



Transport
Roads & Maritime
Services

BUS OPERATOR ACCREDITATION PACKAGE

FEBRUARY 2015

Sydney Region:

**Roads and Maritime Services
Enrolment Processing Unit
Level 4 , 16-18 Wentworth St
PARRAMATTA NSW 2150**

**Locked bag 5085
PARRAMATTA NSW 21424**

**Ph: (02) 9689 8888
Toll Free: 1800 227 774
Fax: (02) 9689 8813**

www.rms.nsw.gov.au/buses

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1. INTRODUCTION

Public passenger vehicles including bus services are regulated in NSW by Roads and Maritime Services under the *Passenger Transport Act 1990* and *Passenger Transport Regulation 2007*.

Only public passenger buses operated by accredited bus operators may provide bus services in NSW. Public Passenger Buses can only be operated by people accredited by Roads and Maritime as a bus operator and driven by people authorised by Roads and Maritime as a bus driver.

Further information relating to bus operator accreditation and bus driver authorisation is available at www.rms.nsw.gov.au/buses or by telephoning the Enrolment Processing Unit, Roads and Maritime on 02 9689 8888.

This package has been developed to assist any individual, partnership or corporation (which includes an association or co-operative) wishing to become an accredited bus operator in understanding the legislation and policy for providing public passenger bus services in New South Wales.

It is important to note that the information in this package does not replace the provisions in the *Passenger Transport Act 1990* (the Act) and the *Passenger Transport Regulation 2007* but is merely a guide as to how the legislation is being administered in this context.

Public passenger bus services in New South Wales are regulated under the *Passenger Transport Act 1990* and the *Passenger Transport Regulation 2007*. However, there are also other laws which affect the way that public transport services, such as buses, can be operated, including road transport legislation, the *Work Health and Safety Act 2011* and various industrial instruments. An accredited bus operator is essentially a business manager and so should be familiar with all laws relating to the proper management of a bus service.

The *Passenger Transport Act 1990* requires that operators of public passenger bus services must be accredited by Roads and Maritime Services.

A maximum fine of \$110,000 may be imposed for operating a bus service without appropriate accreditation by Roads and Maritime.

For applicants within the Greater Sydney area the Enrolment Processing Unit, Roads and Maritime (Parramatta) will process your application. All other applications will be processed by your nearest Transport for NSW office who will be responsible for the ongoing administration of your accreditation.

1.1 What is a Public Passenger Bus Service?

A public passenger bus services is the carriage of passengers for a fare or other consideration in a vehicle which seats more than 8 adult passengers (which is not a licensed taxi-cab or private hire vehicle) along a road or road related area or along a transitway.

1.1.1 Who requires bus operator accreditation?

All operators of a "Public Passenger Bus Service" in New South Wales must be accredited.

1.1.2 What are the different types of bus services that can be provided?

Public passenger bus services* are required to confirm to at least one of the following four categories:

A Regular Passenger Services

A regular passenger service is a *public passenger service* conducted according to one or more regular routes and timetables, but does not include a long distance, tourist or charter service. A regular passenger service operator must hold a service contract with the TfNSW or be the sub-contracted operator of a service contract holder.

A Long Distance Service

A long distance service is a public passenger service conducted according to one or more regular routes, in which each passenger is carried for a distance of not less than 40 kilometres.

A Tourist Service

A tourist service is a public passenger service, that is:

- (a) a pre-booked service designed for the carriage of tourists to destinations listed on a publicly available tour itinerary, or
- (b) a service designed for the carriage of tourists where all passengers' journeys have a common origin or a common destination, or both.

A Charter Service

A charter service is a public passenger service which is pre-booked for hire to take passengers for an agreed fee, but only if, according to the terms of the hire:

- (a) the hirer is entitled to determine the route for the journey and the time of travel, and
- (b) all passengers' journeys have a common origin and/or common destination, and
- (c) individual fares are not payable by the passengers (either to the operator of the service or to the driver of the vehicle), and
- (d) the service is not provided according to regular routes or timetables.

* note you can apply for regular passenger services bus operator accreditation or long distant, tourist and charter bus operator accreditation or both.

1.2 What is the purpose of Accreditation?

Accreditation is the system used by Roads and Maritime to assess whether a person is of suitable character and fitness and has the competency to operate public passenger transport services in accordance with the standards and conditions prescribed by the Act and Regulation or imposed by Roads and Maritime. These standards and conditions aim to raise the awareness of operators in the areas of safety, service delivery and business acumen, and to ensure operators are held accountable for complying with appropriate standards. In this way, accreditation can be seen as a type of quality assurance system for passenger transport operations.

There are different requirements for operator accreditation for the different types of public passenger transport services. For information about requirements and arrangements for taxi-cab, private hire vehicle or tourist service operator accreditation, please contact Roads and Maritime's Enrolment Processing Unit or your local office of Transport for NSW on the numbers on the front of this information booklet or visit Roads and Maritime's web site on www.rms.nsw.gov.au/buses.

1.2.1 Interstate bus operators travelling in NSW – do they require to be accredited?

Cross-border long distance and tourist bus operators from Tasmania, Victoria, South Australia and Queensland can travel through New South Wales (NSW) and return to their origin under their own State accreditation subject to certain conditions. Interstate operators are permitted to drop off passengers but are not permitted to pick up passengers while travelling in NSW. Operators from other States and Territories are required to hold NSW accreditation whenever they pick up passengers in NSW.

1.3 Accreditation Application Process

Bus operator accreditation requires applicants to first meet the common core standards for Public Passenger Bus Services. To maintain their accreditation, operators must continue to meet the requirements for their accreditation.

For applicants for bus accreditation the Enrolment Processing Unit of Roads and Maritime will process your application and will be responsible for the ongoing administration of your accreditation.

Applicants will be required to submit certain information within set time frames to demonstrate that they meet the Government's standards for accreditation. These standards are outlined in Section 2 of this Guide. Other accreditation requirements remain on-going and are regularly reviewed by Roads and Maritime.

If you need any information about the requirements and arrangements for passenger transport accreditation you can contact the following office on this toll free numbers:

Parramatta: 1800 227 774

Additional information can also be found at www.rms.nsw.gov.au/buses.

1.4 Who can apply to be accredited?

You can apply to be accredited as an operator of a public passenger bus service if you are:

- (a) an individual,
- (b) a partnership, or
- (c) a corporation (which includes an association or a co-operative). A corporation must nominate one or more people as directors or managers, as applicants for accreditation, for the purpose of establishing and meeting the standards of good repute, and fitness and propriety. Once these standards are met and the corporation is accredited the designated directors/managers are responsible for the operation of the public passenger bus service.

The bus operator accreditation application form can be downloaded from www.rms.nsw.gov.au/buses.

1.5 Corporations - the need to add to their designated directors/managers

A corporation cannot operate services unless it has in place a designated director or manager who is employed by the corporation to undertake day-to-day responsibility for the operation.

Accredited operators who are corporations can nominate changes to their designated directors/managers at any time. The corporation **must** submit a change of management form and provide the necessary information relating to competency, qualifications, good repute and fitness and propriety, including references and statements regarding the new nominees to Roads and Maritime. If approved, these new nominees become the designated directors/managers of the accredited corporation.

