



**Transport &
Infrastructure**

BUS OPERATOR ACCREDITATION PACKAGE

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1. Introduction to Bus Operator Accreditation

The *Passenger Transport Act 1990* requires operators of public passenger services, other than ferry services, to be accredited by the Director General, NSW Transport and Infrastructure (NSWTI), formerly the Ministry of Transport.

This package has been developed by NSWTI as a guide to assist any individual, partnership or corporation (which includes an association and co-operative) who wishes 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 Act and the Regulation but is merely a guide as to how the legislation is being administered in this context.

Public passenger bus services are regulated under the *Passenger Transport Act 1990* and Regulation thereunder. However, there are also other laws which affect the way that public passenger transport services, such as regular passenger bus services, long distance, tourist and charter bus services, can be operated. Some of these include the road transport legislation and *the Occupational Health and Safety Act*. An accredited bus operator is essentially a business manager and so should ensure they familiarise themselves with all laws relating to the proper management of a bus service.

A maximum fine of \$110,000 may be imposed for operating a public passenger bus service without appropriate accreditation by NSWTI.

1.1 What is Accreditation?

The principal purpose of bus operator accreditation is to ensure safe and reliable passenger bus services to the travelling public of New South Wales.

Accreditation is used by NSWTI to assess whether a person is of **suitable character** and **fitness** and has the **competency to operate public passenger services** in accordance with any conditions prescribed by the Act or Regulation or imposed by the Director General. These standards and conditions aim to raise the level of awareness of operators in the area of safety, service delivery and business acumen, and to ensure operators are held accountable for assurance systems for passenger transport operations.

1.2 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.

Applicants will be required to submit, to the Director General, certain information within set time frames. These are set out within the relevant section containing the standards. Other requirements remain on-going and are regularly reviewed by NSWTI.

If you need information about requirements and arrangements for other passenger transport accreditation please contact NSWTI's Transport Operations Division on one of the following toll free numbers:

Newcastle: 1800 049 983
Parramatta: 1800 227 774
Wollongong: 1800 049 961

or view NSWTI's web site at www.transport.nsw.gov.au

1.3 Who requires bus accreditation?

All operators of a Public Passenger Service in New South Wales must be accredited. A *public passenger service* means the carriage of public passengers for a fare or other consideration by a bus along a road or road related area (a bus means a motor vehicle which seats more than 8 adult passengers).

Regular Passenger Service

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 Director General or be the sub-contract operator of a service contract holder.

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.

Tourist Service

A tourist service is a public passenger service provided by a bus or ferry or another vehicle prescribed by regulation, being:

- (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.

Charter Service

A charter service is a public passenger service in which a bus or other vehicle prescribed by regulation, and the service of a driver of the vehicle, 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) service is not provided according to regular routes or timetables.

1.4 Who can apply for accreditation?

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 and co-operative). A corporation must nominate one or more directors or managers as applicants 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 director/managers are responsible for the operation of the public passenger bus service.

The accreditation application form can be found in <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-1.doc>

1.5 Corporations that need to add to their designated directors/managers

Accredited Operators who are corporations can nominate changes to their designated managers/directors. The corporation must submit a new accreditation application 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 NSWTI. If approved, these new nominees become the designated managers/directors of the accredited corporation.

A corporation cannot operate services unless it has in place a designated

director or manager that is employed by the corporation to undertake the day-to-day responsibility for the operation.

1.6 Accreditation renewals

Under section 9A of the Act, the Director General has the authority to determine the renewal period for bus operator accreditation.

The Director General requires all accredited bus operators to renew their accreditation once every three (3) years. A renewal fee will apply. A re-accreditation application form is found in <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-2.doc>.

1.7 Can the accreditation standards change?

Yes, the Director General 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 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, the Director General may vary, suspend or cancel the operator's accreditation.

