 2009**.

3 Commencement

These Regulations come into operation on 9 October 2020.

4 Definitions

In these Regulations—

accreditation means accreditation to operate a bus service under Part 4 of the Act;

Note

This accreditation differs from driver accreditation as defined in section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983**.

bus incident means—

- (a) a category 1 incident; or
- (b) a category 2 incident; or
- (c) a category 3 incident;

bus standard, in relation to a bus, means—

- (a) if the bus is of a class specified in Schedule 1, a standard set out in Schedule 1 that is applicable to that class of bus; and
- (b) if the bus is manufactured before 1 July 1988, an Australian Design Rule set out in Schedule 2 that is applicable to a category of vehicles of the same type as that bus;

category 1 incident, in relation to a bus operated by an accredited bus operator or a registered bus operator, means any of the following—

- (a) any circumstance, act or omission involving the bus that results in the death of, or serious injury to, any person;
- (b) a collision between the bus and any person;
- (c) a collision between the bus and any vehicle, infrastructure or other property that results in significant damage to property;
- (d) an implosion, explosion or fire;
- (e) a divergence of the bus from a highway that results in significant damage to property;
- (f) the bus being in motion while not under the effective control of a driver;
- (g) an alleged assault that directly involves the bus driver and has the potential to result in the death of, or serious injury to, any person;
- (h) a circumstance where the driver of the bus is in contravention of the bus operator's alcohol and drug management policy;

- (i) a terrorist act on or near the bus;
- (j) a circumstance where a child is left unattended on the bus at the conclusion of a bus route or service;
- (k) a mechanical failure of the bus that had the potential to result in the death of, or serious injury to any person;

category 2 incident, in relation to a bus operated by an accredited bus operator or a registered bus operator, means any of the following incidents, other than an incident that is a category 1 incident—

- (a) a collision between the bus and any vehicle, infrastructure, or other property that results in minor damage to property or does not result in damage;
- (b) any circumstance, act or omission involving the bus that results in—
 - (i) a divergence from a highway; or
 - (ii) significant damage to property;
- (c) an alleged assault that occurs on the bus and has the potential to result in the death of, or serious injury to, any person but does not directly involve the bus driver;
- (d) a circumstance involving suspected or attempted self-harm that has the potential to result in the death of, or serious injury to, any person;

category 3 incident, in relation to a bus operated by an accredited bus operator or a registered bus operator, means any of the following incidents, other than an incident that is a category 1 or category 2 incident—

- (a) any circumstance, act or omission involving the bus that results in either of the following—
 - (i) a person requiring immediate treatment as an in-patient in a hospital; or
 - (ii) attendance by a police officer or health professional;
- (b) an alleged assault witnessed by the bus driver that occurs in the immediate vicinity of the bus, including at a bus stopping point;
- (c) any circumstance, act or omission involving the bus that results in minor damage to property;

certificate of accreditation means a certificate issued under section 33 of the Act;

certificate of registration means a certificate issued under regulation 16;

certificate of roadworthiness means a certificate of roadworthiness issued under Chapter 6 of the Road Safety (Vehicles) Regulations 2009²;

complying lights and signs means warning lights and signs that comply with the requirements of clauses 115, 116 and 117 of Schedule 2 to the Road Safety (Vehicles) Regulations 2009;

contact person means the person nominated as the contact person in an application for registration in accordance with regulation 14(1);

former regulations means the Bus Safety Regulations 2010³;

hazard warning device means flashing lights and signs sufficient to warn surrounding traffic that passengers are boarding or alighting from a bus;

highway has the same meaning as it has in section 3(1) of the **Road Safety Act 1986**;

investigation report means a report relating to a bus incident prepared in accordance with regulation 40(1);

licensed bus tester means a person who—

(a) holds a tester's licence under Chapter 6 of the Road Safety (Vehicles) Regulations 2009; and

(b) is authorised by that licence to examine and test buses;

maintenance management system means a system established in accordance with regulation 23 containing information about the maintenance management of each bus used in the provision of bus services operated by the accredited bus operator;

management information system means a system established in accordance with regulation 22, containing information about the management of each bus service operated by the accredited bus operator;

school bus service means a bus service providing a passenger service along a fixed route on a regular basis primarily for the purpose of transporting children to and from school;

Note

If the operator of a route bus service available to the general public schedules additional bus services to handle increased passenger numbers because of school children using that route bus service, those additional bus services are not a school bus service for the purpose of these Regulations.

terrorist act has the same meaning as in section 4(1) of the **Terrorism (Community Protection) Act 2003**;

the Act means the **Bus Safety Act 2009**;

vehicle identification number has the same meaning as in section 3(1) of the **Road Safety Act 1986**;

vehicle registration number means the combination of one or more letters or numbers (or both) assigned to a vehicle by the Secretary upon registering that vehicle under the Road Safety (Vehicles) Regulations 2009.

vehicle safety inspection means an inspection of a bus that is conducted to ensure the bus is roadworthy and safe, other than a bus safety inspection completed in accordance with section 19 of the Act.

5 Revocation of regulations

The following regulations are revoked—

- (a) the Bus Safety Regulations 2010;
- (b) the Bus Safety Amendment Regulations 2012⁴;
- (c) the Bus Safety Amendment (Red Tape Reduction) Regulations 2013⁵;
- (d) the Bus Safety Amendment Regulations 2019⁶.

Part 2—Bus Safety Duties

Division 1 – Bus operator obligations

6 Maximum number of passengers

- (1) The maximum number of passengers that may be safely carried on a bus is the carrying capacity of the bus—
 - (a) determined by the manufacturer and specified on a compliance plate affixed to the bus; or
 - (b) specified in a certificate issued by a licensed bus tester—
whichever is most recent.
- (2) The operator of a bus service must ensure that each bus used in the provision of the bus service that is built with seating positions for 13 or more adults, including the driver, displays a notice of the maximum number of passengers that may be safely carried on the bus, in accordance with subregulation (3).

