

**Authorised Version No. 003**  
**Bus Safety Regulations 2010**

**S.R. No. 110/2010**

Authorised Version incorporating amendments as at  
18 June 2013

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**PART 1—PRELIMINARY**

**1 Objective**

The objective of these Regulations is to provide for the safety of bus services, including in relation to—

- (a) bus operations and vehicle requirements;
- (b) the accreditation and registration of bus operators;
- (ba) exemptions from designated provisions;
  
- (c) inspections and audits of bus operators;
- (d) the investigation of bus incidents.

Reg. 1(ba)  
inserted by  
S.R. No.  
68/2013 reg. 3.

**2 Authorising provisions**

These Regulations are made under sections 72 to 78 of the **Bus Safety Act 2009**.

**3 Commencement**

These Regulations come into operation on 31 December 2010.

#### 4 Definitions

In these Regulations—

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

**Note**

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

**accredited bus operator number plates** means number plates authorised by the Safety Director and issued by VicRoads for display on a bus used by an accredited bus operator;

**bus incident**, in relation to a bus operated by an accredited bus operator or a registered bus operator, means—

- (a) a circumstance, act or omission including—
  - (i) a collision with any person, vehicle, infrastructure, obstruction or object;
  - (ii) an implosion, explosion or fire;
  - (iii) any mechanical failure;
  - (iv) divergence from the highway;
  - (v) a failure to comply with applicable legislative requirements, vehicle specifications, bus standards or codes of practice—

where the circumstance, act or omission resulted in, or had the potential to result in the death of, or serious injury to, any person, a loss of control of the bus, or significant damage to property; or

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- (b) an accident or incident that results in a person requiring immediate treatment as an in-patient in a hospital; or
  - (c) a circumstance where the driver of the bus is in contravention of the bus operator's alcohol and drug management policy;

***bus standard*** with respect to a bus means—

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

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

***certificate of registration*** means a certificate issued under regulation 22;

***certificate of roadworthiness*** means a certificate of roadworthiness issued under Chapter 6 of the Road Safety (Vehicles) Regulations 2009;

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

***contact person*** means the person nominated as the contact person in an application for registration in accordance with regulation 20(1);

Reg. 4 def. of  
*exemption*  
inserted by  
S.R. No.  
68/2013 reg. 4.

*exemption* means an exemption from a designated provision granted by the Safety Director under Division 7A of Part 4 of the Act;

*former regulations* mean the Public Transport Competition Regulations 1999 and regulation 19 of the Transport (Passenger Vehicles) Regulations 2005;

*hazard warning device* means flashing lights and signs sufficient to warn surrounding traffic that passengers are entering or leaving a bus;

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

*investigation report* means a report relating to a bus incident prepared in accordance with regulation 25(4);

*licensed bus tester* means a person who—

- (a) holds a tester's licence under Chapter 6 of the Road Safety (Vehicles) Regulations 2009; and
- (b) is authorised by that licence to examine and test buses;

*maintenance management system* means a system established in accordance with regulation 19 containing information about the maintenance management of each bus used in the provision of bus services operated by the accredited bus operator;

*management information system* means a system established in accordance with regulation 18, containing information about the management of each bus service operated by the accredited bus operator;



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

**Note**

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

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

*VicRoads* means the Roads Corporation continued under section 80 of the **Transport Integration Act 2010**.

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## **PART 2—BUS OPERATIONS**

### **5 Maximum number of passengers**

- (1) The operator of a bus service must, for each bus used to provide the bus service—
  - (a) determine in accordance with subregulation (2) the maximum number of passengers that may be safely carried on the bus;
  - (b) maintain a record of the number so determined.
- (2) The maximum number of passengers that may be safely carried on a bus must be one of the following—
  - (a) the carrying capacity of the bus determined by the manufacturer and specified on a compliance plate affixed to the bus; or
  - (b) the carrying capacity of the bus specified in a certificate issued by a licensed bus tester.
- (3) The operator of a bus service must ensure that the driver of each bus used in the bus service is aware of the number recorded under subregulation (1).

### **6 Bus standards**

- (1) Subject to subregulation (2), the operator of a bus service must ensure that every bus used to provide a bus service complies with each bus standard that is applicable to the bus unless an exclusion specified in Schedule 2 applies.  
Penalty: 20 penalty units.
- (2) The Safety Director may exempt a bus from a bus standard if, in the Safety Director's opinion, the bus standard is inappropriate having regard to—
  - (a) the design or construction of the bus; or
  - (b) the type of bus service the bus is used to provide.