1.6 Accreditation renewals

Bus operator accreditation is issued for a term of three (3) years and will require renewal prior to its expiry. Fee amounts can be located at <http://www.rms.nsw.gov.au/buses>.

An accreditation renewal letter will be sent out by Roads and Maritime and/or Transport for NSW prior to the expiry date of the operator accreditation. If application and payment is not made by the due date, the operator accreditation will expire. Any person who carries on a public passenger bus service without accreditation is in breach of the *Passenger Transport Act 1990* and is liable to penalties of up to \$110,000. Operator accreditation cannot be renewed after the due date and if an operator wishes to continue operating buses a new application for accreditation will need to be submitted, requiring compliance with all application requirements, including completion of an approved training course at the applicant's expense.

Operator accreditation can be renewed in one of two (2) ways:

On-line

Application for renewal and payment of the renewal fee (credit card only) can be completed on the MyRecords customer facility on Transport for NSW's website www.transport.nsw.gov.au

By Post

Complete the application form sent with the renewal letter and enclose a cheque or money order or complete the credit card authorisation form and return to the address listed on the renewal form.

1.7 Can the accreditation standards change?

Yes, Roads and Maritime may, from time to time or, as required, vary the accreditation standards in order to ensure that the community's expectations are met regarding the safety, reliability and quality of the service to be provided.

1.8 Can bus operators lose their accreditation?

Yes, if an applicant does not provide truthful information during the application process or maintain their accreditation in accordance with the Act, Regulation or conditions of accreditation, Roads and Maritime may vary, suspend or cancel the operator's accreditation.

1.9 What is Transport for NSW?

Transport for NSW (TfNSW) was created in November 2011, as the centrepiece of a comprehensively restructured transport portfolio. TfNSW is responsible for managing and shaping the future of the transport system in NSW. TfNSW puts the customer first in everything it does, ensuring their needs and expectations are integrated into transport planning and policy and in the delivery of services and infrastructure across all modes of transport. TfNSW's task is to make the transport system work better now and anticipate how society will change in the future, to ensure the transport system continues to provide benefits for customers and supports the social and economic needs of NSW.

Purpose: "To make New South Wales a better place to live, do business and visit, by managing and shaping the future of the whole transport system."

1.10 What is Roads and Maritime Services' role?

Roads and Maritime is a NSW government agency established under the *Transport Administration Act 1988*. Roads and Maritime is responsible for regulating the public passenger vehicle industries in NSW including:

- issuing public passenger vehicle driver authorisations, operator accreditations and vehicle licences (taxis and private hire vehicles);
- authorising the operation of taxi networks;
- enforcing vehicle standards; and
- investigating complaints.

Roads and Maritime is the Regulator of public passenger bus services in NSW under the *Passenger Transport Act 1990*. Public passenger bus driver authorities and operator accreditations are issued by Roads and Maritime's Enrolment Processing Unit.

1.11 What is the Office of Transport Investigations?

The Office of Transport Safety Investigation (OTSI) is an independent statutory body and is the prime agency within the State for transport safety investigations into bus, rail and ferry incidents and accidents. The objective of OTSI is enhancement of transport safety. It does not apportion blame or determine liability.

Bus operators are required under the Regulation to report incidents and accidents (clause 88 of the Passenger Transport Regulation 2007). OTSI will determine the level of information required from bus operators on receiving notification of individual incidents and accidents.

OTSI will release public reports relating to incidents and accidents on the conclusion of investigations.

1.12 Roads and Maritime Services' Fraud and Corruption Prevention Policy

Roads and Maritime has a “**zero tolerance**” policy on fraud and corruption.

Staff are not permitted to accept bribes or inducements (no matter how trivial these may be), to act dishonestly and they must act impartially as public officials. This includes deceit or an advantage gained by unfair means.

Roads and Maritime will report to the Independent Commission Against Corruption (ICAC) or police any person who offers inducements or bribes to staff to act dishonestly.

2. STANDARDS FOR GRANTING BUS OPERATOR ACCREDITATION

The standards for bus operator accreditation are the requirements that applicants must meet before bus operator accreditation can be issued by Roads and Maritime. These standards are set forth in Part 2 of the Regulation.

2.1 Accreditation Standards (Part 2)

These standards apply whether or not the operator is also the authorised driver.

A person or each partner in a partnership (or, in the case of a corporation, including an association or co-operative, the nominated directors and managers) wishing to be accredited to operate a bus service:

- (a) Must be of good repute
- (b) Must be fit and proper
- (c) Must be able to meet and continue to meet the appropriate requirements in respect of:
 - (i) Safety of drivers, passengers and the public (be able to demonstrate knowledge and competence relating to the operation of a bus service);
 - (ii) Financially viability; and
 - (iii) Vehicle maintenance.

2.2 How to satisfy the Accreditation Standards

2.2.1 Good Repute (Clause 7 (1) and (2) Passenger Transport Regulation 2007)

Roads and Maritime does not set specific standards for a person's reputation or whether the person is of good repute, but examines all the circumstances of a particular application to make an assessment about whether it considers a person is of good repute.

Each applicant is required to provide two references declaring his/her good repute from two (2) people who are listed below and have known the applicant for a minimum of two (2) years. An employee of an applicant cannot provide a reference.

List of people who can provide certification as to the Good Repute documents:

- Barrister
- Chamber Magistrate
- Clerk of a Local Court
- Commissioned Officer in the Australian Defence Forces
- Councillor or General Manager of a City, Municipal or Shire Council
- Dental surgeon
- Full-time TAFE or university lecturer
- Judge
- Justice of the Peace (must provide current registered number)
- Magistrate

- Manager (employed by Australia Post) of a Post Office
- Manager of a bank or building society
- Medical Practitioner (registered under the *Medical Practice Act 1992*)
- Member of Parliament
- Minister of Religion authorised to celebrate marriages (but not merely a marriage celebrant)
- Police officer
- Public Servant with a least five (5) year's service as a permanent officer
- Qualified accountant (not employed by the applicant) who is a current member of CPA Australia and holds a Public Practice Certificate issued by CPA Australia or a current member of the Institute of Chartered Accountants in Australia who holds a Certificate of Public Practice Certificate issued by that Institute or a current member of the Institute of Public Accountants who holds a Professional Practice Certificate issued by that Institute
- School teacher
- Solicitor
- Veterinary surgeon

Note: A qualified public accountant who provides a financial viability statement for a person or a corporation applying for accreditation as an operator under the *Passenger Transport Act 1990* may **not** also attest, as a referee, to the good repute of the applicant.

2.2.2 Fit and proper (Clause 8 Passenger Transport Regulation 2007)

An individual operator, or each partner in a partnership or a designated director and/or manager nominated by a corporation, as an applicant for bus operator accreditation must be a **fit and proper person** to carry on a bus service.

Roads and Maritime will check to see whether an applicant has a criminal record. The applicant must give Roads and Maritime permission to obtain any relevant criminal information about them held by any State or Territory law enforcement agency. Please note that the information obtained by Roads and Maritime can only be used for the purposes for which it was obtained. The application for accreditation will be refused if Roads and Maritime is not permitted to obtain such information by the applicant.