Penalty: 5 penalty units

- (3) A notice under subregulation (2) must be displayed—
 - (a) in characters at least 25 millimetres high and of proportionate width; and
 - (b) in a position inside the bus that is clearly visible to the bus driver when seated in the driver seat of the bus.

7 Bus standards

- (1) Subject to subregulation (2), the operator of a bus service must ensure that each bus used to provide the bus service complies with each applicable bus standard, unless an exclusion specified in Schedule 2 applies.

Penalty: 20 penalty units.

- (2) The Safety Director may exempt a bus from complying with a bus standard if, in the Safety Director's opinion, the bus standard is inappropriate having regard to—
 - (a) the design or construction of the bus; or
 - (b) the type of bus service the bus is used to provide.

8 Devices for school buses

- (1) Subject to subregulation (2), the operator of a school bus service must ensure that any bus used to provide that school bus service is fitted with complying lights and signs.

Penalty: 20 penalty units.

- (2) If a bus used to provide a school bus service was fitted with warning lights before 1 July 1999, the operator of that school bus service must be taken to comply with subregulation (1) if the bus—
 - (a) is fitted with a hazard warning device; and
 - (b) has signs fitted to the front and rear of the bus displaying the words "school bus" in capital letters at least 100 millimetres high.

9 Fire extinguishers

- (1) The operator of a bus service must ensure that one or more fire extinguishers are provided on each bus used in the provision of the bus service in accordance with the requirements of regulation 7 or Australian Design Rule 58/00 (as the case requires) in relation to—
 - (a) the number of fire extinguishers to be provided on each bus; and
 - (b) the type and location of each fire extinguisher provided on each bus.

Penalty: 10 penalty units

- (2) The operator of the bus service must ensure that each fire extinguisher provided on each bus used in the provision of the bus service is maintained in operating condition.

Penalty: 10 penalty units

10 Signage – accreditation number

- (1) An accredited bus operator must ensure that the accreditation number of the bus operator is displayed in accordance with subregulation (2) on each bus operated by the bus operator.

Penalty: 10 penalty units

- (2) The accreditation number must be displayed—
 - (a) adjacent to the front passenger loading door; and
 - (b) in a position and colour so as to be clearly visible from the exterior of the bus; and
 - (c) in characters at least 150 millimetres high and of proportionate width.

- (3) A person must not display a bus operator accreditation number on a bus unless—
 - (a) the bus is used to provide a bus service operated by an accredited bus operator; and
 - (b) the number displayed corresponds to the accreditation number of the bus operator who operates that bus service.

Penalty: 10 penalty units.

11 Signage – registration number

- (1) A registered bus operator must ensure that the registration number of the bus operator is displayed in accordance with subregulation (2) on each bus operated by the bus operator.

Penalty: 10 penalty units

- (2) The registration number must be displayed—
 - (a) adjacent to the front passenger loading door; and
 - (b) in a position and colour so as to be clearly visible from the exterior of the bus; and
 - (c) in characters at least 150 millimetres high and of proportionate width.
- (3) A person must not display a bus operator registration number on a bus unless—
 - (a) the bus is used to provide a bus service operated by a registered bus operator; and
 - (b) the number displayed corresponds to the registration number of the bus operator who operates that bus service.

Penalty: 10 penalty units.

Division 2 – Bus driver obligations

12 Devices must operate

- (1) This regulation applies if a bus used to provide a school bus service is fitted with a light, sign or other device in accordance with regulation 8.
- (2) The driver of the bus must ensure that each light, sign or other device fitted to the bus operates when the bus is stationary on a highway for the purpose of picking up or setting down school children.

Penalty: 10 penalty units.

- (3) A driver of a bus does not commit an offence under subregulation (2) if a light, sign or other device fails to operate due to a mechanical failure or any other circumstance beyond the control of the driver.
- (4) If subregulation (3) applies, the driver of a bus must, as soon as reasonably practicable—
 - (a) inform the operator of the school bus service; and
 - (b) cease operating the bus.
- (5) If the driver has ceased operating the bus under subregulation (4)(b), the operator of the school bus service must not allow that bus to be used for a school bus service until the light, sign or other device is operational.

Penalty: 20 penalty units.

13 Driver must not have alcohol or drugs present

The driver of a bus must not have alcohol or drugs present in the driver's blood or breath immediately before or while driving a bus.

Penalty: 10 penalty units.

Part 3—Registration

14 Application for registration

- (1) If an applicant for registration is not a natural person, the applicant must nominate a contact person—
 - (a) who is involved in managing the operation of the bus service; and
 - (b) who the Safety Director may contact in relation to the application and the bus service.
- (2) An application for registration must be signed—
 - (a) if the applicant is a company within the meaning of the **Corporations Act 2001** of the Commonwealth, in accordance with section 127 of that Act; or
 - (b) if the applicant is a natural person, by that person; or
 - (c) in any other case, by the contact person.
- (3) If the application is signed by the contact person under subregulation (2)(c), the application must include a letter duly authorised by the applicant appointing the contact person as its representative and authorising the contact person to bind the applicant and act on its behalf in all matters relating to this registration.

