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Impact of the Bus Safety Bill on the Community Transport Sector

The Bus Safety Bill has passed through Parliament; it will come into effect by the end of 2010.

Definition

There will be a change in the definition of a bus **from** a vehicle with more than 12 seats **to** any vehicle designed to have more than 10 seats. All 10 – 12 seat buses and those that have been modified to carry a wheelchair will be classified as a bus.

Accreditation (Clause 24)

There will be no requirement for community transport services to become accredited in order to continue providing services as long as they operate on a not-for profit basis; ie able to charge for services but profits are used by the organisation to develop and maintain services. For organisations providing regular route services there may be a requirement to register their service with the Safety Director.

Duties

All organisations operating buses will have a duty to ensure safety (Clause 14). The duty to ensure safety extends to all parties involved in the service; the operator (clause 15), the driver and or volunteer assistant and anyone associated with vehicle maintenance (clause 17) and the service user or hirer (clause 16).

Ensuring safety means that services must eliminate risk as far as is reasonably practicable. Organisations that have a risk management process; and are working to reduce any risks will comply with this requirement.

Bus inspections (clause 19)

Community transport operators must ensure that each bus used to provide services undergoes regular safety inspections according to manufacturer's recommendations and/or regulations. Records of inspections should be kept. The Safety Director has the powers to audit safety records and direct bus operators to undergo safety inspections (clause 20).

Incident notification (clause 65)

Registered bus operators must notify the Safety Director of any prescribed incidents; failure to provide information or providing false information about incidents can result in severe penalties including imprisonment. Non-registered community transport providers should also have an incident reporting process in place as part of their safety program.

Information to the Safety Director (clause 54)

The Safety Director may request information relating to safety of a bus service including details relating to incidents that may have occurred, any hazards that may have been identified or the type of risk management activities undertaken by a registered bus operator.

Alcohol and drug management policy (clauses 56 &57)

Operators must develop and implement an alcohol and drug management policy in consultation with workers/volunteers. Policy must specify zero alcohol or drugs in blood or breath while driving a bus. Any testing regime and/or penalties must be specified in the policy.

Driver accreditation (clause 95)

Paid and volunteer drivers vehicles of ten or more seats will not be required to have accreditation/ drivers' certificate but they will be required to have a full licence, (i.e. no P Plate drivers).

Opt in/out

Community transport services operating a bus have the choice to opt in or out of being an accredited or registered bus service.

A copy of the Bus Safety Bill can be accessed at;

<http://www.austlii.edu.au/au/legis/vic/bill/bsb2008140/>

Once the Bus safety Bill has passed into legislation it will not come into effect until late 2010, so services have time to review their policies and procedures to ensure they comply with the requirements.

Any organisation that has; and implements appropriate vehicle maintenance procedures, regular safety checks and driver assessment and training programs and maintains records of all these is likely to meet the requirements of the new bill.

The Victorian Community Transport Association (VCTA) has a manual that can assist organisations to develop required policies. Training sessions in the Victorian Operational Guidelines for Community Transport are available at low cost. Anyone wishing to arrange a training session can contact the VCTA, training sessions in the metropolitan area are advertised via the website www.vct.org.au