The applicant must declare in writing that they are aware of the following:

- (a) Accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001*, from managing corporations
- (b) Accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director's duty to prevent insolvent trading by company) or 592 (Incurring of certain debts, fraudulent conduct) of the *Corporations Act*
- (c) If the applicant:
 - (i) Is the director of a company that has been, or is in the course of being wound up, under Part 5.4 (Winding up in insolvency) of *the Corporations Act 2001*, or
 - (ii) Discloses any convictions or charges in accordance with subclause (3).

Roads and Maritime may, for the purpose of determining the applicant's fitness to be an accredited bus operator, cause any investigation that Roads and Maritime considers appropriate to be made into the winding up, disqualification, conviction or charge concerned.

The applicant must give Roads and Maritime written notice of the following:

- (a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the last five (5) years immediately preceding the date of application,
- (b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge/s.

If there are no convictions or pending proceedings against the applicant, the applicant must give Roads and Maritime a written statement to that effect.

2.2.3. Competent to carry on bus Services (Clause 9(1) & (2) Passenger Transport Regulation 2007)

The applicant must demonstrate to the satisfaction of Roads and Maritime that they possess the necessary knowledge and level of competency to operate a bus service.

In particular, the applicant must

- (a) Satisfy Roads and Maritime to the applicant's knowledge of the following:
 - (i) The relevant provisions of the Act and the Regulation
 - (ii) Other laws relating to traffic
 - (iii) The relevant provisions of the *Work Health and Safety Act 2011*
- (b) If required to do so by Roads and Maritime, undertake and successfully complete (or pass an examination in respect of) a training course relating to the operation of the bus service approved by TfNSW and conducted by a registered training organisation or higher education institution approved by TfNSW.

Applicants are required to meet the costs themselves for any training and examination.

The current approved course is:

- Bus Operator Accreditation (on-line) Training Course.

For on-line registration and more information on the on-line course, please contact the Institute of Transport and Logistics Studies, University of Sydney, at http://sydney.edu.au/business/itls/courses/bus_and_coach, or phone (02) 9114 1813, or email (preferred) business.itlsinfo@sydney.edu.au.

2.2.4 Financially Capable (Clause 10 Passenger Transport Regulation 2007)

The applicant must be financially capable of carrying on a bus service

Evidence of the applicant's financial standing is to be provided in the form of a signed statement from a qualified accountant (other than an employee of the applicant) on the accountant's business letterhead (original document only) containing the following:

- (a) A report on the applicant's financial capacity to carry on the relevant service, with specific reference to the applicant's financial ability to meet the requirements of this Regulation and other relevant laws as to:
 - (i) Vehicle maintenance and roadworthiness, and
 - (ii) The safety of drivers, passengers and the public, and
 - (iii) The operation of the business,
- (b) A statement specifying the number of public passenger vehicles that, in the opinion of the accountant, can be accommodated by the service proposed to be carried on by the applicant,
- (c) If the applicant is a corporation – a statement of the accountant's opinion as to the solvency and general financial standing of the corporation.

For the purposes of clause 10, "**qualified accountant**" means:

- (i) a member of CPA Australia who holds a Public Practice Certificate issued by CPA Australia, or
- (ii) a member of the Institute of Chartered Accountants in Australia, who holds a Certificate of Public Practice issued by that institute, or
- (iii) a member of the Institute of Public Accountants who holds a Professional Practice Certificate issued by that Institute.

(Please note the above is a legal definition and cannot therefore be amended or departed from by Roads and Maritime.)

Note: Accountants should note that they are only asked to comment on the applicant's current financial capability, and are not expected to make an assessment or projection of their client's future financial situation. Accountants are not being asked to comment on the managerial or technical competence of applicants to run a public passenger service, but rather whether they believe an applicant has the financial ability to meet the normal operating expenses of running the number of public passenger services nominated.

The statement on the financial capacity of the applicant cannot be provided by an accountant employed by the applicant.

2.2.5 Access to Maintenance Facilities (Clause 11 Passenger Transport Regulation 2007)

The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the relevant service.

The applicant must provide Roads and Maritime with full details of the premises at which the vehicles will normally be kept when not in use.

2.2.6 Council Approval (Clause 12 Passenger Transport Regulation 2007)

An applicant for accreditation to carry on a bus service by means of one or more buses, must also provide Roads and Maritime with a copy of an approval from the relevant council to keep those buses at the premises specified.

This requirement does not apply in the case of an application for renewal of accreditation by a person who was an accredited operator on 1 September 2007.

3. PROCEDURES FOR APPLYING FOR BUS OPERATOR ACCREDITATION

The procedures in this section have been developed in accordance with section 8 of the Act for the purpose of dealing with applications for bus operator accreditation.

In making an application for accreditation as an operator of bus services, the applicant must provide answers to all questions in the application form truthfully. If Roads and Maritime finds that the applicant has not been truthful in the application, accreditation may be refused or cancelled at a later date.

3.1 Accreditation Application Procedures

The applicant must have:

- (a) Read and understood the criteria, conditions and procedures for accreditation as outlined in this package;
- (b) Successfully completed the approved transport management training course and provided Roads and Maritime with evidence, via a training certificate;
- (c) Completed the application form;
- (d) Signed the application form declaring that they have:
 - Answered all the questions truthfully
 - Understood the requirements applying to accredited bus operators
 - Given permission to Roads and Maritime to obtain any relevant criminal record information about the applicant held by any law enforcement agency for the purpose of considering whether the applicant is a person of good repute and in all other respects a fit and proper person to operate a bus service
 - Understood and will comply with the conditions of being accredited as a bus operator
- (e) Attached the following documents in the application form:
 - Good repute references from each of the two (2) people who are listed members of professions and have known the applicant for at least two (2) years
 - A financial statement from a qualified accountant (other than an employee of the applicant, as detailed in section 2 of this document) on an original official letterhead indicating that they have examined the applicant's financial records and are satisfied, in their opinion, that they are financially capable of carrying out bus services (the financial statement must also clearly state the number of buses that can be operated). Roads and Maritime will not accept photocopies,
 - If the applicant is a corporation, an additional statement from the qualified accountant as to the solvency and general financial standing of the corporation,
 - A statement on letterhead from the local government area (Council) acknowledging and approving the use of the premises specified within the application for the purposes as stated in the application,
 - A signed statement declaring any bankruptcy, criminal or civil convictions, or charges pending,
 - A signed statement declaring any convictions under relevant companies legislation, and
 - A cheque or money order should be made payable to Roads and Maritime

Services, being the non-refundable fee for consideration of the application (please do not send cash in the post);

- (e) Deliver or post the completed application form, all the documentation and the cheque for payment, to:

Road and Maritime Services
Enrolment Processing Unit
Level 4
16-18 Wentworth Street
PARRAMATTA

Locked Bag 5085
PARRAMATTA NSW 2124

3.2 Assessment of Applications

Roads and Maritime will examine all applications for operator accreditation to ensure that all information and documentation is provided.

If more information is needed from applicants, or if the documentation is not correct, or any required documentation/information is not included in the application, Roads and Maritime will contact applicants on the phone number or at the address included in the application to request the documentation/information.

