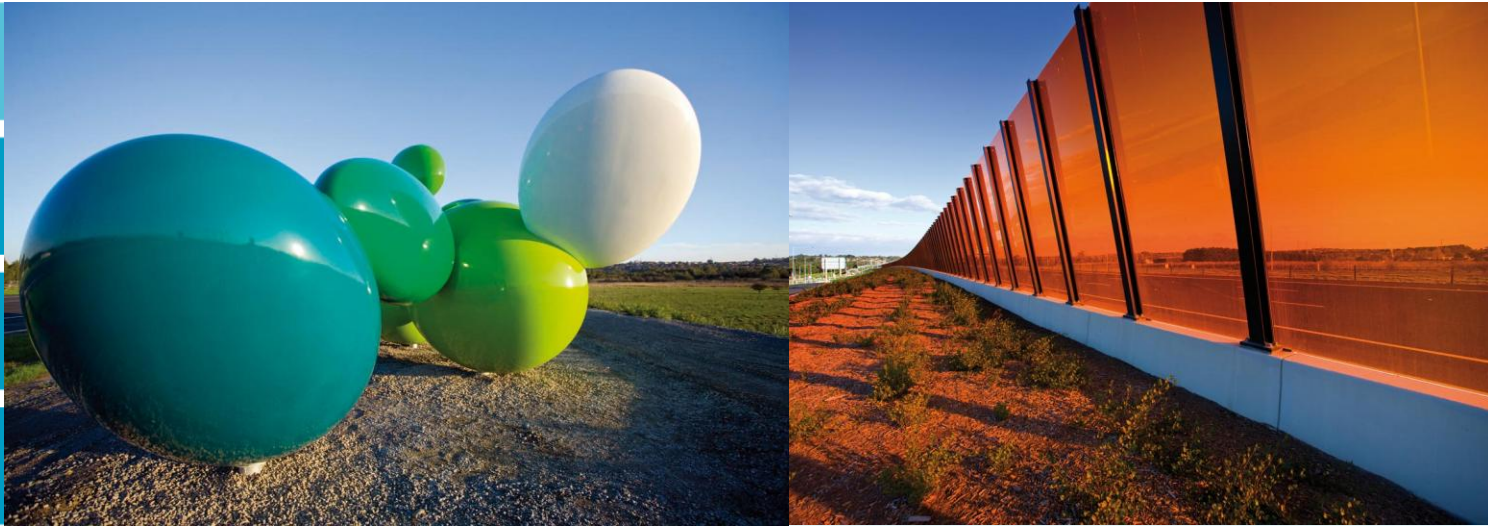


Bus Safety Act 2009

Hilary de Vries Manager, Transport Safety Regulation, DOT Legal
Matt d'Abbs, Senior Policy and Legal Advisor, DOT Legal