1.9 Interstate bus operators travelling in NSW – do they need to be accredited in NSW?

Cross-border long distance and tourist bus operators from Tasmania, Victoria, South Australia and Queensland can travel through New South Wales and return to their origin under their own State accreditation subject to certain conditions. Operators from other States and Territories are required to hold NSW accreditation whenever operating in New South Wales.

1.10 What is NSW Transport and Infrastructure?

NSW Transport and Infrastructure (NSWTI) is responsible for administering safe, reliable and efficient transport services.

NSWTI is the regulator of passenger transport services under the Passenger Transport Act, 1990. All operators of public passenger services, other than ferry

services, must be accredited by the Director General to be able to provide services legally. NSWTI is also the responsible agency for the management of all service contracts with regular passenger service operators.

1.11 Who is the Independent Transport Safety and Reliability Regulator?

The Independent Transport Safety and Reliability Regulator (ITSRR) is a statutory authority, separate to NSWTI and transport operators.

The principal objective of ITSRR is to oversee the safe operation of transport services in the State and its functions include:

- strategic coordination of safety regulation;
- accredit operators of railways; and
- review and evaluate issues relating to the reliability of publicly funded transport services.

1.12 What is the Office of Transport Investigation?

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*). OTSI will determine the level of information required from bus operators upon receiving notification of individual incidents and accidents.

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

1.13 NSWTI Fraud and Corruption Prevention Policy

NSWTI has a 'no 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 or partially as public officials. This includes deceit or an advantage gained by unfair means.

NSWTI will report to the Independent Commission Against Corruption (ICAC) or police any persons who offer inducements or bribes to staff to act dishonestly.

2. Standards for Granting Bus Operator Accreditation

To obtain accreditation all applicants must meet the following standards:

2.1 Section 7 (2) of the Act (Accreditation Standards)

The purpose of accreditation is to attest:

- (a) that the accredited person is (or, in the case of an accredited corporation, the designated directors and managers of the corporation are) considered to be **of good repute** and in all other respects **fit and proper** to be competent to carry on a public passenger service, and
- (b) that the accredited person has demonstrated the capacity to meet the government's standards of:
 - (i) financial viability, and
 - (ii) safety of passengers and the public, and
 - (iii) vehicle maintenance,

to the degree and in the manner required in respect of services of the kind specified in the accreditation.

2.2 How to satisfy the Accreditation Standards

2.2.1 Good repute

(Clause 7 (1) & (2) Passenger Transport Regulation)

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

Each applicant is required to provide two references declaring his/her good repute from persons who are listed in table 2 and have known the applicant for a minimum of two years.

Table 2: List of people who can provide certification of the Good Repute documents:

Judge	Full-time TAFE or university lecturer
Magistrate	School Teacher
Chamber Magistrate	Police Officer
Clerk of a Local Court	Manager of a bank or building society
Barrister	Manager (employed by Australia Post) of a post office
Solicitor	Minister of Religion authorised to celebrate marriages (but not merely a marriage celebrant)
Member of Parliament	Qualified accountant (not employed by the applicant) who holds a public practice certificate
Councillor or General Manager of city, municipal or shire council	Commissioned Officer in the Australian Defence Forces
Medical Practitioner (registered under the Medical Practice Act 1992)	Public Servant with at least 5 years' service as a permanent officer
Dental surgeon	Justice of the Peace (to show registered number)
Veterinary surgeon	

NB A qualified public accountant who provides a financial viability statement for a person 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)

Whether an individual operator, or a designated director and/or a manager nominated by a corporation, the applicant for bus operator accreditation must be a fit and proper person to carry on a bus service.

NSWTI will check to see whether an applicant has a criminal record. The applicant must give NSWTI permission to obtain any relevant criminal information about them held by any law enforcement agency in the world. Please note that the information obtained by NSWTI can only be used for the purpose for which it was obtained. The application for accreditation will be refused if NSWTI 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*, 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*, or
 - (ii) discloses any convictions or charges in accordance with subclause (3),

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

The applicant must give the Director General 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 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.