3.3 Are there any special requirements for corporations?

Corporations must nominate one or more directors or managers, to be responsible for the day to day operations of the bus service, as “designated managers”. An organisation’s accreditation is automatically suspended if there is no designated director or manager. This would happen when, for example, the designated people resign, are dismissed, are on holidays, in hospital or dispose of their interests in the company.

If the designated manager/director of an accredited operator changes for any reason, an application for Nomination of Designated Manager/Director form must be completed and submitted to Roads and Maritime for assessment. Each nomination must provide references and any other documentation as required, including evidence of completion of an approved training course, if necessary.

3.4 Important Note

The onus is on applicants to show proof that they comply with the standards for accreditation. An application will be refused by Roads and Maritime if the applicant is not able to demonstrate that they are able to meet all accreditation standards.

All fees associated with the required training program or competency assessment, obtaining financial statements from qualified accountants and evidence of good repute are to be met by the applicant.

A fee applies for consideration of an application for accreditation of a new bus operator or renewal of existing operator accreditation. The operator accreditation application fee is not refundable if the application is refused.

4. CONDITIONS OF BUS OPERATOR ACCREDITATION

In order to remain accredited a bus operator must meet all conditions of accreditation. These conditions are prescribed by the Passenger Transport Regulation pursuant to sections 9B, 9C and 9D of the Act. There is a fine of up to \$110,000 if they are breached.

The Act allows Roads and Maritime to vary or impose additional accreditation conditions, and in the event that additional accreditation conditions are applied, they will have the same force as conditions already established under the Act and the Regulation.

An accredited bus operator will be required to meet any new conditions of accreditation, if and when imposed.

Roads and Maritime will notify existing bus operators of any changes in the conditions of accreditation.

4.1 Accreditation Conditions

(a) **Safety of drivers, passengers and the public** (Clause 15 Passenger Transport Regulation)

The operator must ensure that:

- (a) The vehicles used to provide the service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness,
- (b) Each person engaged to drive any bus to provide the service:
 - (i) Holds an appropriate driver licence, and
 - (ii) Holds an appropriate driver authority.

(b) **Changes to information provided** (Clause 18 Passenger Transport Regulation)

The operator must notify the Roads and Maritime in writing of any of the following changes no later than seven (7) days after the change:

- (a) A change of address of the premises, from which the bus service is carried on,
- (b) A change of address of the premises at which the buses are kept.

4.1.1 Other obligations

(a) **Records relating to operation of buses** (Clause 19 Passenger Transport Regulation)

A person who is or has been the accredited operator of a bus service:

- (a) Must keep in the English language any record required to be kept by the person under the Act or this Regulation in a form that is capable of being audited, and
- (b) Unless otherwise provided by this Regulation, must retain the record for a period of at least five (5) years after the date of the last entry in it, and
- (c) Must, on demand by an authorised officer, produce the record in written form for inspection, and

- (d) must, if required by Roads and Maritime in writing to do so, deliver the record to Roads and Maritime when required.

(b) Operator training (Clause 20 Passenger Transport Regulation)

An accredited bus operator must, whenever reasonably required to do so by Roads and Maritime, undertake and satisfactorily complete (or pass an examination in respect of) a course, or refresher course, relating to the operation of the bus service as is approved by TfNSW and conducted by a registered training organisation or a higher education institution approved by TfNSW.

Roads and Maritime may:

- (a) Suspend an accreditation issued to an accredited bus operator pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or
- (b) Determine (either generally or in a particular case) that an accreditation issued to an accredited bus operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

(c) Records of drivers (Clause 21 Passenger Transport Regulation)

The accredited operator must keep a record in written or electronic form of the following particulars for each person who drives the bus used to provide the service while the vehicle is being used for that purpose:

- (a) The person's full name and residential address,
- (b) The dates and times during which the bus was driven by the person,
- (c) The person's driver authority number (that is, the number allocated by Roads and Maritime and displayed on the person's driver authority card) and the date of expiry of the person's driver authority card,
- (d) The person's driver licence number and the date of expiry of the licence.

(d) Vehicle Insurance (Clause 22 Passenger Transport Regulation)

- (a) An accredited operator (unless otherwise advised by written notice by Roads and Maritime) must ensure that there is maintained one or more policies of insurance providing cover of at least **\$5,000,000** for each bus used to provide the service against liability in respect of damage to property caused by or arising out of the use of the bus.
- (b) The policies must be issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.
- (c) An accredited operator must provide an authorised officer, on request, with evidence that the policies of insurance are current.

Operators who borrow or rent buses, rather than own them, are also to ensure that the requisite insurance policies are held.

(e) Evidence of accredited operator's continuing financial capacity (Clause 23 Passenger Transport Regulation)

The operator must, on written request by Roads and Maritime and within the time specified in the request, provide evidence, in the form specified in clause 10(2) of the Regulation, of the operator's continuing financial capacity to carry on the relevant service.

Note: the Roads and Maritime may, having regard to the purposes of accreditation, at any time vary, suspend or cancel a person's accreditation.

(f) Operators to notify detrimental change in driver's medical condition (Clause 24 Passenger Transport Regulation)

If the operator becomes aware of any apparent change in the physical or mental condition to a driver of a bus operated by the operator that may detrimentally affect the driver's ability to drive safely, the operator must furnish Roads and Maritime with written details of the apparent change within 48 hours after becoming aware of it.

(g) Management of bus services (Clause 25 Passenger Transport Regulation)

An accredited operator must not suffer or permit any person other than:

- (a) A designated director or manager (if the accredited operator is a corporation), or
- (a) Another accredited operator (if the accredited operator is not a corporation),

to operate, manage, supervise or administer the bus service (except for, in the case of a corporation, a person appointed under any law to manage the affairs of the corporation).

4.1.2 Special provisions

(a) Buses to show accreditation details (Clause 78 (2) Passenger Transport Regulation)

The bus must display the following information:

- (a) The name under which the accreditation for the bus service in which the bus is normally used is held,
- (b) The accreditation number allocated by Roads and Maritime to the operator in respect of that bus service,
- (c) The location of the depot at which the bus is normally based.

(Clause 78 (3) Passenger Transport Regulation)

The information must be displayed as follows:

- (a) On the front nearside or offside panel of the bus,
- (b) As far forward as possible (forward of the wheel arch, if possible),
- (c) In English in block letters at least 50 millimetres high,
- (d) In such a manner as to be clearly readable from a distance of 5 metres.

(b) Buses to be fitted with driver authority card holders (Clause 79 Passenger Transport Regulation)

The operator must ensure that each bus used in the service is fitted with a device suitable for holding the driver authority card in such a manner as to enable the driver to properly display the card.

(c) Management information system (Clause 80 Passenger Transport Regulation)

The operator must maintain the following records:

- (a) A fleet register, that includes the vehicle identification number, fleet number (if allocated) and registration details of each vehicle in the fleet,
- (b) A register of insurance details of each vehicle in the fleet,
- (c) Maintenance record of each vehicle in the fleet,
- (d) Records under Roads and Maritime Heavy Vehicle Inspection Scheme in relation to each vehicle in fleet,
- (e) Copies of drivers' vehicle defect reports,
- (f) A register of reports of accidents involving vehicles in the fleet,
- (f) Details of accidents involving vehicles in the fleet,
- (g) A complaints register detailing all complaints received in respect of the bus service and the action taken in respect of each complaint.