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## 7 Devices for school buses

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

Penalty: 20 penalty units.

- (2) If a bus used to provide a school bus service was fitted with warning lights before 1 July 1999, the operator of that school bus service must be taken to comply with subregulation (1) if the bus—

- (a) is fitted with a hazard warning device; and
- (b) has signs fitted to the front and rear of the bus displaying the words "school bus" in capital letters at least 100 millimetres high.

- (3) Subject to subregulation (4), the driver of a bus that is required to be fitted with either complying lights and signs under subregulation (1) or a hazard warning device under subregulation (2)(a) must ensure that the lights or hazard warning device operate when the bus is stationary on the highway for the purpose of picking up or setting down school children.

Penalty: 10 penalty units.

- (4) A driver of a bus does not commit an offence under subregulation (3) if the lights or hazard warning device fail to operate due to a mechanical failure or other circumstances beyond the control of the driver.

- (5) If subregulation (4) applies, the driver of a bus must, as soon as reasonably practicable—
- (a) inform the operator of the school bus service;
  - (b) cease operating the bus.

- (6) If a bus has ceased operating under subregulation (5)(b), the operator of the school bus service must not allow that bus to be used for a school bus service until the lights or hazard warning device are operational.

Penalty: 20 penalty units.

### **8 Fire extinguishers**

The operator of a bus service must ensure that each bus used in the provision of the bus service is not used unless all fire extinguishers fitted to that bus are maintained in operating condition.

Penalty: 10 penalty units.

### **9 Signage**

An accredited bus operator must ensure that any signs required by the Safety Director by notice in writing for the safety of passengers are displayed in each bus operated by the accredited bus operator.

Penalty: 2 penalty units.

### **10 Number plates**

- (1) An accredited bus operator must display accredited bus operator number plates on each of the operator's buses that are registered in Victoria.

Penalty: 10 penalty units.

#### **Example**

An operator accredited in Victoria to provide an interstate coach service using a bus registered in another State or Territory is not required to display accredited bus operator number plates on that bus.

- (2) A person must not display accredited bus operator number plates on a bus unless that person is accredited to operate that bus.

Penalty: 10 penalty units.

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**11 Driver must not have alcohol or drugs present**

The driver of a bus must not have alcohol or drugs present in his or her blood or breath immediately before, or while, driving a bus.

Penalty: 10 penalty units.

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**PART 3—ACCREDITATION MATTERS**

**Division 1—Accreditation**

**12 Fee to accompany application**

If no application fee for the purposes of section 25(2)(b)(i) of the Act has been set by the Safety Director under section 67 of the Act, the application fee is the amount specified in item 1 of Schedule 3.

**13 Annual accreditation fee**

If no annual accreditation fee has been set by the Safety Director under section 67 of the Act, the amount of the annual accreditation fee is the amount determined in accordance with item 2 of Schedule 3.

**14 Application for accreditation—things to accompany application**

For the purposes of sections 25(2)(b)(ii) and 25(2)(d) of the Act, the following must accompany an application for accreditation—

- (a) if the applicant is a natural person, the name of that person;
- (b) if the applicant is a partnership—
  - (i) evidence of the partnership;
  - (ii) the names of all partners at the time of the application;
- (c) if the applicant is an unincorporated body or association other than a partnership—
  - (i) the certificate of business name or other document creating or evidencing the existence of the applicant;

Reg. 14(b)(i)  
substituted by  
S.R. No.  
68/2013 reg. 5.

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- (ii) the names of all members of the committee of management of the body or association at the time of the application;
  - (d) if the applicant is a company, co-operative or incorporated association—
    - (i) the certificate of incorporation;
    - (ii) the names of the directors at the time of the application;
  - (e) if the applicant is a body corporate other than a company, co-operative or incorporated association—
    - (i) the document creating or evidencing the existence of the applicant;
    - (ii) the names of all office bearers at the time of the application;
  - (f) a copy of a current certificate of roadworthiness for each bus to be used in providing the bus service;
  - (g) dates of any previous licence, registration or accreditation held by the applicant in relation to the operation of a bus service (whether under the Act or under an earlier enactment relating to the licensing, registration or accreditation of bus operators, or under an Act in another State or Territory);
  - (h) a copy of the applicant's management information system;
  - (i) a copy of the applicant's maintenance management system;
  - (j) if the applicant or the responsible person has successfully completed an approved training course, documentary evidence of that completion;

