

NSW Bus Industry  
Taskforce

# First Safety Report

July 2023



OFFICIAL

# Bus Industry Taskforce

The Hon Jo Haylen  
Minister for Transport

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Re: Bus Industry Taskforce – First Safety Report

31 July 2023

Dear Minister

In accordance with the expanded Terms of Reference for the Bus Industry Taskforce, as Chair on behalf of the members, I am pleased to submit to you the First Safety Report of the Taskforce.

The Taskforce acknowledges the tragic events of 11 June 2023 that prompted the expanded Terms of Reference and sends its condolences to all those affected. We trust that our work will contribute in a meaningful way to minimising the risk of this sort of event ever happening again.

This Report responds to the Minister's request for an overview of any early findings in relation to the retrofitting of seatbelts on school buses and any other immediate recommendations obtained through investigations by 31 July 2023. We flag some areas of concern. Future reports of the Taskforce will address the terms of reference in full.

Research demonstrates that seatbelts save lives. Current legal requirements, in particular Australian Design Rules, mandate the fitting of compliant seats and seatbelts on buses and coaches of certain configurations, but exempt route services from these requirements.

It is longstanding policy in NSW to require seatbelts on school buses in regional NSW, as well as several other measures to reduce risks associated with bus travel on high-speed regional roads. The Taskforce also notes that roll out of seatbelts has commenced in some parts of outer metropolitan areas, specifically in the Hunter region, where road quality and speed of travel are similar to those in regional areas. The Taskforce supports this approach and recommends that this rollout be completed as soon as possible.

We recommend further activities to promote the use of seatbelts where they are fitted, and consideration of ways in which to strengthen the responsibility of bus and coach operators to inform their passengers of their legal obligation to buckle up.

We also recommend a thorough examination of the risks associated with standees on buses, exploring potential risk mitigation approaches, including the limiting of maximum speeds for a bus with standing passengers.

On behalf of the Taskforce, I would like to acknowledge the contributions and assistance provided by stakeholders and look forward to working with them on our future reports and recommendations.

Sincerely,



John Lee  
Chair  
Bus Industry Taskforce

# Acknowledgement of Country

The Bus Industry Taskforce acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation’s First Peoples followed for tens of thousands of years.

The Taskforce honours Aboriginal peoples’ cultural and spiritual connections to the lands, waters and seas and their rich contribution to society.

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# List of Abbreviations

Term	Definition
ADR	Australian Design Rule
ASAR	Annual Self-Assessment Report
BOAS	Bus Operator Accreditation Scheme
CoR	Chain of Responsibility
DDA	Disability Discrimination Act 1992 (Commonwealth)
DSAPT	Disability Standards for Accessible Public Transport
FSI	Fatalities or serious injuries
HVNL	Heavy Vehicle National Law
Km/h	Kilometres per hour
NHVAS	National Heavy Vehicle Accreditation Scheme
NHVR	National Heavy Vehicle Regulator
NTC	National Transport Commission
ODUB	One Door Urban Bus
OTSI	Office of Transport Safety Investigations
PT Act 1990	Passenger Transport Act 1990 (NSW)
PT Act 2014	Passenger Transport Act 2014 (NSW)
SMS	Safety Management System
SSTS	School Student Transport Scheme
Transport	Transport for NSW
VMD	Vehicle monitoring device

# 1. Executive Summary

## 1.1 Background

Bus and coach travel in NSW is generally very safe. However, given their size and passenger capacity, when crashes involving buses or coaches occur they can result in a greater number of fatalities and serious injuries.

The tragic loss of 10 lives and many serious injuries resulting from the coach crash near Greta in the Hunter Valley on 11 June 2023 is the most recent example of this.

The Taskforce is not tasked with investigating the circumstances of this crash. That is a matter for the Police and other investigating authorities.

