



New South Wales

Road Transport (Safety and Traffic Management) Amendment (Child Safety on School Buses) Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to ensure that, from the first day of Term 3 of the 2013 school year, passengers on any bus being used for the purpose of carrying school children will not be permitted to stand while the bus is moving (in the case of a bus travelling on an unsealed road or on a road with a speed limit of 80 kilometres per hour or higher that is outside the areas of Sydney, Newcastle, Central Coast, Blue Mountains and Wollongong), and
- (b) to require, from 2018, the fitting of seatbelts (in accordance with the relevant Australian Design Rules) on buses that are used solely or principally for the purpose of carrying school children in rural and regional areas, and
- (c) to require the Minister to prepare and publicise a School Student Code of Conduct that sets out the rights and obligations of school students who travel on school bus journeys.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Road Transport (Safety and Traffic Management) Act 1999 No 20

Schedule 1 [1] inserts a new Part 5A (Child safety on school buses) in the *Road Transport (Safety and Traffic Management) Act 1999* with the following provisions:

Proposed Part 5A Child safety on school buses

Division 1 Preliminary

Proposed section 70A defines words and expressions used in the proposed Part. *School bus journey* is defined to mean a journey in which a bus is used primarily to carry school children to or from school, a school excursion, a school sporting trip or an organised extra-curricular activity. *Rural or regional school bus journey* is defined as any school bus journey in which, at any time during that journey, the bus travels outside the areas of Sydney, Newcastle, Central Coast, Blue Mountains and Wollongong and *non-urban road* is defined as an unsealed dirt road or a road with a speed limit of 80 kilometres per hour or higher that is outside the areas of Sydney, Newcastle, Central Coast, Blue Mountains and Wollongong.

Division 2 No standing on school bus journeys

Proposed section 70B provides that the proposed sections prohibiting standing on school bus journeys take effect on 15 July 2013 (the first day of Term 3 of the 2013 school year).

Proposed section 70C requires the driver of a bus that is being used on a school bus journey on a non-urban road to ensure that there are enough seats on the bus for all passengers, and thus that no passenger needs to stand.

Proposed section 70D requires the driver of a bus that is being used on a school bus journey on a non-urban road to take all reasonable steps to ensure that no passenger on board the bus is standing at any time when the bus is moving.

Division 3 Seatbelts required on rural or regional school buses

Proposed section 70E provides that the proposed sections about seatbelts take effect on 1 January 2018.

Proposed section 70F requires seats, seat anchorages, seatbelts and accessories on a bus that is used solely or principally for the purpose of school bus journeys, and that is being used on a rural or regional school bus journey, to comply with certain Australian Design Rules. Those Rules currently specify requirements for seatbelts, seats and anchorages, make provision for protecting occupants from impact with seat backs and accessories on seats, and make seatbelts and other safety features

compulsory for coaches, but allow “route service omnibuses” and buses with a seat height of less than one metre to operate without complying with those requirements.

Proposed section 70G requires the operator of a bus that is used solely or principally for the purpose of school bus journeys and that is being used on a rural or regional school bus journey to display signs stating that a seatbelt must be worn when the bus is moving or to take other steps to make school children aware of the requirement to wear seatbelts.

Proposed section 70H requires the operator of a bus that is used solely or principally for the purpose of school bus journeys and that is being used on a rural or regional school bus journey to take all reasonable steps to ensure that every school child on the bus is wearing a seatbelt that is appropriately adjusted and fastened at any time when the bus is moving.

Division 4 School Student Code of Conduct

Proposed section 70I requires the Minister to prepare and publicise a School Student Code of Conduct that sets out the rights and obligations of school students who travel on school bus journeys.

Proposed section 70J specifies the minimum contents of a School Student Code of Conduct.

Schedule 1 [2] provides for the making of savings and transitional regulations consequent on the amendment of the *Road Transport (Safety and Traffic Management) Act 1999*.

Schedule 2 Amendment of other instruments

Schedule 2 [1] makes it clear that proposed Part 5A of the *Road Transport (Safety and Traffic Management) Act 1999* overrides clause 89 (Passengers to be notified of requirement to use seatbelts in buses) of the *Passenger Transport Regulation 2007*.