- (k) evidence as to whether or not the applicant (or if the applicant is not a natural person, each relevant person) has been found guilty of a tier 1 offence, a tier 2 offence or a tier 3 offence;
- (l) evidence that shows whether or not the applicant (or if the applicant is not a natural person, each relevant person) is subject to—
  - (i) reporting obligations referred to in section 12(1)(a) of the **Working with Children Act 2005**; or
  - (ii) an order referred to in section 12(1)(b) of the **Working with Children Act 2005**;
- (m) if the Safety Director so requires, documentary evidence that the applicant is or has been accredited in another State or Territory to operate a similar type of bus service, together with details of that accreditation.

### **15 Prescribed conditions of accreditation**

For the purposes of section 34(1)(b) of the Act, the following are prescribed conditions of accreditation—

- (a) an accredited bus operator must ensure that every bus used in the provision of the bus service complies with, or is operated in accordance with, Part 2;
- (b) an accredited bus operator—
  - (i) must complete an audit at least annually of their management information system and their maintenance management system to identify any deficiencies in those systems;



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- (ii) must rectify any deficiencies found during the audit or as a result of the audit;
  - (c) an accredited bus operator—
    - (i) must not deface or alter a certificate of accreditation;
    - (ii) must not part with possession of a certificate of accreditation except as required or permitted under these Regulations or the Act;
  - (d) an accredited bus operator must deliver the certificate of accreditation to the Safety Director within 14 days of—
    - (i) the document being defaced or altered; or
    - (ii) the operator receiving notice of the suspension or cancellation of the accreditation; or
    - (iii) the operator receiving a new certificate of accreditation following variation of the accreditation under section 42 of the Act; or
    - (iv) the operator ceasing to be accredited;
  - (e) an accredited bus operator must pay to the Safety Director the annual accreditation fee—
    - (i) in the first year in which an accreditation has been granted by the Safety Director, within 14 days after the Safety Director granted the accreditation;
    - (ii) in each subsequent year, within 14 days after the anniversary of the date of the granting of the accreditation.

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**Division 2—Record keeping for accredited bus operators**

**16 Retention of records**

- (1) An accredited bus operator must retain the following records in a safe and secure location for the specified period—
- (a) a record of the name, address, driver licence number and driver accreditation issued under Division 6 of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983**, of each person who drives a bus operated by the accredited bus operator;
  - (b) any document required to demonstrate compliance with the conditions of accreditation;
  - (c) any document produced as part of the management information system or maintenance management system;
  - (d) any document produced as part of the annual audit of bus service operations under regulation 15(b)(i);
  - (e) evidence of annual inspections in accordance with Part 5 in respect of each bus operated by the accredited bus operator;
  - (f) any other record that the accredited bus operator is required to keep as a condition of accreditation.

Penalty: 5 penalty units.

- (2) An accredited bus operator must ensure that the books and records are kept in the English language.

Penalty: 5 penalty units.

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

### **17 Disclosure of records**

- (1) An accredited bus operator must not directly or indirectly make a record of, disclose to any person, or make use of, any information acquired under regulation 16(1)(a) except—
- (a) with the consent of the person from whom the information is obtained; or
  - (b) if otherwise lawfully authorised or required.

Penalty: 20 penalty units.

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

### **Division 3—Management systems**

#### **18 Management information system to be maintained**

An accredited bus operator must establish and maintain a system for managing information about the operation of the bus service in accordance with the requirements notified in writing to the accredited bus operator by the Safety Director.

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**19 Maintenance management system to be maintained**

An accredited bus operator must establish and maintain a system for ensuring that buses operated by the operator are maintained in accordance with the requirements notified in writing to the accredited bus operator by the Safety Director.