This tragic event does, however, present a renewed and continuous focus on how well the risks of bus operations are managed in this State. Previous major coach tragedies including the 1989 Grafton and Kempsey crashes were the catalyst for safety improvements that have contributed to the current lower risk profile for buses and coaches in NSW.

The Minister for Transport has therefore charged the Taskforce with the additional task of considering whether further improvements could be made to provide increased safety assurance. The full extended terms of reference are set out at [2.1](#).

In this interim report we respond to the Minister's request for an overview of any early findings in relation to the retrofitting of seatbelts on school buses and any other immediate recommendations obtained through investigations by 31 July 2023. We flag some areas of concern. Future reports of the Taskforce will address the terms of reference in full.

## 1.2 Key findings

Past major incidents involving buses and coaches, with high numbers of fatalities, have provided the impetus for changes to support improved road safety outcomes. The measures implemented in the years following the Grafton and Kempsey coach disasters of late 1989 have contributed to the generally safer road environment we enjoy today. A chronology of major safety improvements initiated since late 1989 is provided in [Appendix A](#).

The overall improved positive safety record for buses and coaches (which is examined in greater detail in [Chapter 4](#)) is achieved in the context of strong safety regulation, at both the Commonwealth and State level. Australian jurisdictions have worked together through ministerial councils to develop national harmonised heavy vehicle laws. These combine with NSW laws and requirements around vehicle inspections, driver authorisation and bus operator accreditation to create an environment where the risk of moving people on buses and coaches on our roads is generally well-managed.

As long as tragic incidents like that on 11 June 2023 continue to occur, it is appropriate to continually question and re-assess whether the combination of laws at state and national levels is optimum, and whether and how improvements could be made.

The Taskforce notes that Australia is world leading on its requirements regarding bus seatbelts. NSW has some additional requirements such as bus door safety, vehicle monitoring devices, fire suppression systems, wig-wag lights that are unique to the state. NSW is the only jurisdiction in Australia that requires annual inspections of every vehicle, and where public passenger vehicles (which includes buses) must be inspected twice a year. According to the National Heavy Vehicle Regulator (NHVR), compared to the rest of

Australia, NSW has the most testing stations and these are located strategically on major freight routes across NSW.

This report represents our first opportunity to consider the current state of play with regard to bus and coach safety and to continue the work of improvement. We highlight some possible areas of concern arising from the various regulatory regimes in [Chapter 3](#), noting that we propose to consider them more closely in our future reports.

This report focuses on the safety measures in place for both seated and standing passengers on buses, including school buses, regular route services and coaches.

According to material provided by Transport for NSW (referred to in this Report as 'Transport'), research demonstrates that seatbelts save lives. Seatbelts are effective in reducing ejection in roll-over crashes.

Current legal requirements, in particular Australian Design Rules (ADRs), mandate the fitting of compliant seats and seatbelts on buses and coaches of certain configurations, but exempt route services from these requirements. This recognises the characteristics of route services with their frequent stopping, picking up and setting down passengers, the need to optimise vehicle capacity to deal with peak periods, and the fact that these services are required to comply with Disability Standards for Accessible Public Transport (the DSAPT) under the Commonwealth *Disability Discrimination Act 1992* (the DDA).

Some community members and transport advocates have advocated for there to be seatbelts on more buses. While the safety concerns are acknowledged, this could have major implications for the delivery of regular route services. We will give it further consideration in our future reports.

NSW has paid significant attention to the safety of schoolchildren on buses, mandating seatbelts to all rural and regional dedicated school bus services over the last ten years, and now expanding that program to high risk outer metropolitan areas. The Taskforce endorses this program and the risk based approach it has taken to identifying areas for priority attention.

Where buses are permitted to and do have capacity for standing passengers, there may be concerns about how effectively their safety is managed, particularly if the bus is travelling in a high speed zone (over 80 km/h). Rather than prohibiting standing passengers from these buses, or mandating seatbelts, our preliminary view is that other measures should be investigated.