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

2.2.3 Applicants must be competent to carry on a bus service

(Clause 9 Passenger Transport Regulation)

To meet the requirement of being competent to carry on a bus service applicants must demonstrate they have the necessary knowledge and competence to carry on the bus service.

(Clause 9 (2) Passenger Transport Regulation)

In particular, the applicant must

- (a) satisfy the Director General as 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 Occupational Health and Safety Act 2000,
- (b) if required to do so by the Director General, undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of the bus service as is approved by the Director General and conducted by a registered training organisation or a higher education institution approved by the Director General.

The current approved courses are:

- The Certificate of Transport Management (CTM).
- Bus Operator Accreditation (on-line) Training Course.

For more information, please contact the Industry Projects Manager at the Institute of Transport and Logistic Studies, University of Sydney on 02 9351 0034 or access the ITS website <http://www.itls.usyd.edu.au> or email busandcoach@itls.usyd.edu.au

2.2.4 Applicants to be financially viable to carry on a bus service

(Clause 10 Passenger Transport Regulation)

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 bus services, 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 buses that, in the opinion of the accountant, can be accommodated by the bus 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 National Institute of Accountants who holds a Public Practice Certificate issued by that Institute.

NB: 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. It is also pointed out that accountants are not being asked to comment on the managerial or technical competence of applicants to run a bus business, but rather whether they believe applicants have the financial ability to meet the normal operating expenses of running the number of buses nominated.

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

2.2.5 Applicants to have access to maintenance facilities for buses

(Clause 11 Passenger Transport Regulation)

- (a) The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the bus service.
- (b) The applicant must provide the Director General 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)

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

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

3. Procedure 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 truthfully provide answers to all questions in the application form. If NSWTI finds that the applicant has not been truthful in the application, accreditation may be refused or cancelled at a later date.

3.1 New Accreditation Application Procedure

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 NSWTI with evidence, via the certificate of competency;
- (c) completed the application form;
- (d) answered all questions truthfully;
- (e) signed the application form declaring that they have:
 - answered all the questions truthfully,
 - understood the requirements applying to accredited bus operators,
 - given permission to NSWTI 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 be responsible for the operation of a bus within the meaning of section 7 of the Act,
 - understood and will comply with the conditions for being accredited as a bus operator;
- (f) attached the following documents in the application form:
 - good repute references from each of the two persons who are listed members of professions and have known the applicant for at least two years,
 - 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). NSWTI 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,
 - provided 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 for \$355.00, payable to NSW Transport and Infrastructure, being the non-refundable fee for consideration of the application (please do not send cash in the post);
- (g) deliver or post the completed application form, all the documentation and the cheque for payment, to:

Sydney Region:

NSW Transport and Infrastructure
 Transport Operations Division
 Licensing and Accreditation
 Level 4
 16-18 Wentworth Street
 PARRAMATTA

Locked Bag 5085
 PARRAMATTA NSW 2124

Northern Region:

NSW Transport and Infrastructure
 Transport Operations Division
 Ground Floor
 239 King Street
 NEWCASTLE

PO Box 871
 NEWCASTLE NSW 2300

Southern Region:

NSW Transport and Infrastructure
 Transport Operations Division
 Level 6
 NRMA Building
 221-229 Crown Street
 WOLLONGONG

PO Box 5215
 WOLLONGONG NSW 2500

3.2 Re-accreditation Application Procedure

NSWTI will contact accredited operators to advise that accreditation is due for renewal, how much the renewal fee will be and the documents to be attached to the application.

Operators may be required to comply with any new accreditation criteria, and/or undertake any additional assessments of the competencies required of bus

operators before their renewal is granted.

If the accreditation criteria 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 (and local Council approval).

Operators should ensure that the renewal application form together with the appropriate fee are delivered or posted to NSWTI prior to the due date.