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**PART 4—REGISTRATION**

**20 Application for registration**

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

**21 Application for registration—prescribed information**

For the purposes of section 22(3)(b) of the Act, an application for registration must contain the following prescribed information—

- (a) if the applicant is a natural person, the name of that person;

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- (b) if the applicant is a partnership—
    - (i) the partnership agreement;
    - (ii) the names of all partners at the time of the application;
  - (c) if the applicant is an unincorporated body or association other than a partnership—
    - (i) the certificate of business name or other document creating or evidencing the existence of the applicant;
    - (ii) the names of all members of the committee of management of the body or association at the time of the application;
  - (d) if the applicant is a company, co-operative or incorporated association—
    - (i) the certificate of incorporation;
    - (ii) the names of the directors at the time of the application;
  - (e) if the applicant is a body corporate other than a company, co-operative or incorporated association—
    - (i) the document creating or evidencing the existence of the applicant;
    - (ii) the names of all office bearers of the body at the time of the application;
  - (f) a copy of a current certificate of roadworthiness for each bus to be used in providing the bus service;
  - (g) the dates of any previous registrations or accreditations held by the applicant in relation to the operation of bus services.

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## **22 Issue of certificate of registration**

If the Safety Director grants an application for registration, the Safety Director must issue a certificate of registration to the registered bus operator which—

- (a) is in the form approved by the Safety Director;
  - (b) specifies—
    - (i) a registration number allocated to the registered bus operator by the Safety Director;
    - (ii) the name and contact details of the registered bus operator;
    - (iii) the name and contact details of the contact person (if different from the registered bus operator);
    - (iv) any additional information that the Safety Director considers appropriate.
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**PART 4A—EXEMPTIONS**

Pt 4A  
(Heading  
and regs  
22A–22E)  
inserted by  
S.R. No.  
68/2013 reg. 6.

Reg. 22A  
inserted by  
S.R. No.  
68/2013 reg. 6.

**22A Information to be contained in application for exemption**

- (1) For the purposes of section 52B(2)(b) of the Act, the following information must be contained in an application for exemption—
  - (a) the applicant's name and address for correspondence;
  - (b) the name and contact details of the person or persons appointed by the applicant to deal with queries that the Safety Director may have in relation to the application;
  - (c) if the applicant is a partnership—
    - (i) evidence of the partnership; and
    - (ii) the names of all partners at the time of the application;
  - (d) if the applicant is an unincorporated body or association other than a partnership—
    - (i) the certificate of business name or other document creating or evidencing the existence of the applicant; and
    - (ii) the names of all members of the committee of management of the association or body at the time of the application;
  - (e) if the applicant is a company, co-operative or incorporated association—
    - (i) the certificate of incorporation; and



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- (ii) the names of the directors at the time of the application;
  - (f) if the applicant is a body corporate other than a company, co-operative or incorporated association—
    - (i) the document creating or evidencing the existence of the applicant; and
    - (ii) the names of all office bearers at the time of the application;
  - (g) details of the specific designated provision from which an exemption is sought;
  - (h) if the applicant holds an accreditation, details of that accreditation;
  - (i) if the applicant holds a registration, details of that registration.
- (2) If a person applies for an exemption from a designated provision and any part of the bus service in respect of which the exemption is sought is intended to be carried out by another person or persons, the application must contain—
- (a) the name and contact details of each such person; and
  - (b) details of the part of the bus service that it is intended that the person will carry out on behalf of the applicant.

## **22B Requirements for exemption**

- (1) For the purposes of section 52C(b) of the Act, it is a requirement that an applicant for an exemption provide evidence that the provision from which an exemption is sought imposes a regulatory burden that is excessively onerous or unreasonable in the circumstances having regard to—

Reg. 22B  
inserted by  
S.R. No.  
68/2013 reg. 6.

- (a) the purpose and objects of the Act; and
  - (b) the principles of bus safety.
- (2) In addition, it is a requirement that an applicant for an exemption from accreditation provide evidence that—
- (a) the granting of the exemption will not reduce the safe operation of the bus service in respect of which the exemption is sought; and
  - (b) having regard to the scale and nature of the bus operations for which the exemption is sought, the applicant has sufficient competence and capacity to manage risks to safety associated with operating the bus service if the exemption is granted; and
  - (c) the applicant has sufficient financial capacity, or public risk insurance arrangements, to meet reasonable potential accident liabilities arising from the bus service in respect of which the exemption is sought.

Reg. 22C  
inserted by  
S.R. No.  
68/2013 reg. 6.

### **22C Exemption subject to conditions**

- (1) For the purposes of section 52D(2) of the Act, it is a condition of an exemption that the operator of the bus service in respect of which the exemption is granted—
- (a) keeps a copy of the notification of the exemption and produces the notification on the request of the Safety Director; and
  - (b) notifies the Safety Director if—
    - (i) the nature of the activity for which an exemption has been granted changes; or
    - (ii) the details specified in the application for exemption change.