15 Application for registration—prescribed information

For the purposes of section 22(3)(b) of the Act, the prescribed information to be included in an application for registration is—

- (a) if the applicant is a natural person, the name of that person; and
- (b) if the applicant is a partnership—
 - (i) the partnership agreement; and
 - (ii) the names of the current partners of the partnership; and
- (c) if the applicant is an unincorporated body or association other than a partnership—
 - (i) the certificate of business name or other document establishing the existence of the body or association; and
 - (ii) the names of the current members of the committee of management of the body or association; and

- (d) if the applicant is a company, co-operative or incorporated association—
 - (i) the certificate of incorporation; and
 - (ii) the names of the current directors of the company, cooperative or incorporated association; and
- (e) if the applicant is a body corporate other than a company, co-operative or incorporated association—
 - (i) the document establishing the existence of the applicant; and
 - (ii) the names of the current office bearers of the body; and
- (f) a copy of a current certificate of roadworthiness for each bus to be used in providing the bus service; and
- (g) the dates of any previous registrations or accreditations held by the applicant in relation to the operation of bus services.

16 Issue of certificate of registration

- (1) For the purposes of section 76(b) of the Act, the prescribed form of a certificate of registration is the form approved by the Safety Director in accordance with subregulation (2).
- (2) For the purposes of subregulation (1), the Safety Director may approve a form of a certificate of registration that includes the matters specified in subregulation (3).
- (3) The specified matters to be included in a certificate of registration are—
 - (a) a registration number allocated to the registered bus operator by the Safety Director; and
 - (b) the name and contact details of the registered bus operator; and
 - (c) the name and contact details of the contact person (if different from the registered bus operator); and
 - (d) any additional information that the Safety Director considers appropriate.

Part 4 – Accreditation

Division 1 – Application for accreditation

17 Fee to accompany application

For the purposes of paragraph (b) of the definition of *accreditation fee* in section 3(1) of the Act, the prescribed fee for an application for accreditation under Part 4 of the Act is 40 fee units.

18 Annual accreditation fee

For the purposes of paragraph (b) of the definition of *accreditation fee* in section 3(1) of the Act, the prescribed annual accreditation fee is the amount calculated in accordance with the following formula—

$$(5.5 \text{ fee units} \times (B - 1)) + 20 \text{ fee units—}$$

where B is the number of buses proposed to be operated by the bus operator.

19 Documents and other matters to accompany application

For the purposes of sections 25(2)(b)(ii) and 25(2)(d) of the Act, the prescribed evidentiary documents and other matters to accompany an application for accreditation are—

- (a) if the applicant is a natural person—
 - (i) the name of that person; and
 - (ii) evidence as to whether or not the applicant is an insolvent under administration within the meaning of the **Corporations Act 2001**; and
- (b) if the applicant is a partnership—
 - (i) evidence of the partnership; and
 - (ii) the names of the current partners of the partnership; and
- (c) if the applicant is an unincorporated body or association other than a partnership—
 - (i) the certificate of business name or other document establishing the existence of the body or association; and
 - (ii) the names of the current members of the committee of management of the body or association; and
- (d) if the applicant is a company, co-operative or incorporated association—

- (i) the certificate of incorporation; and
 - (ii) the names of the current directors of the company, cooperative or incorporated association; and
- (e) if the applicant is a body corporate other than a company, cooperative or incorporated association—
- (i) the document establishing the existence of the body corporate; and
 - (ii) the names of the current office bearers of the body corporate; and
- (f) a copy of a current certificate of roadworthiness for each bus to be used in providing the bus service; and
- (g) the dates of any previous licence, registration or accreditation held by the applicant in relation to the operation of a bus service under any of the following—
- (i) the Act;
 - (ii) an earlier enactment relating to the licensing, registration or accreditation of bus operators;
 - (iii) an Act in another State or Territory; and
- (h) a copy of the applicant's management information system; and
- (i) a copy of the applicant's maintenance management system; and
- (j) if the applicant or the responsible person has successfully completed an approved training course, documentary evidence of that completion; and
- (k) evidence as to whether or not the applicant (or if the applicant is not a natural person, each relevant person) has been found guilty of a tier 1 offence, a tier 2 offence or a tier 3 offence; and
- (l) evidence that shows whether or not the applicant (or if the applicant is not a natural person, each relevant person) is subject to—
- (i) reporting obligations referred to in section 12(1)(a) of the **Working with Children Act 2005**; or
 - (ii) an order referred to in section 12(1)(b) of the **Working with Children Act 2005**; and
- (n) if the applicant is a corporation, evidence as to whether or not—

- (i) a receiver or receiver and manager, within the meaning of the **Corporations Act 2001**, has been appointed in relation to the applicant; or
 - (ii) the applicant has been placed in administration under the **Corporations Act 2001** or under the law of any place outside Australia; or
 - (iii) a court has made an order under the **Corporations Act 2001** for winding up of the applicant; and
 - (o) if the Safety Director so requires, documentary evidence that the applicant is or has been accredited in another State or Territory to operate a similar type of bus service, together with details of that accreditation.
- (2) For the purposes of subregulation (1)(o), the Safety Director may, by written notice given to the applicant, require the applicant to provide documentary evidence that the applicant is or has been accredited in another State or Territory to operate a similar type of bus service, together with details of that accreditation.

Division 2 – Conditions of accreditation

20 Prescribed conditions of accreditation

For the purposes of section 34(1)(b) of the Act, the prescribed conditions of accreditation are the conditions set out in this Division.

21 Compliance with Part 2

An accredited bus operator must ensure that every bus used in the provision of the bus service complies with, or is operated in accordance with, Part 2.

22 Management information system to be maintained

An accredited bus operator must establish, maintain and comply with a system for managing information about the operation of the bus service that contains the matters and information specified in Schedule 3.