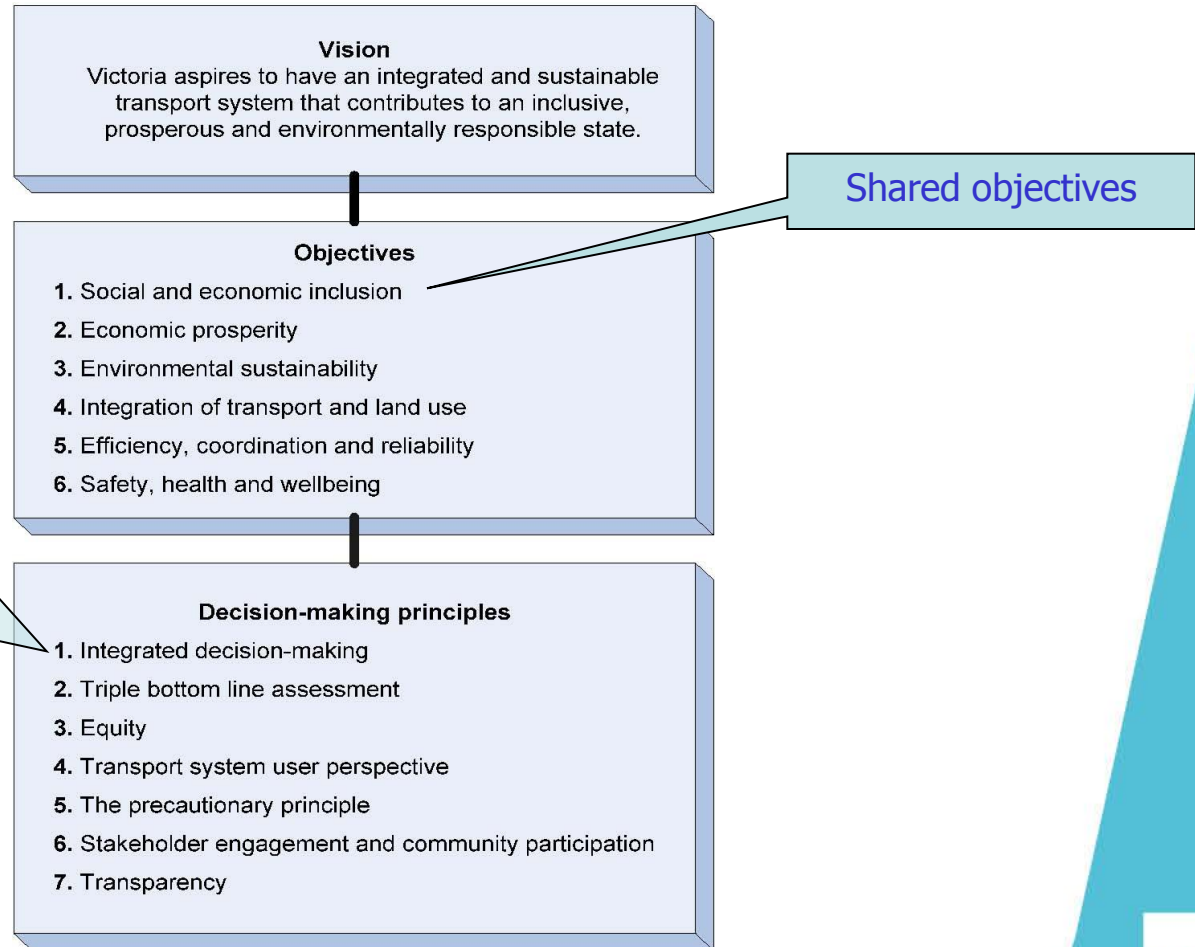
Department of Transport

Context

- **Transport Integration Act 2010**
- New direction in transport policy
- A single transport system performing multiple tasks
- Modal specific Acts: **Rail Safety Act 2006**, **Bus Safety Act 2009** and **Marine Safety Act 2010**

Transport Integration Act 2010

a new framework for an integrated and sustainable transport system



New structure

Bus Safety Act 2009

- Safety duties (achieve substantive safety)
- Accreditation (promotes public confidence)
- Registration (minibuses /non-commercial)

Bus Services Act 1995

- Contracts and service standards
- (Taxis, hire cars etc - Transport (Compliance and Miscellaneous) Act 1983)

Objects of the Bus Safety Act

The objects of the Act are to promote—

- the safety of bus services
- the effective management of safety risks in bus services
- continuous improvement in bus safety management
- public confidence in the safety of the transport of passengers by bus
- the involvement of relevant stakeholders in bus safety
- a safety culture among persons who participate in the provision of bus services

Scope

- Definition of a bus:
 - “more than 9 seating positions, including that of the driver” (ADR 58)”
- Focus on safety
- Stronger gateway – disqualification offences for accreditation
- No periodic renewals

Community bus services

community and private bus service

means a service—

- (a) consisting of the carriage of passengers by a bus for or in connection with the activities of a religious, educational, health, welfare, philanthropic, sporting or social body; and
- (b) which is provided for no consideration or for consideration which is limited to the costs or part of the costs incurred in making the journey;

Bus Safety Act 2009 Section 3

Safety duties

- Apply to all bus services (commercial and non-commercial)
- Overlap with **Occupational Health and Safety Act** – WorkSafe Victoria
- Apply along the “chain of responsibility”
- Are supported by a wide array of compliance powers and sanctions

Accreditation

- A visible demonstration of an operator's safety competence
- Applies to all operators of a commercial bus service or a local bus service that either:
 - uses a bus built with seating positions for more than 12 persons (including the driver)
 - is declared by the Safety Director to be a commercial bus service

Registration

- Operators of a non-commercial (community and private) bus service that uses a bus built with seating positions for more than 12 persons (including the driver)
- Operators of a bus service that uses only buses built with seating positions for 10 - 12 adults (unless declared to be a commercial bus service by the Safety Director)

Driver accreditation

- Drivers of commercial services will require driver accreditation
- Drivers of community and private bus services will require:
 - a full driver's licence for buses of 10-12 adult seats; or
 - an appropriately endorsed licence for buses with more than 12 adult seats

Bus Safety Regulations

- Regulations 'fill in the details'
- Are proposed on:
 - Bus operations and vehicle requirements
 - Accreditation and registration of bus operators
 - Investigation of bus incidents
 - Inspections and audits of bus operators

Some points to note

- No alcohol or drugs present
- Annual bus inspections
- Incident notification
- Deemed accreditation

Consultation

- Released for public comment for 6 weeks
- 14 submissions received
- No major changes
- Minor changes to improve clarity

Contacts

The Bus Safety Act commences 31
December 2010

Transport Safety Regulation

Tel: 9655 6979

Email: matt.d'abbs@transport.vic.gov.au

Website: <http://www.transport.vic.gov.au/>