A sample set of Management Information System template documentation is provided at <http://www.transport.nsw.gov.au/sites/default/files/b2b/bus/sample-operator-accreditation-documentation.pdf>

(d) Information in buses (Clause 85 Passenger Transport Regulation)

The operator must display the following information inside the bus while the bus is being used to provide the service.

- (a) A summary of the rights and obligations of passengers,
- (b) Brief details (including a telephone number) as to how complaints relating to the bus services might be made.

The information must be:

- (a) Approved by TfNSW, and
- (b) Displayed in a position where it may easily be read by passengers.

(e) Buses to be clean and tidy (Clause 86 Passenger Transport Regulation)

The operator must not allow a bus to be used in the service unless the bus is clean and tidy.

(f) Audit (Clause 90 Passenger Transport Regulation)

Roads and Maritime may require an operator of a bus service, at regular intervals or at any particular time, to undertake (at the operator's expense) an audit of such of the operator's records and bus operations as Roads and Maritime may specify.

An operator for whom a requirement is made under clause 90(1):

- (a) Must cause the audit to be carried out in accordance with Roads and Maritime requirements, and
- (b) Must submit the audit to Roads and Maritime within the period, or by the date, specified by Roads and Maritime.

Roads and Maritime may require any one or more of the audits under this clause to be carried out by an auditor, or by an auditor from a class, approved by Roads and Maritime.

Note: Section 9 of this package, “Operator Accreditation Compliance Auditing performed by Roads and Maritime” details the Audit requirements including the Annual Self Assessment, independent Auditing and Roads and Maritime Audit Performance.

(g) Operator to display sign showing maximum number of passengers (Clause 95 Passenger Transport Regulation)

The operator must ensure that there is displayed on all buses, in a conspicuous position on the outside of the rear of the bus and in letters at least 25 mm high and of proportionate breadth, the number of passengers authorised to be carried on the bus, seating and standing respectively.

4.1.3 Miscellaneous

(a) No touting or soliciting for passengers or hirings (Clause 233 Passenger Transport Regulation)

- (a) A person must not tout or solicit for passengers for, or for a hiring of a public passenger vehicle.
- (b) The operator of a bus must not, by the operator’s or driver’s employee, agent or contractor, tout or solicit for passengers for, or for a hiring of, a public passenger vehicle.

Very high penalties apply for a breach of this clause within the Sydney Airport precinct.

(b) False Advertising (Clause 234 Passenger Transport Regulation)

A person must not advertise, or otherwise represent, that the person:

- (a) Is accredited under the Act to carry on a public passenger service of a particular kind, or
- (b) Holds an authority of a particular category under the Act, or
- (c) Carries on a public passenger service by means of a vehicle that is licensed under the Act for the purpose of a public passenger service of a particular kind,

unless the person is so accredited or authorised, or the vehicle concerned is so licensed (as the case may be).

(c) Change of name or address of operator (Clause 235 Passenger Transport Regulation)

An accredited operator who changes his or her (or, in the case of an accredited operator that is a corporation, its) name or residential address must, within seven (7) days after the change, give written notice of the change and of the new name or address to Roads and Maritime.

4.2 Safety Conditions - General Obligations

(a) Vehicle maintenance (see also section 4.2.7) (Clause 16 Passenger Transport Regulation)

The operator must have, and adhere to, a vehicle maintenance plan that:

- (i) Is consistent with the maintenance standards of the manufacturer of the buses used to provide the service, and
- (ii) Specifies the steps to be taken to ensure that the buses are roadworthy, and
- (iii) Specifies the way in which the buses are to be maintained, and
- (iv) Specifies the way in which defects are to be recorded and rectified, and
- (v) Is capable of being audited.

The operator must not carry out maintenance on, or repairs to, a bus used to provide the service, and must not permit any other person to do so, unless the person carrying out the maintenance or repairs is licensed under the *Motor Vehicle Repairs Act 1980* to carry out the work concerned, even if they are not required by that Act to be licensed.

However, for the purposes of clause 16, maintenance and repairs do not include the following:

- (i) Adding approved oils or other fluids to engines, transmissions, differentials, power steering reservoirs, windscreen washer reservoirs, master cylinders, radiators or batteries
- (ii) Changing engine, transmission and differential oils
- (iii) Changing engine oil filters and fuel filters
- (iv) Carrying out general lubrication
- (v) Changing spark plugs
- (vi) Changing wheels and tyres
- (vii) Changing light bulbs
- (viii) Replacing seats and floor coverings
- (ix) Replacing external rear vision mirrors.

(b) Condition of buses (Clause 17 Passenger Transport Regulation)

The operator must ensure that the interior, exterior and fittings of the buses used to provide the service are, at all times during which the buses are being used to provide the service, clean and undamaged and (in the case of fittings) duly fitted, securely in place, in good condition and fully operational.

The interior, exterior and fittings of a bus include the following:

- (a) The vehicle body and the door panels
- (b) The wheels and the bumper bars
- (c) The trim
- (d) The seats, seat covers and floor covers
- (e) The interior lights
- (f) Any device or equipment that is fitted to the vehicle (whether or not it is required by or under the Act to be fitted).

4.2.1 Other obligations

(a) Operator not to permit vehicle subject to non-compliance notice or non-compliance label to be driven (Clause 26 Passenger Transport Regulation)

An accredited operator must not permit a bus used to provide the relevant service to be driven if:

- (a) the expiry date or expiry time of a non-compliance notice issued to the operator or a non-compliance label affixed to the vehicle has passed, or
- (b) the operator is aware that a non-compliance label has been unlawfully removed from the vehicle.

4.2.2 Special provisions

(a) Vehicle defect reports (Clause 81 Passenger Transport Regulation)

The operator must make available in respect of each bus in the fleet, a blank vehicle defect form for each day that the bus is used in the provision of the service.

If the driver of the bus identifies a defect, the driver must fill in the form as appropriate at the end of the driver's period of driving the bus.

The completed form must be returned to the operator of the bus service, in accordance with the relevant procedures established by that operator, as soon as practicable after the bus's last journey on the day to which the form relates (or, in the case of a service that extends beyond midnight on any day, on the following day).

A sample Management Vehicle Defect Report is at Form 5a and 5b of the Management Information System (see 4.1.2 (c) above).

(b) Notification of accidents and incidents (Clause 88(1) Passenger Transport Regulation)

The operator who becomes aware that a bus being used to provide the service has been involved in an accident or incident must notify Roads and Maritime of the accident or incident, in accordance with this clause, if the accident or incident:

- (a) Resulted in any injury to any person, or
- (b) Prevented the vehicle from continuing the journey, or
- (c) Is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

Clause 88 (2) Passenger Transport Regulation

A notification required by subclause 88(1):

- (a) Must be given within three (3) days after the operator becomes aware of the accident or incident concerned, and
- (b) Must be given in a form approved by Roads and Maritime.