23 Maintenance management system to be maintained

An accredited bus operator must establish, maintain and comply with a system for ensuring that all buses operated by the operator are maintained in a fit, serviceable and safe condition that contains the matters and information specified in Schedule 4.

24 Conduct of audits

An accredited bus operator must—

- (a) complete an audit at least annually of their management information system and their maintenance management system to identify any deficiencies in those systems; and
- (b) rectify any identified deficiencies.

25 Certificate of accreditation

(1) An accredited bus operator must not—

- (a) deface or alter a certificate of accreditation; or
- (b) part with possession of a certificate of accreditation except as required or permitted under these Regulations or the Act.

(2) An accredited bus operator must deliver a certificate of accreditation to the Safety Director within 14 days of—

- (a) the document being defaced or altered; or
- (b) the operator receiving notice of the suspension or cancellation of the accreditation; or
- (c) the operator receiving a new certificate of accreditation following variation of the accreditation under section 42 of the Act; or
- (d) the operator ceasing to be accredited.

26 Payment of fee

An accredited bus operator must pay to the Safety Director the annual accreditation fee—

- (a) in the first year in which an accreditation is granted by the Safety Director, within 14 days after the accreditation is granted; and
 - (b) in each subsequent year, within 14 days after the anniversary of the date of the granting of the accreditation.
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Part 5—Exemptions

27 Information to be contained in application for exemption

- (1) For the purposes of section 52B(2)(b) of the Act, the prescribed information to be contained in an application for exemption from a designated provision is—
 - (a) the applicant's name and address for correspondence; and
 - (b) the name and contact details of each person appointed by the applicant to deal with queries that the Safety Director may have in relation to the application; and
 - (c) if the applicant is a partnership—
 - (i) evidence of the partnership; and
 - (ii) the names of the current partners of the partnership; and
 - (d) if the applicant is an unincorporated body or association other than a partnership—
 - (i) the certificate of business name or other document establishing the existence of the applicant; and
 - (ii) the names of the current members of the committee of management of the association or body; and
 - (e) if the applicant is a company, co-operative or incorporated association—
 - (i) the certificate of incorporation; and
 - (ii) the names of the current directors of the company, cooperative or incorporated association; and
 - (f) if the applicant is a body corporate other than a company, co-operative or incorporated association—
 - (i) the document establishing the existence of the applicant; and
 - (ii) the names of the current office bearers of the body corporate; and
 - (g) details of the designated provision from which an exemption is sought; and
 - (h) if the applicant holds an accreditation, details of that accreditation; and
 - (i) if the applicant holds a registration, details of that registration.

- (2) If a person applies for an exemption from a designated provision and any part of the bus service in respect of which the exemption is sought is intended to be carried out by any other person, the application must contain—
 - (a) the name and contact details of each such person; and
 - (b) details of the part of the bus service that it is intended that the person will carry out on behalf of the applicant.

28 Requirements for exemption

- (1) For the purposes of section 52C(b) of the Act, the prescribed requirements for eligibility for an exemption from a designated provision are the requirements specified in subregulations (2) and (3).
- (2) An applicant for an exemption must provide evidence that the designated provision from which an exemption is sought imposes a regulatory burden that is excessively onerous or unreasonable in the circumstances having regard to—
 - (a) the purpose and objects of the Act; and
 - (b) the principles of bus safety.
- (3) In addition, if the applicant is applying for an exemption from the requirement to be accredited, the applicant must provide evidence that—
 - (a) the granting of the exemption will not reduce the safe operation of the bus service in respect of which the exemption is sought; and
 - (b) having regard to the scale and nature of the bus operations for which the exemption is sought, the applicant has sufficient competence and capacity to manage risks to safety associated with operating the bus service if the exemption is granted; and
 - (c) the applicant has sufficient financial capacity, or public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the bus service in respect of which the exemption is sought.

29 Exemption subject to conditions

- (1) For the purposes of section 52D(2) of the Act, the prescribed conditions of an exemption from a designated provision are the conditions specified in subregulations (2) and (3).
- (2) The operator of the bus service in respect of which the exemption is granted must—

- (a) keep a copy of the notification of the exemption and produce the notification on the request of the Safety Director; and
 - (b) notify the Safety Director if—
 - (i) the nature of the activity for which an exemption has been granted changes; or
 - (ii) the details specified in the application for exemption change.
- (3) In addition, if the exemption granted includes an exemption from the requirement to be registered or accredited, the operator of the bus service in respect of which the exemption is granted must—
- (a) ensure that—
 - (i) a person driving a bus for that bus service holds an appropriate driver licence; and
 - (ii) a person driving a bus for that bus service, if it is a commercial bus service, a local bus service or a commercial mini-bus service, is the holder of a driver accreditation under Division 6 of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983** to drive that bus; and
 - (iii) each bus used to provide the bus service undergoes a safety inspection in accordance with section 19 of the Act and regulation 33 or 34 (as the case requires) (unless the Safety Director provides otherwise in the granting of the exemption); and
 - (b) use buses that comply with vehicle standards applicable to buses under the **Road Safety Act 1986**; and
 - (c) notify the Safety Director if—
 - (i) the nature of the bus service changes; or
 - (ii) the operator of the bus service ceases to operate the bus service; and
 - (d) comply with Part 5 of the Act; and
 - (e) comply with Part 8 of the Regulations.

Note

An exemption may only be given from the provisions of Divisions 1 and 2 of Part 4 of the Act and regulations made for the purposes of those divisions.

An exemption that is varied under Division 7A of Part 4 of the Act is subject to the applicable conditions or restrictions prescribed by this regulation— see section 52G of the Act.