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- (2) In addition, it is a condition of an exemption from registration or accreditation that the operator of the bus service in respect of which the exemption is granted—
- (a) ensures that—
    - (i) a person driving a bus for that bus service holds an appropriate driver licence; and
    - (ii) a person driving a bus for that bus service, if it is a commercial bus service, a local bus service or a commercial mini-bus service, is the holder of a driver accreditation under Division 6 of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983** to drive that bus; and
    - (iii) each bus used to provide the bus service undergoes a safety inspection annually in accordance with section 19 of the Act and regulation 23 (unless the Safety Director provides otherwise in the granting of the exemption); and
  - (b) uses buses that comply with vehicle standards applicable to buses under the **Road Safety Act 1986**; and
  - (c) notifies the Safety Director if—
    - (i) the nature of the bus service changes; or
    - (ii) the operator of the bus service ceases to operate the bus service; and

- (d) complies with Part 5 of the Act; and
- (e) complies with Part 6 of the Regulations.

**Note**

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

- (3) In this regulation—

*notification* of an exemption, means a notification given to the applicant under section 52D(3) of the Act together with any notification of a variation to the exemption given under section 52F(2) and any notification of any variation to the conditions or restrictions imposed on the exemption given under section 52I(3).

Reg. 22D  
inserted by  
S.R. No.  
68/2013 reg. 6.

**22D Application for variation of an exemption**

For the purposes of section 52E(3)(b) of the Act, an application for a variation of an exemption must contain—

- (a) the applicant's name and address for correspondence;
- (b) evidence that the application for variation has been endorsed by—
  - (i) the partners of the partnership; or
  - (ii) members of the committee of management of the association or body; or
  - (iii) the directors of the company, co-operative or incorporated association; or
  - (iv) the office bearers of the body corporate—as the case may be;

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- (c) details of the scope and nature of the proposed variation;
  - (d) information required by regulation 22B (so far as it is applicable to the proposed variation).

**22E Exemption guidelines to be developed and published**

Reg. 22E  
inserted by  
S.R. No.  
68/2013 reg. 6.

- (1) Not later than 28 days after this regulation comes into operation, the Safety Director must make guidelines which explain how an application for exemption will be received, assessed and finalised by the Safety Director.
  - (2) The Safety Director may amend guidelines made under this section at any time after guidelines referred to in subregulation (1) take effect.
  - (3) The guidelines and any subsequent amendments to the guidelines made under this section—
    - (a) must be published in the Government Gazette; and
    - (b) take effect on the day they are published in the Government Gazette.
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**PART 5—BUS INSPECTIONS**

**23 Annual inspection**

(1) Subject to subregulation (4), for the purposes of section 19 of the Act, a safety inspection must be carried out annually by a licensed bus tester.

Reg. 23(1A)  
inserted by  
S.R. No.  
9/2012 reg. 4.

(1A) If a registered bus operator is required to ensure that an annual safety inspection of a bus is carried out under subregulation (1), the first inspection of the bus must take place within 365 days following registration of the bus operator or, if the bus is acquired after registration, within 365 days following its acquisition.

Reg. 23(1B)  
inserted by  
S.R. No.  
9/2012 reg. 4.

(1B) Each subsequent annual inspection must be conducted not earlier than 14 days before, and not later than 14 days after, the anniversary of the date on which the first inspection is conducted.

(2) When carrying out a safety inspection a licensed bus tester must—

- (a) subject to this subregulation, consider the matters required to be considered under Chapter 6 of the Road Safety (Vehicles) Regulations 2009;
- (b) consider these Regulations;
- (c) if there is any inconsistency between matters required to be considered under Chapter 6 of the Road Safety (Vehicles) Regulations 2009 and these Regulations, follow these Regulations to the extent of the inconsistency.

(3) A licensed bus tester must provide such information to the Safety Director about a bus inspection carried out by the licensed bus tester as the Safety Director requests in writing.