For existing bus operators who are applying to be re-accredited, the applicant must have:

- (a) read and understood the criteria, conditions and procedures for accreditation as outlined in this package;
- (b) completed the re-accreditation application form;
- (c) answered all questions truthfully;
- (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 NSWTI 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 be responsible for the operation of a bus within the meaning of section 7 of the Act,
 - understood and will comply with the conditions for being accredited as a bus operator;
- (e) attached the following documents in the application form:
 - 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). NSWTI 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 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 for \$284.00, payable to NSW Transport and Infrastructure, being the non-refundable fee for the consideration of an application (please do not send cash in the post);

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

Sydney Region:

NSW Transport and Infrastructure
Transport Operations Division
Licensing and Accreditation
Level 4
16-18 Wentworth Street
PARRAMATTA

Locked Bag 5085
PARRAMATTA NSW 2124

Northern Region:

NSW Transport and Infrastructure
Transport Operations Division
Ground Floor
239 King Street
NEWCASTLE

PO Box 871
NEWCASTLE NSW 2300

Southern Region:

NSW Transport and Infrastructure
Transport Operations Division
Level 6
NRMA Building
221-229 Crown Street
WOLLONGONG

PO Box 5215
WOLLONGONG NSW 2500

3.3 Assessment of Applications

NSWTI will examine all applications to ensure that all the information and documentation are provided.

If more information is needed from applicants, or if the documentation is incomplete NSWTI will contact applicants on the phone number or at the address included in the application.

3.4 Fee for new bus operator accreditation

The fee for a new bus operator accreditation is \$355.00.

3.5 Fee for re-accreditation of bus operator

The fee for re-accreditation is \$284.00

3.6 Are there any special requirements for corporations?

Corporations are to nominate one or more directors or managers, who are to be responsible for the day to day operations of the bus service, to be accredited. An

organisation's accreditation is automatically cancelled under the Act if there is no designated director or manager. This would happen where, for example, the designated person/s resign, are dismissed, are on holidays, in hospital or dispose of their interests in the company.

If for any reason it becomes necessary to add or change someone to the list of designated persons, the corporation is required to advise NSWTFI of any new nominated directors or managers by completing the new accreditation application form with necessary references, statements and copy of relevant qualifications.

3.7 Important Note

The onus is on applicants to show proof that they comply with the standards for accreditation. An application will be refused by the Director General 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.

4. Conditions of Bus Operator Accreditation

Accreditation conditions are requirements which an accredited bus operator must meet to remain accredited. These conditions are prescribed by the 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 the Director General to impose additional accreditation conditions and these have equal force with the Regulations and the Act.

The Director General may also vary the conditions from time to time. An accredited bus operator must meet any new conditions, if and when imposed.

Conditions of accreditation to carry on bus services are categorised as:

- **General Conditions**
- **Safety Conditions**

4.1 General 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) hold an appropriate driver licence, and
 - (ii) an appropriate driver authority.

(b) Changes to information provided

(Clause 18 Passenger Transport Regulation)

The operator must notify the Director General in writing of any of the following changes no later than 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 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 the Director General in writing to do so, deliver the record to the Director General when required.

(b) Operator training

(Clause 20 Passenger Transport Regulation)

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

The Director General 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's authority number (that is, the number allocated by the Director General and displayed on the person's driver's 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 of the Director General) 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 on foot.

(e) Evidence of accredited operator's continuing financial capacity

(Clause 23 Passenger Transport Regulation)

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

Note: The Director General 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 the Director General 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 the Director General 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 the RTA's 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/bus/bus-accredit-package-appendix-3.doc>

(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 the Director General, 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)

The Director General 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 the Director General may specify.

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

- (a) must cause the audit to be carried out in accordance with the Director General's requirements, and
- (b) must submit the audit to the Director General within the period, or by the date, specified by the Director General.

The Director General 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 the Director General.

Note: Section 8 “Operator Accreditation Compliance Auditing performed by NSWTI” of this package details the Audit requirements including the Annual Self Assessment, independent Auditing and NWSTI 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 7 days after the change, give written notice of the change and of the new name or address to the Director General.