(3) In this regulation—

notification, of an exemption, means a notification given to the applicant under section 52D(3) of the Act together with—

- (a) any notification of a variation to the exemption given under section 52F(1)(a); and
- (b) any notification of a variation to the conditions or restrictions imposed on the exemption given under section 52I(3).

30 Application for variation of an exemption

For the purposes of section 52E(3)(b) of the Act, the prescribed information to be contained in an application for a variation of an exemption from a designated provision is—

- (a) the applicant's name and address for correspondence; and
 - (b) evidence that the application for variation has been endorsed by—
 - (i) the partners of the partnership; or
 - (ii) members of the committee of management of the association or body; or
 - (iii) the directors of the company, co-operative or incorporated association; or
 - (iv) the office bearers of the body corporate—
as the case may be; and
 - (c) details of the scope and nature of the proposed variation; and
 - (d) information required by regulation 28 (so far as it is applicable to the proposed variation).
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Part 6 – Record keeping for bus operators

31 Retention of records

- (1) An accredited bus operator must retain the following records in a safe and secure location for the specified period—
 - (a) a record of the name, address, driver licence number and driver accreditation issued under Division 6 of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983**, of each person who drives a bus operated by the accredited bus operator;
 - (b) a record of each bus in the fleet of the accredited operator, including—
 - (i) the vehicle registration number; and
 - (ii) the vehicle identification number; and
 - (iii) the maximum number of passengers that may be safely carried on the bus, in accordance with regulation 6;
 - (c) a record of the total number of buses in the fleet of the accredited operator;
 - (d) any document required to demonstrate compliance with the conditions of accreditation;
 - (e) any document produced as part of the management information system or maintenance management system;
 - (f) any document produced as part of the annual audit of bus service operations under regulation 24(a);
 - (g) evidence of inspections conducted in accordance with Part 7 in respect of each bus operated by the accredited bus operator;
 - (h) evidence of any action taken by the accredited bus operator to rectify a bus defect identified by a licensed bus tester during an inspection conducted in accordance with Part 7;
 - (i) any other record that the accredited bus operator is required to keep as a condition of accreditation.

Penalty: 10 penalty units.

- (2) A registered bus operator must retain the following records in a safe and secure location for the specified period—
 - (a) a record of each bus in the fleet of the registered operator, including—

- (i) the vehicle registration number; and
 - (ii) the vehicle identification number; and
 - (iii) the maximum number of passengers that may be safely carried on the bus, in accordance with regulation 6;
- (b) a record of the total number of buses in the fleet of the registered operator;
 - (c) evidence of inspections conducted in accordance with Part 7 in respect of each bus operated by the registered bus operator;
 - (d) evidence of any action taken by the registered bus operator to rectify a bus defect or issue that is identified by a licensed bus tester during an inspection conducted in accordance with Part 7.

Penalty: 10 penalty units.

- (3) A bus operator must ensure that the records kept for the purposes of this regulation are kept in the English language.

Penalty: 10 penalty units.

- (4) In subregulations (1) and (2), the *specified period* is a period of at least 3 years after the date of the record, unless the Safety Director notifies the bus operator that some or all records may be retained for a specified lesser period.

32 Disclosure of records by accredited bus operators

- (1) An accredited bus operator must not directly or indirectly make a record of, disclose to any person, or make use of, any information acquired under regulation 31(1)(a) except—
 - (a) with the consent of the person to whom the information relates; or
 - (b) if otherwise lawfully authorised or required.

Penalty: 20 penalty units.

- (2) An accredited bus operator may provide information to the Safety Director without the consent of the person to whom the information relates to the extent that it is reasonably required by the Safety Director to perform functions or exercise powers under the Act or these Regulations.

Part 7—Bus inspections

33 Bus safety inspections – accredited bus operator

- (1) For the purposes of section 19(1) of the Act, a bus safety inspection must be conducted by a licensed bus tester.
- (2) For the purposes of section 19(1)(b) of the Act, the prescribed intervals are the intervals notified to the accredited bus operator by the Safety Director in accordance with subregulation (3).
- (3) For the purposes of subregulation (2), the Safety Director may, by written notice given to an accredited bus operator—
 - (a) fix intervals at which the bus operator must ensure a licensed bus tester conducts bus safety inspections; and
 - (b) specify the period for which the notice applies; and
 - (c) specify the number of days from receipt of the notice, or from acquisition of a bus, in which the first bus safety inspection of a bus must take place.
- (4) If an accredited bus operator is given a notice under subregulation (3)—
 - (a) the first inspection of a bus must take place within the time period specified by the Safety Director in accordance with subregulation (3)(c); and
 - (b) a subsequent inspection of a bus must be conducted not earlier than 7 days before, and not later than 7 days after, the date determined by reference to the fixed interval specified in the notice.

Note

Section 19(1) of the Act requires an accredited bus operator to ensure that each bus used to provide a commercial bus service or local bus service undergoes a safety inspection annually or at prescribed intervals.

34 Bus safety inspections – registered bus operator

- (1) For the purposes of section 19(2) of the Act, a bus safety inspection must be conducted by a licensed bus tester—
 - (a) annually; or
 - (b) if the registered bus operator is notified by the Safety Director in accordance with subregulation (2) to have a licensed bus tester conduct a bus safety inspection at specified intervals, at the intervals fixed by that notice.