(Clause 88 (3) Passenger Transport Regulation)

An operator who becomes aware that a bus being used to provide the service has been involved in an accident or incident must notify the Chief Investigator of the accident or incident, in accordance with this clause, if the accident or incident:

- (a) Involved or resulted in any one or more of the following
 - (i) A person being injured,
 - (ii) The driver of the bus being incapacitated,
 - (iii) A mechanical or electrical fire or an explosion on the bus,

- (iv) A failure of the steering or brakes of the bus,
 - (v) A bus being in motion while not under the effective control of a driver,
 - (vi) The bus being unable to continue its journey,
 - (vii) A person being caught in the doors of the bus and being dragged by the bus, or
- (b) Is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

(Clause 88 (4) Passenger Transport Regulation)

A notification under subclause (3):

- (a) Must be given immediately the operator becomes aware of the accident or incident concerned, and
- (b) Must be given by telephone or by such other means as the Chief Investigator may reasonably require, and
- (c) Must include such details of the accident or incident as the Chief Investigator may reasonably require.

(Clause 88 (5) Passenger Transport Regulation)

Roads and Maritime and the Chief Investigator are to provide each other with access to the details of any notification given under this clause including access to any telephone recording that may have been made.

The procedure for accredited bus operator reporting accidents and incidents is at www.rms.nsw.gov.au/buses.

(c) Passengers to be notified of requirement to use seatbelts in buses (Clause 89 Passenger Transport Regulation)

The operator must take reasonable steps to ensure that every passenger on a bus operated by the operator is made aware that the passenger is required to wear a seatbelt (if fitted) in the bus unless the passenger is exempt from that requirement under rule 267 of the *Australian Road Rules*.

Steps that may be taken under this clause include (but are not limited to) the following:

- (a) Putting up signs inside the bus,
- (b) Arranging for the driver of the bus to notify passengers (for example, through a public address system on the bus or by means of a recorded audio message or video).

4.2.3 Miscellaneous

(a) Non-compliance labels and notices (Clause 232 (5) Passenger Transport Regulation)

A person must not remove a non-compliance label from a vehicle unless the person is an authorised officer (or is authorised in writing to do so by an authorised officer).

4.2.4 Safety Requirements

The Act requires all accredited bus operators providing public passenger services to implement a Safety Management System (SMS). The SMS is designed for accredited

bus operators to assess risks and develop procedures to manage identified risks. It also encourages bus operators to take responsibility for the safety of their operation and to ensure that staff employed to provide services are aware of the safety responsibilities in operating their accredited bus service.

A properly implemented SMS will provide clear procedures for ensuring your vehicles and operations meet the accreditation conditions. It will also require you to review, monitor and adjust your operational activities based on a safety culture and awareness as developed by your organisation. As well as being documented the SMS must identify any significant risks that have arisen or may arise from providing the service, including the carrying out of any associated transport safety work and specify controls that are to be employed by the operator to manage the risks and to monitor safety outcomes in relation to the provision of the service.

Your SMS could be a list of procedures (grouped under each of the headings as detailed in 4.2.6) in a folder or computer. Or, if your business has International Standards Organisation (ISO) certification, the SMS could be a computer produced manual similar to the company's Quality Assurance Manual. Please note that as a minimum the SMS must address each of the headings detailed within section 4.2.6.

4.2.6 General Safety Management System (SMS) Guidelines

Accredited operators must have and maintain an SMS that complies with the Guidelines provided by Roads and Maritime which can be located at www.rms.nsw.gov.au/buses.

The SMS is not a static document. It needs to be constantly reviewed to ensure that it continues to meet the required guidelines. The SMS will be audited by Roads and Maritime on a regular basis.

As set out in the Guidelines the operator's SMS must include the following eight safety elements:

- (1) SMS Commitment and Objectives
- (2) SMS Management, Accountabilities, Responsibilities and Communication
- (3) SMS Hazard and Risk Management
- (4) SMS Process Documentation
- (5) SMS Transport Safety Employee Monitoring Program
- (6) SMS Training and Education
- (7) SMS Safety Performance Measurement
- (8) SMS Audit and Evaluation.

TfNSW's *Safety Management System Handbook*

www.rms.nsw.gov.au/buses provides bus operators with further information on these requirements.

4.2.5 Vehicle Maintenance Management System (VMMS) (see also section 4.2(a))

Vehicle Maintenance Management System (VMMS) is a critical area of bus accreditation and encourages bus operators to take more responsibility for servicing buses on a regular basis and ensuring buses are safe at all times. It also helps you

manage your business more efficiently, partly because you will have clear procedures for ensuring your buses are well maintained, and partly because there will be reduced down time associated with breakdowns and unforeseen failures.

Accredited bus operators must ensure buses are well maintained so they meet all relevant safety standards. You will need to keep a record of the maintenance and servicing work done to each bus so you can prove the vehicles are safe at all times.

You must ensure all buses operated under the accreditation comply with the Road Transport (Vehicle Registration) Regulation 2007 and the relevant Australian Design Rules (ADRs). These contain mandatory requirements for the safe design, construction and maintenance of heavy vehicles and buses.

It is up to you to decide how you are going to maintain your buses and to demonstrate that they are maintained in accordance with the manufacturer's standards. The critical thing is that you write down the method you use, and explain how it works. This will be your Vehicle Maintenance Management System. You need to have documents that prove your methods work and your buses are well maintained. In part this means keeping records of all maintenance schedules and repairs. You must also be able to prove that you follow your written procedures.

At its simplest, your Vehicle Maintenance Management System Manual could be a list of procedures in a folder. Or, if your company has ISO certification, the Maintenance Management System Manual could be a computer produced manual similar to the company's Quality Assurance Manual.

You must have in place the following:

1. Fleet Maintenance Plan and schedule
2. Manufacturers' Specifications
3. Maintenance Reports
4. Documented Procedures.

The following elements make up the VMMS:

1. Daily checks of buses
2. Fault recording and reporting
3. Fault rectification and repair
4. Maintenance schedules and methods
5. Maintenance records and documentation
6. Responsibilities/accountabilities (refer: Safety Management System (SMS))
7. Internal review of systems (refer: Safety Management System (SMS)).

The accredited bus operator must ensure that the following conditions are met on an on-going basis to maintain accreditation status.

4.2.6 Drug and Alcohol Program

A condition of accreditation under the Act is the requirement for all accredited operators providing a public passenger service by means of one or more buses that the operator prepares and implements a drug and alcohol program for its transport safety

employees (TSE) engaged in transport safety work (TSW) that remains compliant with the guidelines approved by the Director-General for Transport for the purpose of section 9C(1)(a) of the Act.

Operators are responsible for ensuring that risks to health and safety in the workplace are identified and assessed, then eliminated or controlled. These risks include those posed by the use of alcohol or other drugs.

An Operator Drug and Alcohol Program as set out within the Guidelines, www.rms.nsw.gov.au/buses promotes a consistent approach across the bus sector to managing the risks posed by drug and alcohol use. The Guidelines state the context in which drug and alcohol testing will take place but do not prescribe the basis of that testing or how it is to be administered.

The Drug and Alcohol Program an operator needs to implement should correlate to the size and resources of the operator. TfNSW's *Drug and Alcohol Handbook for Bus Operators* (www.rms.nsw.gov.au/buses) provides operators with further details of these requirements.

Section 9C(1)(b) of the Act also requires that operators ensure that all “transport safety employees” are not under the influence of alcohol or other drugs while carrying out or about to carry out transport safety work.