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- (4) The Safety Director may exempt an accredited bus operator or a registered bus operator from the requirement to ensure that a bus undergoes a safety inspection if, in the opinion of the Safety Director, that bus has undergone a satisfactory safety inspection outside Victoria.
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**PART 6—REPORTING AND INVESTIGATION**

**24 Duty to notify Safety Director of bus incidents**

- (1) For the purposes of section 65 of the Act, a bus incident is a prescribed incident.
- (2) An accredited bus operator or a registered bus operator must orally notify the Safety Director as soon as possible after becoming aware that a bus incident has occurred.
- (3) An accredited bus operator or a registered bus operator must provide the Safety Director with a written notification of any bus incident—
  - (a) in a form approved by the Safety Director;
  - (b) within 72 hours after the bus incident, unless the Safety Director agrees in writing to an extension of time.

**25 Bus incident investigation**

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

Penalty: 2 penalty units.

- (2) The operator must commence an investigation required under subregulation (1) within 7 days after being given a direction under that subregulation.

Penalty: 2 penalty units.

- (3) An accredited bus operator or a registered bus operator may elect to undertake an investigation of a bus incident without direction from the Safety Director, but in that case the operator of the bus service must notify the Safety Director—

- (a) that an investigation has commenced;



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- (b) of the date, within the period of 60 days after notifying the Safety Director under this subregulation, by which the investigation report will be completed.
- (4) An accredited bus operator or a registered bus operator undertaking an investigation of a bus incident must produce, as soon as practicable after the bus incident, an investigation report containing—
- (a) a description of the bus incident;
  - (b) an analysis of the causes of the bus incident;
  - (c) recommended actions to prevent such a bus incident occurring again.
- (5) An accredited bus operator or a registered bus operator must provide the Safety Director with a copy of the investigation report—
- (a) in the case of an investigation required under subregulation (1), no later than—
    - (i) the period specified by the Safety Director in giving a direction under subregulation (1); or
    - (ii) if no period is specified, 60 days after a direction is given under subregulation (1).
  - (b) in the case of an investigation commenced under subregulation (3)—
    - (i) within 7 days of the date of completion specified under subregulation (3)(b); or
    - (ii) the expiry of any further period that has been agreed to by the Safety Director.

Penalty: 5 penalty units.

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- (6) The Safety Director may require an accredited bus operator or a registered bus operator to—
- (a) conduct a more detailed investigation into a bus incident; or
  - (b) provide further information in an investigation report; or
  - (c) clarify certain matters contained within an investigation report.
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**PART 7—SAVINGS AND TRANSITIONAL**

**26 Deemed accreditation**

- (1) Any accreditation held by a person under Part 2 of the **Public Transport Competition Act 1995** ceases on 31 December 2010 and that person is deemed as from that date to be accredited under Part 4 of the Act.
- (2) A deemed accreditation held by a person under subregulation (1) will expire—
  - (a) if a person makes an application for accreditation or registration under the Act within 5 years after 31 December 2010, on the day that application is determined by the Safety Director; or
  - (ab) if the Safety Director grants an exemption from accreditation or registration under the Act, on the day the exemption takes effect; or
  - (b) in any other case, 31 December 2015.
- (3) If accredited bus number plates were issued in relation to a bus operated by an accredited bus operator before 31 December 2010, the plates must be returned as directed by the Safety Director within one month of a written request by the Safety Director.

Reg. 26(2)(ab)  
inserted by  
S.R. No.  
68/2013 reg. 7.

**27 Where decision to accredit not yet made**

If an application for accreditation or renewal of accreditation under Part 2 of the **Public Transport Competition Act 1995** was made, or an application for a licence under Division 5 of Part VI of the **Transport (Compliance and Miscellaneous) Act 1983** was made in respect of a vehicle that is a bus, but a decision whether to grant accreditation or a licence had not been made as at 31 December 2010—

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- (a) the application is on and from 31 December 2010 to be taken to be an application for accreditation or registration under the Act, as appropriate;
  - (b) the applicant must provide any additional information required by Part 4 of the Act in relation to an application for accreditation;
  - (c) the applicant must provide any additional information required by Part 4 of these Regulations in relation to an application for registration.

## **28 Preservation of records**

Records kept by an accredited bus operator under the former regulations and existing immediately before 31 December 2010 are to be taken on and from that date to be the records of the accredited bus operator for the purposes of regulation 16.

## **29 Approved training courses**

If—

- (a) a person has completed a training course before 31 December 2010; and
- (b) that training course is approved under section 26(3) of the Act—

the person is to be taken to have completed an approved training course for the purposes of the Act or these Regulations.