- (2) For the purposes of subregulation (1)(b), the Safety Director may, by written notice given to a registered bus operator—
- (a) fix intervals at which the bus operator must ensure a licensed bus tester conducts bus safety inspections; and
 - (b) specify the period for which the notice applies; and
 - (c) specify the number of days from receipt of the notice, or from acquisition of a bus, in which the first bus safety inspection of a bus must take place.
- (3) If a registered bus operator is given a notice under subregulation (2)—
- (a) the first inspection of a bus must take place within the time period specified by the Safety Director in accordance with subregulation (2)(c); and
 - (b) a subsequent inspection of a bus must be conducted not earlier than 7 days before, and not later than 7 days after, the date determined by reference to the fixed interval specified in the notice.
- (4) If a registered bus operator is required under subregulation (1)(a) to ensure that a bus safety inspection is conducted on an annual basis—
- (a) the first inspection of a bus must be conducted within the first year of—
 - (i) the registration of the registered bus operator; or
 - (ii) the acquisition of the bus, if the bus is acquired after the registration of the registered bus operator; and
 - (b) a subsequent inspection of a bus must be conducted not earlier than 14 days before, and not later than 14 days after, the date one year after the date on which the previous inspection was conducted.

35 Bus safety inspections – exemptions

If, in the opinion of the Safety Director, a bus has undergone a satisfactory safety inspection outside Victoria, the Safety Director may exempt an accredited bus operator or a registered bus operator from an applicable requirement to ensure the bus undergoes a bus safety inspection under section 19 of the Act.

36 Licensed bus tester requirements

- (1) Subject to subregulation (2), when carrying out a bus safety inspection, a licensed bus tester must examine and test the bus to assess whether the bus complies with—
 - (a) the standards specified in a written direction given by the Secretary under regulation 220 of the Road Safety (Vehicles) Regulations 2009; and
 - (b) the bus standards and requirements applicable to the bus under these Regulations.
- (2) For the purposes of a bus safety inspection, the standards and requirements specified in subregulation (1)(b) prevail over the standards specified in subregulation (1)(a), to the extent of any inconsistency between those standards and requirements.

37 Bus safety inspection reports

- (1) If requested by the Safety Director, a licensed bus tester must provide an inspection report to the Safety Director—
 - (a) containing the information specified by the Safety Director in accordance with subregulation (2); and
 - (b) in the form specified by the Safety Director in accordance with subregulation (3).
 - (2) For the purposes of subregulation (1)(a), the Safety Director may, by written notice given to the licensed bus tester, specify the information to be included in the bus safety inspection report.
 - (3) For the purposes of subregulation (1)(b), the Safety Director may, by written notice given to the licensed bus tester, specify the form of the bus safety inspection report.
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Part 8—Reporting and investigation of bus incidents

38 Duty to notify Safety Director of bus incidents

- (1) For the purposes of section 65 of the Act—
 - (a) the following incidents are prescribed—
 - (i) a category 1 incident; and
 - (ii) a category 2 incident; and
 - (iii) a category 3 incident; and
 - (b) the prescribed requirements for notification are the requirements specified in subregulation (2), (3) or (4) (as the case requires).
- (2) Notification of a category 1 incident must be given to the Safety Director—
 - (a) orally, as soon as possible after the accredited bus operator or registered bus operator (as the case requires) becomes aware that a category 1 incident has occurred; and
 - (b) in writing—
 - (i) within 72 hours after the occurrence of the incident; and
 - (ii) in the form and including the details specified on the Safety Director’s Internet site.
- (3) Notification of a category 2 incident must be given in writing—
 - (a) within 72 hours after the occurrence of the incident; and
 - (b) in the form and including the details specified on the Safety Director’s Internet site.
- (4) Notification of category 3 incidents must be given in a written report—
 - (a) provided monthly, within 5 business days of the last day of each calendar month; and
 - (b) in the form and including the details specified on the Safety Director’s Internet site.
- (5) The Safety Director may, by written notice given to the accredited bus operator or registered bus operator, extend the time period during which the bus operator must provide notification of an incident under subregulation (2)(b), (3) or (4).

39 Bus incident investigation

- (1) An accredited bus operator or a registered bus operator must undertake an investigation into a bus incident, if directed by the Safety Director to do so in writing.

Penalty: 2 penalty units.

- (2) For the purposes of subregulation (1), the Safety Director may, by written direction given to the accredited bus operator or registered bus operator, direct a bus operator to undertake an investigation into a bus incident.

- (3) The operator must commence an investigation required under subregulation (1) within 7 days after receiving the direction from the Safety Director in accordance with subregulation (2).

Penalty: 2 penalty units.

40 Bus incident investigation report

- (1) An accredited bus operator or a registered bus operator undertaking an investigation of a bus incident must produce, as soon as practicable after the bus incident, an investigation report containing—

- (a) a description of the bus incident; and
- (b) an analysis of the causes of the bus incident; and
- (c) recommended actions to prevent such a bus incident occurring again, including any recommended changes to the maintenance management system and the management information system.

- (2) An accredited bus operator or a registered bus operator must provide the Safety Director with a copy of the investigation report no later than—

- (a) the period specified by the Safety Director in giving a direction under regulation 39(2); or
- (b) if no period is specified, 60 days after a direction is given under regulation 39(2).

Penalty: 5 penalty units.

- (3) The Safety Director may, by written notice given to the accredited bus operator or registered bus operator, require the bus operator to—

- (a) conduct a more detailed investigation into a bus incident; or
- (b) provide further information in an investigation report; or

(c) clarify certain matters contained within an investigation report.

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Part 9—Savings and transitional

41 Compliance of application for accreditation with prescribed requirements

- (1) This regulation applies if—
 - (a) a bus operator made an application before 9 October 2020 to the Safety Director under section 25 of the Act for accreditation; and
 - (b) on 9 October 2020, the Safety Director has not made a decision as to whether to accredit the operator.
- (2) For the purposes of determining the application, compliance with regulation 14 of the former regulations is taken to be compliance with regulation 19 of these Regulations.