For the purposes of section 9C of the *Passenger Transport Act 1990*,

Transport Safety Employee means:

- An employee or a contractor of an accredited service operator who performs transport safety work
- A person who, without remuneration or reward, voluntarily and without obligation performs transport safety work for an accredited service operator
- An individual who is an accredited service operator and who performs transport safety work.

Transport Safety Work means any of the following classes of work:

- Work relating to the driving or other operation of a bus, the loading or disembarking of passengers from a bus or the movement of buses
- Work relating to the repair, maintenance or upgrading of buses, bus terminals or bus maintenance facilities
- Work involving the development, management or monitoring of safe-working systems for public passenger services carried on by means of buses
- Any other work that is prescribed by the regulations as transport safety work.

Operator must notify test results

It is a condition of accreditation of the accredited bus operator that the operator notify Roads and Maritime within forty-eight hours after becoming aware that a test carried out under the *Passenger Transport (Drug and Alcohol Testing) Regulation 2010* indicates that a transport safety employee of the operator may have carried out transport safety work while:

- (a) The prescribed concentration of alcohol (within the meaning of that Regulation) was present in the employee's blood, or
- (b) Under the influence of alcohol or any other drug.

Notification must be made using a statutory form available at www.rms.nsw.gov.au/buses.

4.3 Other requirements

(a) Standees on buses

The operator must ensure that buses being used solely or principally for the conveyance of students to and or from school are limited to travelling a maximum of 80 kilometres per hour whenever a student passenger is required to stand.

(b) Runaway bus procedure

The operator must ensure that buses are safely and appropriately secured when parked and must provide drivers with a Standard Operating Procedure which shall include the following instructions:

- Before leaving the driver's seat you must apply the park brake and check that it is correctly engaged,
- Where a bus is fitted with an external door close control, you must use this to close the bus
- You must not close the bus doors by reaching keys, handles, switches levers or other controls from outside the bus through the driver's side window, and
- Under no circumstances, should you access the bus controls via the driver's window.

The Operator will follow the Roads and Maritime safety instruction regarding the correct method of securing a bus as detailed in the "Runaway Buses" procedure, www.rms.nsw.gov.au/buses.

5. ADDITIONAL REQUIREMENTS FOR REGULAR PASSENGER SERVICES

5.1 General Requirements

(a) Seating on buses for aged persons or persons with a disability (Clause 68 Passenger Transport Regulation)

An operator may by appropriate notices, set aside seating on a bus for persons who are aged or have a disability.

(b) Tickets to be processed (Clause 76 (4) Passenger Transport Regulation)

The operator of a bus that is being used to provide a regular bus service must ensure that the driver of the bus is provided with facilities that enable the driver to sell tickets for journeys on the bus, unless the bus:

- (a) Is clearly designated as a bus on which only pre-paid tickets may be used, or
- (b) Is used to provide a free service.

5.1.1 Special provisions

(a) Destination signs on buses (Clause 87 (1) Passenger Transport Regulation)

The operator must not use a bus to conduct a regular passenger service unless it displays a destination sign in accordance with this clause.

(Clause 87 (2) Passenger Transport Regulation)

The sign:

- (a) Must be displayed on the front of the bus, and
- (b) Must show the route number and destination of the bus, and
- (c) Must be capable of being illuminated.

(Clause 87 (3) Passenger Transport Regulation)

This clause does not apply to or in respect of a bus that is being used principally to provide transport to school students pursuant to a contract with the TfNSW under the Act.

(b) Procedures for managing school students' behaviour on buses (Clauses 91, 99, 100, 101, 102 and 103 Passenger Transport Regulation)

An operator of a bus service is required to put in place procedures for managing school students' behaviour on buses. TfNSW has developed guidelines to assist operators in meeting this responsibility.

The guidelines will be provided to accredited operators when they enter into contracts with TfNSW.

Operators are to be aware of clause 91 of the Passenger Transport Regulation – Conditions of service contracts.

Refer to the TfNSW web site www.transport.nsw.gov.au for detailed information and about the Guidelines for Managing School Students' behaviour on buses.

(c) Appointment of bus stops (Clause 104 Passenger Transport Regulation)

An operator of a bus service may appoint bus stops, but only in accordance with a prior written approval of the roads authority for the road concerned.

5.2 Safety Requirements

(a) Security camera systems and duress alarm systems (Clause 82 (1) Passenger Transport Regulation)

An operator who carries on a regular passenger service partly or wholly within the Metropolitan, Newcastle or Wollongong transport districts or within the City of Gosford or the Wyong local government area must ensure that each bus in the fleet is fitted with:

- (a) An approved security camera system, and
- (b) An approved duress alarm system.

(Clause 82 (2) Passenger Transport Regulation)

A person must not wilfully:

- (a) Interfere with any part of a security camera system or duress alarm system fitted to a bus, or
- (b) Cause or permit any such interference,

in such a manner as to prevent or impede the proper working of the system.

(Clause 82 (3) Passenger Transport Regulation)

Schedule 1 to the Regulation has effect in relation to any security camera system with which a bus is fitted (whether or not pursuant to this clause).

N.B. Approved in relation to a duress alarm system and a security camera system means complying with the requirements established for the time being by the TfNSW by order published in the Gazette.

6. ADDITIONAL REQUIREMENTS FOR LONG DISTANCE, TOURIST AND CHARTER SERVICES

6.1 General Requirements

(a) **Timetables** (Clause 83 Passenger Transport Regulation). (Long Distance Services only)

The operator of a **long-distance bus service** must ensure that the timetable for the service can reasonably be met without any need for buses to break any relevant speed limits.

The operator of a **long-distance bus service** must, on request by Roads and Maritime, provide a copy of the timetable for the service so that the timetable may be checked to ensure that it complies with this clause.

(b) **Manifest of passengers** (Clause 84(1) Passenger Transport Regulation)

The operator of a **long-distance, tourist or charter** service that is provided by means of buses must provide to the driver of each bus concerned, for each day that the bus is used to provide service, a manifest of passengers that complies with this clause.

(Clause 84(2) Passenger Transport Regulation)

The manifest must contain the following information in respect of each passenger:

- (a) The passenger's name
- (b) Contact details (such as an address and telephone number) for the passenger
- (c) The date and time that the passenger is due to board the bus
- (d) The seat number (if any) allocated to the passenger.

(Clause 84(3) Passenger Transport Regulation)

The driver of the bus must return the manifest to the operator as soon as practicable after the completion of the relevant journey.

(Clause 84(4) Passenger Transport Regulation)

The operator of the service must retain each manifest for a period of 60 days after the completion of the journey concerned.

(Clause 84(5) Passenger Transport Regulation)

This clause does not apply in respect of a bus that:

- (a) Is being used only within a radius of 40 kilometres from its usual depot, or
- (b) Is being used for a charter service, but only if the operator of the bus maintains records for 60 days after the bus is used for any such service that include the name, address and telephone number of the person that chartered the bus, the date and time of the charter and the telephone number of a responsible passenger on board the chartered bus.

(c) **Only tourists to be carried** (Clause 203 (1) Passenger Transport Regulation)

The operator of a tourist service must not allow a person to be carried as a passenger in or on the tourist service vehicle if the operator concerned has reason to believe that the person is not a tourist.