4.2 Safety Conditions - General Obligations

(a) Vehicle maintenance

(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.

(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 the Director General 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 3 days after the operator becomes aware of the accident or incident concerned, and
- (b) must be given in a form approved by the Director General.

(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)

The Director General and 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 can be found at <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-4.doc>.

(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).

4.2.4 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).

4.2.5 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 ensuring that staff employed to provide

services are also aware of the safety responsibilities in operating their accredited bus service.

A properly implemented SMS will provide clear procedures for ensuring that vehicles and operations meet the accreditation conditions. It will also require the bus operator to review, monitor and adjust your operational activities based on a safety culture and awareness as developed by their 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.

The 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 the 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 the Director General, which can be found at <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-5.doc>.

The SMS is not a static document. It should be constantly reviewed to ensure that it continues to meet the required guidelines. The SMS will be audited by NSWTI 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.

For further information about bus operator accreditation including SMS please refer to www.transport.nsw.gov.au or contact a NSWTI office.

4.2.7 Vehicle Maintenance Management System (VMMS)

VMMS Summary

The 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 operators manage their business more efficiently, partly because there will be clear procedures for ensuring that 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. They will need to keep a record of the maintenance and servicing work done to each bus so that they can prove that the vehicles are safe at all times.

Operators must ensure that all buses operated under the accreditation comply with the *Road Transport (Vehicle Registration) Regulation 1999* 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 the operator to decide how buses are to be maintained and to demonstrate that they are maintained in accordance with the manufacturer's standards. It is critical that the operator documents and explains the method used. This will be their Vehicle Maintenance Management System. They need to have these documents that prove that the method used works, and that the buses are well-maintained. In part, this means keeping records of all maintenance schedules and repairs. Operators must also be able to prove that they followed these 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.

Operators must have in place the following:

2. Fleet Maintenance Plan and schedule
3. Manufacturers' Specifications
4. Maintenance Reports
5. 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:

4.2.8 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 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 which appear at <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-6.doc>, 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 systems an operator needs to implement the guidelines should correlate to its size and resources.

Definition of Transport Safety Employee and 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, or
- a person who, without remuneration or reward, voluntarily and without obligation performs transport safety work for an accredited service operator, or
- 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 that the operator notifies the Director General within forty-eight hours of becoming aware that a test carried out under the *Passenger Transport (Drug and Alcohol Testing) Regulation 2004* indicates that an 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.

The notice must be in writing and must contain the particulars (if any) required by the Director General.

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, the driver must apply the park brake and check that it is correctly engaged;
- Where a bus is fitted with an external door close control, the driver must use this to close the bus;

- The driver 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 the bus controls be accessed via the driver's window.

The Operator will follow NSWTI's safety instruction regarding the correct method of securing a bus as detailed in the "Runaway Buses" procedure, <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-7.doc>.

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 Director General 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. The Director General has developed guidelines to assist operators in meeting this responsibility.

The guidelines will be provided to accredited operators when they enter into contracts with the Director General.

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

Refer to NSWTI of Transport 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 Director General 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.

(Clause 83 (2) Passenger Transport Regulation)

The operator of a **long-distance bus service** must, on request by the Director General, 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 or 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 the RTA.

The *Road Transport (Safety and Traffic Management) Act 1999* and *Road Transport (Safety and Traffic Management (Road Rules) Regulation 1999* refer to the fitment and use of Vehicle Monitoring Devices (VMDs).