## **30 Certificate of roadworthiness**

If an applicant for accreditation or registration—

- (a) was accredited under Part 2 of the **Public Transport Competition Act 1995** as at 30 December 2010; and

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(b) provides evidence to the satisfaction of the Safety Director that a bus has undertaken and passed an inspection in accordance with the former regulations—

that evidence is to be taken for the purposes of these Regulations to be a current certificate of road worthiness for that bus for a period not exceeding 12 months from the date of the inspection.

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## SCHEDULES

### SCHEDULE 1

Regulation 4

#### BUS STANDARDS

##### 1 Stability

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

##### 2 Device to remove windscreen condensation

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

##### 3 Exposed bars above or behind seat

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

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**4 Equipment or device must enable view of passengers**

A bus which is to be operated in a service on which a conductor will not always be present must have a mirror or mirrors, closed circuit television or other device which provides the driver with a view of passengers in or on the bus.

**5 Luggage rack must be safe**

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

**6 Bulkhead behind driver's seat**

If the Safety Director requires a bus to have a bulkhead behind the driver's seat it must extend at least 250 millimetres each side of the centre of the driver's seating position and from at least 305 millimetres to 1.52 metres high and be constructed so as not to obstruct the seated driver's view of the bus interior.

**7 Notices as to maximum number of adult passengers**

A bus built with seating positions for 13 or more adults, including the driver, must have notices on or in the bus to the satisfaction of the Safety Director which clearly show, in letters at least 25 millimetres high and of proportionate width, the maximum number of passengers that may be safely carried on the bus.

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**SCHEDULE 2**

Regulations 4, 6

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

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



Bus Safety Regulations 2010  
S.R. No. 110/2010

Sch. 2

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<i>ADR Number</i>	<i>Short details</i>	<i>Exclusions</i>
58/00 Clause 58.24	Fire extinguishers	Second fire extinguisher not required.
58/00 Clause 58.26	Seats ahead of driver	

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**SCHEDULE 3**

**FEES**

**1 Application fee (regulation 12)**

The fee to accompany an application for accreditation is 40 fee units.

**2 Annual accreditation fee (regulation 13)**

The annual accreditation fee is calculated in accordance with the following formula—

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

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

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## ENDNOTES

### 1. General Information

The Bus Safety Regulations 2010, S.R. No. 110/2010 were made on 12 October 2010 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under sections 72 to 78 of the **Bus Safety Act 2009**, No. 13/2009 and came into operation on 31 December 2010: regulation 3.

The Bus Safety Regulations 2010 will sunset 10 years after the day of making on 12 October 2020 (see section 5 of the **Subordinate Legislation Act 1994**).

Bus Safety Regulations 2010  
S.R. No. 110/2010

**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the Bus Safety Regulations 2010 by statutory rules, subordinate instruments and Acts.

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Bus Safety Amendment Regulations 2012, S.R. No. 9/2012

*Date of Making:* 21.2.12

*Date of Commencement:* 1.3.12: reg. 3

Bus Safety Amendment (Red Tape Reduction) Regulations 2013, S.R. No. 68/2013

*Date of Making:* 18.6.13

*Date of Commencement:* 18.6.13

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### 3. Explanatory Details

#### Fee Units

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

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

The value of a fee unit for the financial year commencing 1 July 2012 is \$12.53. The amount of the calculated fee may be rounded to the nearest 10 cents.

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

#### Table of Applied, Adopted or Incorporated Matter

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulations 4 (definition of <i>bus standard</i> ), 6 and Schedule 2.	Vehicle Standard (Australian Design Rule 42/00 — General Safety Requirements) 2006, dated 23 September 2006, published by the Commonwealth Department of Transport and Regional Services.	Clauses 42.8, 42.10.3.

Bus Safety Regulations 2010  
S.R. No. 110/2010

Endnotes

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulations 4 (definition of <i>bus standard</i> ), 6 and Schedule 2.	Vehicle Standard (Australian Design Rule 58/00 — Requirements for Omnibuses Designed for Hire and Reward) 2006, dated 26 April 2006, published by the Commonwealth Department of Transport and Regional Services.	Clauses 58.4, 58.5, 58.6, 58.7, 58.8, 58.12, 58.13, 58.14, 58.15, 58.16, 58.18, 58.20, 58.21, 58.22, 58.23, 58.24, 58.26.