(Clause 203(2) Passenger Transport Regulation)

Subclause (1) does not apply to a person who is carried in connection with the provision of the relevant tour (such as a relief driver, cook, guide or interpreter).

6.2 Safety Requirements

Monitoring of Journeys undertaken by Long Distance, Tourist and Charter Services.

An operator of a Long Distance, Tourist and Charter bus service must ensure that all buses used for any purpose under the operator's accreditation are fitted with approved vehicle monitoring devices as required by Roads and Maritime.

The Road Transport Act 2013 refers to the fitment and use of Vehicle Monitoring Devices (VMDs).

Roads and Maritime Vehicle Monitoring Device requirements are provided in the Roads and Maritime publication "Licensing – Heavy Vehicle Drivers' Handbook". This document is available from Roads and Maritime offices or online at www.rms.nsw.gov.au by simply going to Roads, Licence, Get a heavy vehicle licence or directly to: <http://www.rms.nsw.gov.au/documents/roads/licence/heavy-vehicle-driver-handbook.pdf>

7. RENEWAL OF BUS OPERATOR ACCREDITATION

7.1 Renewal Procedures

Roads and Maritime notifies accredited operators in writing that their accreditation is due for renewal, how much the renewal fee will be and the documents to be attached to the application for renewal.

Operators may be required to comply with any new accreditation standards, and/or sit for additional assessment of the competencies required of bus operators before their renewal is granted.

If the accreditation standards are not met, the accreditation cannot be renewed by the due date and will lapse, and the operator would need to apply for new accreditation. This means that operators would again have to undertake and satisfactorily complete an approved training program or otherwise meet the bus operator competency standards again to become accredited.

Operators should ensure that the renewal application form together with the appropriate are made to Roads and Maritime before the due date.

7.2 Assessment of Renewal Applications

Applications for the renewal of bus operator accreditation will be assessed by Roads and Maritime in a similar fashion to that of new applications.

8. REFUSAL, VARIATION, SUSPENSION OR CANCELLATION OF BUS OPERATOR ACCREDITATION

If Roads and Maritime refuses an application for bus operator accreditation or if it cancels, suspends, or varies the accreditation, or imposes a condition on it, Roads and Maritime will advise the applicant/operator in writing of the reasons for the action taken.

Roads and Maritime will also advise the applicant/operator of any rights they might have to appeal against a decision to refuse, vary, suspend or cancel an operator's accreditation.

If the applicant is dissatisfied with the decision, they may request a review of the decision by Roads and Maritime. If the applicant is not satisfied with the outcome of the review, then the applicant may appeal to the Administrative Decisions Tribunal (ADT) to overturn the decision.

Alternatively, applicants can apply directly to the Administrative Decisions Tribunal to have Roads and Maritime's decision reviewed without first going through an internal review.

The applicant should contact the Administrative Decisions Tribunal if more information about what the rules are for submitting an appeal is needed.

Operator accreditation may be refused, varied, suspended or cancelled under, but not limited to, the following situations:

- (i) The operator's criminal or business history is unsuitable;
- (ii) The operator has failed to comply with a service requirement imposed by the service contract
- (iii) The operator has failed to comply with an accreditation condition
- (iv) The operator has failed to pay a financial sanction imposed by Roads and Maritime or a court;
- (iv) The operator has engaged in conduct that is in violation of the Regulation or the requirements to provide bus services
- (v) Continued non-compliance with the Act, Regulation or Accreditation Standards
- (vi) Financial viability
- (vii) Failure to rectify issues brought to the operator's attention by Roads and Maritime
- (viii) Failure to provide Roads and Maritime with the annual self assessment reports and or independent audits.

9. OPERATOR ACCREDITATION COMPLIANCE AUDITING PERFORMED BY ROADS AND MARITIME

The bus operator accreditation system (BOAS) audit program includes the following phases:

1. An assessment on entry/application for accreditation carried out by Roads and Maritime.
2. An Annual Self Assessment Report found at www.rms.nsw.gov.au/buses must be completed by each accredited operator and submitted to Roads and Maritime on an annual basis. The Self Assessment provides Roads and Maritime with up to date information about your bus accreditation. It allows you to notify Roads and Maritime of any deficiencies within your Bus Operator Accreditation and provides Roads and Maritime with the ability to help rectify any such deficiencies as opposed to leaving them for auditors to identify. This process is designed to improve bus operator safety.
3. An **independent audit** is required to be completed within the first year of operating and then every three years or as otherwise determined by Roads and Maritime. This audit is carried out by an independent auditor. This audit is required by operators to gain renewal of their accreditation. The Audit focuses on all aspects of bus operator accreditation including the SMS and its on-going upkeep. If the audit determines your BOAS, including your SMS, is not compliant you may be asked to improve your systems before your accreditation is renewed. If the audit determines that your operation is in serious breach of accreditation conditions your accreditation may be varied, suspended or cancelled.
4. Random and targeted audits are carried out by Roads and Maritime

(Clause 90 Passenger Transport Regulation).

While BOAS audits are undertaken by independent auditors on a three yearly basis, Roads and Maritime also has the power to undertake random or targeted audits of bus operators at any time.

10. OTHER ACTS AND REGULATIONS THAT ACCREDITED OPERATORS SHOULD BE AWARE OF

Heavy Vehicle (Fatigue Management) National Regulation (NSW) 2013

This Regulation, amongst other things, deals with the driving hours applicable to bus drivers as well as the rostering and scheduling of bus drivers and work for bus drivers to complete.

Road Rules 2014

The Road Rules 2008, amongst other things, deals with school bus warning signage and school bus lights, bus door safety systems, safety padding, field of view system, speed limiters and monitoring devices.

Road Transport Act 2013

This Act, amongst other things, deals with the registration of public passenger vehicles. Accredited bus operators will be issued appropriate registration plates (either TV or MO) by a Roads and Maritime Services registry or Services NSW depending on the type of accreditation held. This Act, also deals with monitoring devices.

Commission for Children and Young People Amendment Act 2005

This Act deals with the employment of a “prohibited person” in child-related employment.

Disability Discrimination Act 1992 (Commonwealth) (DDA)

This Act, among other things, deals with accessible public passenger transport.

Work Health and Safety Act 2011 (WH&S)

This Act deals with the obligations of employers and employees at work.

Environmental Protection Legislation

Local Government Act 1993

11. OTHER INFORMATION

Obtaining additional information from Roads and Maritime Services

Roads and Maritime publishes its documentation on the website, www.rms.nsw.gov.au/buses, which includes most information about operator and driver requirements. The website also aims to inform people about the types of issues that Roads and Maritime deals with.

If you have any questions about passenger transport services or if you need help in understanding any of the requirements please contact Roads and Maritime at its primary e-mail address, which is licensing@transport.nsw.gov.au. You can also telephone, call in or write to Roads and Maritime. The details to contact Roads and Maritime are:

Enrolment Processing Unit

Level 4, 16-18 Wentworth Street
Parramatta NSW 2150

Locked Bag 5085
Parramatta NSW 2124

Telephone: 02 9689 8888

Fax: 02 9689 8813

Email: licensing@transport.nsw.gov.au