42 Preservation of records

Records kept by an accredited bus operator under regulation 16 of the former regulations and existing immediately before 9 October 2020 are to be taken on and from that date to be the records of the accredited bus operator for the purposes of regulation 31 of these Regulations.

SCHEDULES

SCHEDULE 1

Regulation 4

BUS STANDARDS

1 Stability

A single deck bus must be stable when positioned on a flat surface with a 28 degree transverse slope with 65 kilograms in each seating position.

2 Device to remove windscreen condensation

- (1) A bus manufactured before 1 March 1968 which is not fitted with a device capable of removing condensed moisture from the inside of the windscreen must be fitted with a device or be equipped with an appliance or other means to enable the driver to remove condensation from the windscreen.
- (2) A bus manufactured in the period commencing on 1 March 1968 and ending on 30 June 1988 must be equipped with a device capable of removing condensed moisture from, and preventing the formation of moisture on, the inside of the windscreen.

3 Exposed bars above or behind seat

A bus first licensed after 31 October 1980 must not have exposed bars protruding above or behind the seat back other than to provide corner handholds.

4 Equipment or device must enable view of passengers

A bus which is to be operated in a service must have a mirror or mirrors, closed circuit television or other device which provides the driver with a view of passengers in or on the bus.

5 Luggage rack must be safe

Any luggage rack provided in a bus must be constructed so as to minimise the possibility of injury to occupants of the bus by any projection or by movement of any luggage during braking or cornering manoeuvres and must be affixed so that the vertical distance between the rack and the seat surface measured at the centre of the seating position is not less than 950 millimetres.

6 Bulkhead behind driver's seat

If the Safety Director requires a bus to have a bulkhead behind the driver's seat it must extend at least 250 millimetres each side of the centre of the driver's seating position and from at least

305 millimetres to 1.52 metres high and be constructed so as not to obstruct the seated driver's view of the bus interior.

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SCHEDULE 2

Regulations 4, 7

APPLICATION OF THIRD EDITION AUSTRALIAN DESIGN RULES (ADR) TO BUSES MANUFACTURED BEFORE 1 JULY 1988

<i>ADR Number</i>	<i>Short details</i>	<i>Exclusions</i>
42/00 Clause 42.8	Exhaust outlet	
42/00 Clause 42.10.3	Driver's seat	
58/00 Clause 58.4	Access/aisle	Clause 58.4.3 does not apply to a bus that is not operated by an accredited bus operator.
58/00 Clause 58.5	Access/doors	
58/00 Clause 58.6	Inside height	
58/00 Clause 58.7	Steps	Clauses 58.7.2, 58.7.3 and 58.7.4 do not apply to a bus that is not operated by an accredited bus operator.
58/00 Clause 58.8	Driver protection	Does not apply to a bus that is not operated by an accredited bus operator.
58/00 Clause 58.12	Emergency exits	
58/00 Clause 58.13	Passenger seats	Clauses 58.13.3, 58.13.5 and 58.13.9 do not apply to a bus that is not operated by an accredited bus operator.
58/00 Clause 58.14	Driver's seat	
58/00 Clause 58.15	Doors	
58/00 Clause 58.16	Stop signal	
58/00 Clause 58.18	Step light	
58/00 Clause 58.20	Double deckers	
58/00 Clause 58.21	Drive shaft guards	
58/00 Clause 58.22	Additional lamps	
58/00 Clause 58.23	Fuel system	
58/00 Clause 58.24	Fire extinguishers	Second fire extinguisher not required.
58/00 Clause 58.26	Seats ahead of driver	

SCHEDULE 3

Regulation 22

MATTERS AND INFORMATION TO BE CONTAINED IN A MANAGEMENT INFORMATION SYSTEM OF AN ACCREDITED BUS OPERATOR

1 Safety policy

- 1.1 A safety policy that is set out in writing and endorsed and signed by the CEO of the bus operator or a person in an equivalent position.
- 1.2 A safety policy that includes an express commitment to safety and to continuous improvement in all aspects of bus safety management.

2 Governance and internal control arrangements

Safety governance arrangements to ensure that the CEO and Board (or any other person or body controlling the bus operator) or the persons managing the bus operations—

- (a) actively manage the risks arising from the bus operations; and
- (b) maintain sufficient knowledge of the level of compliance of the organisation with its duties and obligations under the Act and these Regulations.

3 Accountabilities and authorities

Systems, processes and documentation to ensure that persons who perform bus safety work for the bus operator, or are involved in any activities associated with the management information system, have clearly defined and documented accountabilities and authorities and are informed of those accountabilities and authorities.

4 Information management

- 4.1 A system to produce, maintain and control all documents, records and data relevant to the safe management of bus operations, including the records required to be retained in accordance with these Regulations.
- 4.2 Systems and procedures to ensure the ongoing currency and accuracy of information managed by the bus operator.

5 Communication of safety information and issues

- 5.1 Processes to ensure safety information is communicated to bus safety workers who are employed or engaged by the bus operator and that the communication to the workers is documented.
- 5.2 Processes and procedures to ensure that bus safety workers who are employed or engaged by the bus operator advise the bus operator of safety risks and issues.

6 Hazard, risk and change management

- 6.1 Documented processes and procedures to identify and manage safety hazards and risks, including processes to ensure the following matters are considered when determining what is reasonably practicable in relation to ensuring the safety of the bus operations—
 - (a) the likelihood of the hazard or risk concerned eventuating;
 - (b) the degree of harm that would result if the hazard or risk eventuated;
 - (c) what the bus operator knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk;
 - (d) the availability and suitability of ways to eliminate or reduce the hazard or risk; and
 - (e) the cost of eliminating or reducing the hazard or risk.
- 6.2 Documented processes and procedures for ensuring changes which may affect the safety of bus operations are identified and managed.