Schedule 2 [2] makes it clear that proposed Part 5A of the *Road Transport (Safety and Traffic Management) Act 1999* overrides provisions of the *Road Rules 2008* that create exemptions from the obligation to wear seatbelts.



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New South Wales

Road Transport (Safety and Traffic Management) Amendment (Child Safety on School Buses) Bill 2012

No. , 2012

A Bill for

An Act to amend the *Road Transport (Safety and Traffic Management) Act 1999* to make provision with respect to the safety of children travelling on school buses and to require certain buses to be fitted with seatbelts; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Road Transport (Safety and Traffic Management)</i>	3
<i>Amendment (Child Safety on School Buses) Act 2012.</i>	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1 Amendment of Road Transport (Safety and Traffic Management) Act 1999 No 20

[1] Part 5A

Insert after Part 5:

Part 5A Child safety on school buses

Division 1 Preliminary

70A Definitions

In this Part:

ADR 68/00 means the *Vehicle Standard (Australian Design Rule 68/00—Occupant Protection in Buses) 2006* determined under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time.

bus means a motor vehicle:

- (a) built mainly to carry people, and
- (b) that seats more than 12 people (including the driver).

non-urban road means:

- (a) an unsealed dirt road, or
- (b) a road where a speed limit of 80 kilometres per hour or higher applies and that is outside the area of Sydney, Newcastle, Central Coast and Wollongong (that is, the area bounded by the local government areas of Newcastle, Lake Macquarie, Wyong, Gosford, Hawkesbury, Blue Mountains, Penrith, Liverpool, Camden, Campbelltown, Wollongong and Shellharbour).

operator, in relation to a school bus journey, means the person who is accredited under the *Passenger Transport Act 1990* to operate the passenger service that comprises the school bus journey.

rural or regional school bus journey means a school bus journey during which the bus travels at any time outside the area of Sydney, Newcastle, Central Coast and Wollongong (that is, the area bounded by the local government areas of Newcastle, Lake Macquarie, Wyong, Gosford, Hawkesbury, Blue Mountains, Penrith, Liverpool, Camden, Campbelltown, Wollongong and Shellharbour).

school bus journey means a journey in which a bus is used primarily to carry school children to or from any infants, primary

or secondary school (whether to or from their homes or to or from a place visited on an organised school excursion, an organised school sporting trip or an organised extra-curricular activity, including, but not restricted to, an educational course) and whether or not adults are also carried.

school child means a student at an infants school, primary school or secondary school.

Division 2 No standing on school bus journeys 8

70B Commencement 9

This Division takes effect on 15 July 2013. 10

70C Standing passengers not to be carried on school bus journeys on non-urban roads 11
12

The driver of a bus that is being used on a school bus journey on a non-urban road must not carry more passengers on board the bus than there are seats on the bus for passengers. 13
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Maximum penalty: 50 penalty units. 16

70D Bus drivers must take steps to ensure no standing on school bus journeys on non-urban roads 17
18

(1) The driver of a bus that is being used on a school bus journey on a non-urban road must: 19
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(a) direct all passengers on board the bus to remain seated while the bus is moving, and 21
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(b) take all other reasonable steps to ensure that no passenger on board the bus is standing at any time while the bus is moving. 23
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Maximum penalty: 50 penalty units. 26

(2) The regulations may make provision for or with respect to what constitutes the taking of reasonable steps for the purposes of subsection (1). 27
28
29

Division 3 Seatbelts required on rural and regional school buses 30
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70E Commencement 32