In addition to these requirements NSWTI of Transport requires that with effect from the 24 July, 2006, VMDs are to be used in accordance with the following document:

[Passenger Transport Act 1990, Section 7, Standard for Accredited Bus Operators](#) - 50 kb PDF

Details of the RTA's VMD requirements are provided in the RTA publication "Licensing – Heavy Vehicle Drivers' Handbook". This document is available from the RTA or online at www.rta.gov.au by simply going to Licensing, popular downloads, Heavy Vehicle Drivers' Handbook or directly to:

http://www.rta.nsw.gov.au/licensing/downloads/heavyvehiclehandbook_dl1.html?lid=26

7. Other Acts and Regulations that accredited operators should be aware of

Road Transport (Safety and Traffic Management) (Driver Fatigue) Regulation 1999

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 Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

This Regulation, 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 (Vehicle Regulation) Act 1997

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 the Roads and Traffic Authority depending on the type of accreditation held.

Road Transport (Safety and Traffic Management) Act 1999

This Act, amongst other things, deals with monitoring devices.

NSW Child Protection (Prohibited Employment) Act 1998 (CPPEA)

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

Disability Discrimination Act 1992 (Commonwealth) (DDA)

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

Occupational Health and Safety Act 2000 (OH&S)

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

Environmental Protection Legislation

Local Government Act 1993

8. Operator Accreditation Compliance Auditing performed by NSWTI

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

1. An assessment on entry/application for accreditation carried out by NSWTI.
2. An annual self-assessment. This assessment is carried out by the operator and forwarded to NSWTI.

As part of the accreditation process bus operators are required to provide NSWTI with an annual self audit assessment. The Self Assessment provides NSWTI with up to date information from you about your bus accreditation. It allows you to notify NSWTI of any deficiencies within your Bus Operator Accreditation and allows NSWTI 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 every 3 years, or as otherwise determined by the Director General. This audit is carried out by an independent auditor and is to be quite detailed. This audit is required by operators to gain renewal of their accreditation.

In addition to the self assessment program the bus operator accreditation will be audited on a regular and routine basis to ensure continued compliance with the conditions of accreditation. The Audit will focus on all aspects of bus operator accreditation including the SMS and its on-going upkeep. If your audit is not compliant in any area, including your SMS, you may be asked to improve your systems in some way before your accreditation is renewed or in severe cases if your operation is in serious breach of the accreditation conditions your accreditation may be varied, suspended or cancelled.

4. Random and targeted audits are carried out by NSWTI.

8.1 Audit

(Clause 90 Passenger Transport Regulation).

The Director General 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 the Director General may specify.

An operator of whom a requirement is made under this clause:

- (a) must cause the audit to be carried out in accordance with the Director General's requirements, and
- (b) must submit the audit to the Director General within the period, or by the date, specified by the Director General.

The Director General 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 the Director General.

An Annual Self Assessment Report, <http://www.transport.nsw.gov.au/bus/bus-accredit-package-appendix-8.doc>, must be completed by each accredited operator and submitted to NSWTI on an annual basis.

The accreditation audit program includes the following phases:

1. An assessment on entry/application for accreditation carried out by NSWTI.
2. An annual self-assessment. This assessment is carried out by the operator and forwarded to NSWTI.
3. An independent, Quality Society of Australasia (QSA) audit every 3 years, or as otherwise determined by the Director General. This audit is carried out by an independent auditor and is to be very detailed. This audit is required by operators to gain renewal of their accreditation.
4. Random and targeted audits by NSWTI.

9. Refusal, Variation, Suspension or Cancellation of Bus Operator Accreditation

If NSWTI refuses an application for a bus operator accreditation or if it cancels, suspends, or varies the accreditation, or imposes a condition on it, it must advise the applicant/operator of the reasons for the action taken.

NSWTI also has to advise the applicant/operator of any rights they might have to appeal against the decision.

If the applicant is dissatisfied with the decision, they may request an internal review of the decision by the Director General. If the applicant is not satisfied with the outcome of the review, then the applicant may appeal to the Administrative Decisions Tribunal to review the decision.

The applicant should contact the Administrative Decisions Tribunal if further information concerning the submission of 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 the Director General 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 the Director General;
- (viii) failure to provide the Director General with the annual self assessment reports and or independent audits.