7 Emergency management plan

An emergency management plan for bus drivers that undertake work for the bus operator, including relevant procedures to follow in an emergency and contact numbers.

8 Competence management

Programs for the management of competence to ensure that each bus safety worker and each person who has a role under the management information system is competent and appropriately trained to carry out the bus safety work or role they are employed or engaged by the bus operator to carry out.

9 Incident reporting and investigation

A documented process to ensure the Safety Director is notified of prescribed incidents as required by these Regulations.

10 Management information system audit arrangements and processes

Documented audit arrangements and processes to ensure that an audit of the management information system is conducted at least annually in order to—

- (a) identify any deficiencies in the system; and
- (b) rectify those deficiencies.

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SCHEDULE 4

Regulation 23

MATTERS AND INFORMATION TO BE CONTAINED IN A MAINTENANCE MANAGEMENT SYSTEM OF AN ACCREDITED BUS OPERATOR

1 Accountabilities and authorities

Systems, processes, and documentation to ensure that persons who are involved in any activities associated with the maintenance management system, have clearly defined and documented accountabilities and authorities and are informed of those accountabilities and authorities.

2 Competence management

Programs and processes for the management of competence to ensure that each person who has a role under the maintenance management system is competent and appropriately trained to carry out the role under that system that they are employed or engaged by the bus operator to carry out.

3 Maintenance activities

Details of the maintenance activities which must be completed for the buses operated by the accredited bus operator as specified by—

- (a) the vehicle manufacturer; and
- (b) other relevant sources deemed appropriate by the operator.

4 Pre-trip bus inspections

Systems and processes for the completion of bus inspections before the first trip, during which passengers may be carried, on each day the bus is used to provide a bus service.

5 Vehicle safety inspections

Systems and processes to ensure that each bus used by the accredited bus operator to provide a bus service undergoes vehicle safety inspections at appropriate intervals, including matters regarding—

- (a) who may conduct inspections;
- (b) what will be examined and tested during inspections;
- (c) how often inspections are to be completed; and
- (d) how the interval between inspections is determined.

6 Bus safety inspections

Systems and processes to ensure bus safety inspections are completed as required by the Act and these Regulations.

7 Defect identification, reporting and clearance

Systems, processes and procedures to ensure that defects in buses are identified, recorded, reported and rectified.

8 Maintenance management system audit arrangements and processes

Documented audit arrangements and processes to ensure that an audit of the management information system is conducted at least annually in order to—

- (a) identify any deficiencies in the system; and
- (b) rectify those deficiencies.

ENDNOTES

¹ Reg 4: S.R. 41/2017 as amended by S.R. No. 6/2018, S.R. No. 87/2018, S.R. No. 88/2018, S.R. No 96/2019, S.R. No. 121/2019, S.R. No. 153/2019.

²Reg 4: S.R. No. 118/2009 as amended by S.R. No. 26/2010, S.R. No. 33/2010, S.R. No. 35/2010, S.R. No. 80/2010, S.R. No. 116/2010, S.R. No. 136/2010, S.R. No. 51/2011, S.R. No. 10/2012, S.R. No. 25/2012, S.R. No. 3/2012; S.R. No. 71/2012, S.R. No. 156/2012, S.R. No. 26/2013, S.R. No. 58/2013, S.R. No. 87/2013, S.R. No.113/2013, S.R. No. 150/2013, S.R. No. 153/2013, S.R. No. 176/2013, S.R. No. 23/2014, S.R. No. 46/2014, S.R. No. 85/2014, S.R. No. 131/2014, S.R. No. 199/2014, S.R. No. 201/2014, S.R. No. 79/2015, S.R. No. 118/2015, S.R. No. 159/2015, S.R. No. 50/2016, S.R. No. 93/2016, S.R. No. 42/2017, S.R. No.100/2017, S.R. No. 117/2017, S.R. No. 89/2018, S.R. No. 54/2019.

³ Reg 5: S.R. No. 110/2010 as amended by S.R. No. 9/2012, S.R. No. 68/2013 and S.R. No /2019.

⁴Reg 5: S.R. No 9/2012.

⁵Reg 5: S.R. No 68/2013.

⁶Reg 5: S.R. No 165/2019.

Explanatory Details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2020 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Table of Applied, Adopted or Incorporated Matter

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4 (definition of <i>bus standard</i>), regulation 7 and Schedule 2	Vehicle Standard (Australian Design Rule 42/00 — General Safety Requirements) 2006, dated 23 September 2006, published by the Commonwealth Department of Transport and Regional Services.	Clauses 42.8, 42.10.3.
Regulation 4 (definition of <i>bus standard</i>), regulation 7 and Schedule 2	Vehicle Standard (Australian Design Rule 58/00 — Requirements for Omnibuses Designed for Hire and Reward) 2006 dated 26 April 2006, published by the Commonwealth Department of Transport and Regional Services, compilation number 2, compilation date 10 April 2014, compiled by Vehicle Safety Standards, Department of Infrastructure and Regional Development.	Clauses 58.4, 58.5, 58.6, 58.7, 58.8, 58.12, 58.13, 58.14, 58.15, 58.16, 58.18, 58.20, 58.21, 58.22, 58.23, 58.24, 58.26.
Regulation 9	Vehicle Standard (Australian Design Rule 58/00 — Requirements for Omnibuses Designed for Hire and Reward) 2006 dated 26 April 2006, published by the Commonwealth Department of Transport and Regional Services, compilation number 2, compilation date 10 April 2014, compiled by Vehicle Safety Standards, Department of Infrastructure and Regional Development.	Clause 58.24