This Division takes effect on 1 January 2018. 33

70F	Rural or regional school bus seats must be fitted with seat belts that comply with ADR 68/00	1 2
(1)	The operator of a bus that is used solely or principally for the purpose of school bus journeys must not, if the bus is being used on a rural or regional school bus journey, cause or permit passengers to be carried on the bus unless:	3 4 5 6
(a)	every passenger seat fitted to the bus has a reference height (within the meaning of ADR 68/00) of 1.0 metre or higher and complies with the requirements set out in ADR 68/00, and	7 8 9 10
(b)	every passenger seat fitted to the bus is fitted with a retractable lap-sash seat belt that complies with the requirements set out in ADR 68/00, and	11 12 13
(c)	the anchorage for each such seatbelt complies with the requirements set out in ADR 68/00, and	14 15
(d)	every accessory on a passenger seat fitted to the bus complies with the requirements set out in ADR 68/00.	16 17
	Maximum penalty: 50 penalty units.	18
(2)	For the purposes of determining whether an item complies with the requirements set out in ADR 68/00:	19 20
(a)	clause 2.2 of that document is to be disregarded, and	21
(b)	clause 5.1 of that document is to be read as if the words “with a ‘Reference Height’ greater than 1.0 metre” were omitted.	22 23 24
70G	Rural or regional school bus operator must display signs or give warnings about wearing seatbelts	25 26
(1)	The operator of a bus that is used solely or principally for the purpose of school bus journeys must not, if the bus is being used on a rural or regional school bus journey, cause or permit passengers to be carried on the bus unless reasonable steps have been taken to ensure that every school child who is a passenger on the bus is made aware that he or she is required to wear a seatbelt while the bus is moving.	27 28 29 30 31 32 33
	Maximum penalty: 50 penalty units.	34
(2)	The steps that may be taken to comply with subsection (1) include (but are not limited to) the following:	35 36
(a)	displaying one or more signs stating “You must wear your seatbelt when this bus is moving” that are of such a size and positioned in such a place that every person seated on	37 38 39

	the bus (other than the driver) can see and read at least one sign,	1
	(b) arranging for the driver of the bus to notify school children (for example, through a public address system on the bus or by means of a recorded audio message or video) of the requirement to wear a seatbelt while the bus is moving,	2
	(c) such other steps as may be prescribed by the regulations.	3
70H	Rural or regional school bus operator must take steps to ensure seatbelts are worn on school bus journeys	4
	(1) The operator of a bus that is used solely or principally for the purpose of school bus journeys must ensure that, if the bus is used on a rural or regional school bus journey, the driver takes all reasonable steps to ensure that every school child on the bus is wearing a seatbelt that is appropriately adjusted and fastened at any time that the bus is moving.	5
	Maximum penalty: 50 penalty units.	6
	(2) The regulations may make provision for or with respect to what constitutes the taking of reasonable steps for the purposes of subsection (1).	7
Division 4	School Student Code of Conduct	8
70I	Minister to prepare and publicise School Student Code of Conduct	9
	(1) The Minister is to prepare a School Student Code of Conduct that sets out the rights and obligations of school students who travel on school bus journeys.	10
	(2) The Minister is not to finalise the Code of Conduct unless the Minister has consulted with:	11
	(a) parent and carer groups, and	12
	(b) BusNSW (the Bus and Coach Association of New South Wales).	13
	(3) The Minister is to publicise the Code of Conduct to students who travel on school bus journeys and their parents and carers in the manner that the Minister considers most appropriate.	14

70J	Contents of School Student Code of Conduct	1
	The School Student Code of Conduct must include, but is not limited to, the following:	2 3
	(a) a description of the behaviour expected of students on school buses, including some examples of acceptable and unacceptable behaviour,	4 5 6
	(b) the responsibilities of students, parents and carers in relation to the wearing of any seatbelts that are available,	7 8
	(c) a statement that the wearing of seatbelts, where fitted, is a “condition of travel” and of the consequences of not wearing them,	9 10 11
	(d) the responsibilities of the driver in relation to student management, including the wearing of any seatbelts that are available.	12 13 14
[2]	Schedule 2 Savings, transitional and other provisions	15
	Insert at the end of clause 1 (1):	16
	any other Act that amends this Act	17

Schedule 2	Amendment of other instruments	1
2.1	Passenger Transport Regulation 2007	2
	Clause 89 Passengers to be notified of requirement to use seatbelts in buses	3
		4
	Insert after clause 89 (2):	5
	(3) On and from 1 January 2018, this clause does not apply in relation to a bus that is being used on a rural or regional school bus journey within the meaning of Part 5A of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> .	6
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		9
2.2	Road Rules 2008	10
	Rule 267 Exemptions from wearing seatbelts	11
	Insert after rule 267 (8–1):	12
	(8–2) On and from 1 January 2018, this rule does not apply in relation to a bus that is being used on a rural or regional school bus journey within the meaning of Part 5A of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> .	13
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	Note. This subrule is an additional NSW subrule. There is no corresponding subrule in rule 267 of the <i>Australian Road Rules</i> .	17
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