### 1.3 Recommendations

Recommendation 1 - That the NSW Government and Transport for NSW continue the implementation of the NSW Rural and Regional Seatbelts Program in outer metropolitan areas, prioritising the retrofitting of seatbelts on school buses founded on a risk-based approach.

Recommendation 2 - That a road safety campaign be implemented to promote seatbelt usage on buses, including by school children on school buses, aiming to raise awareness, change behaviour, ensure compliance with seatbelt laws, address misconceptions, and foster a culture of seatbelt compliance among bus passengers.



Recommendation 3 - That Transport for NSW consider how bus operators can be best assisted to understand and comply with their obligation under clause 89 of the Passenger Transport (General) Regulation to take "reasonable steps" to inform passengers about the mandatory use of seatbelts. This could include additional guidance material or regulatory amendment, or, in the case of contracted services, amendments to contractual provisions.

Recommendation 4 - That Transport for NSW conduct a thorough examination of the risks associated with standees on buses and explores potential risk mitigation approaches to address public perception and concerns.

Recommendation 5 - That Transport for NSW consider whether the 80km/h rule for dedicated school bus services with standing passengers could be rolled out across all services.

## 2. Introduction

### 2.1 Extended Terms of Reference

The extended terms of reference given to the Taskforce following the tragic fatal bus crash in the Hunter Valley on the June 2023 long weekend focus on issues relating to seatbelts and other safety features, and on the effectiveness of the allocation of responsibilities for and implementation of safety management systems.

Other agencies, including NSW Police and the Office of Transport Safety Investigations (OTSI) are examining the particulars of the crash itself. The Taskforce's remit is to consider structural adjustments that could be made to general requirements and settings for safe bus operations.

The extended terms of reference will examine:

- the adequacy and completeness of the retrofitting of seatbelts on school buses in regional NSW over the past decade, and whether the fitting of seatbelts on buses should be expanded to other areas. This would also involve consideration of whether change is required to the Australian Design Rules for buses and coaches;
- whether bus operators are actively managing, monitoring and implementing their safety management systems, including in relation to driver training and fatigue management, including the adequacy of regulatory oversight by TfNSW; and
- whether there are gaps or duplication in the risk management of bus safety between the National Heavy Vehicle Regulator, Transport for NSW and bus operators.

### 2.2 Approach

During the initial phase of the review, the Taskforce received briefings from Transport for NSW (Transport) and others including the National Heavy Vehicle Regulator covering but not limited to the following key topics:

- Safety briefing on seatbelts
- Australian Design Rules
- Road safety technology and management systems
- Bus Operator Accreditation Scheme
- Heavy Vehicle National Law
- Alternative approaches to safety regulation, including the *Bus Safety Act 2009 (Vic)* and the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016 (NSW)*.

The Taskforce requested and received an extensive range of documentation and data to gain an initial understanding of the pertinent issues surrounding bus safety and operations. This information has played a crucial role in establishing the foundation for the Taskforce's initial analysis of the extended terms of reference.

In subsequent stages, the Taskforce aims to expand its engagement to include bus operators, their workforce, unions, and other relevant stakeholders, including the community at large. These interactions

will take the form of meetings, round table discussions, as well as formal and informal submission opportunities.

## 3. Regulating bus safety in NSW

Bus and coach safety in NSW is underpinned by a range of Commonwealth and State laws and regulations. For contracted bus services, including school bus services and regular route services across the state, contractual provisions also support the safe delivery of services.

The range of different sources of law and obligations, different approaches, and with different regulators responsible for compliance and enforcement raises the possibility of both duplication and gaps. Duplication may occur where laws have similar but distinct requirements and the regulated community is required to comply with both, which is resource intensive and may result in over-regulation. Gaps can occur where assumptions are made that a particular requirement or issues is sufficiently dealt with by the 'other law' or the 'other regulator'.

This Chapter surveys these sources of law and obligations, with a focus on the rules relevant to the immediate issues regarding seatbelts and standing passengers. The Taskforce will consider the broader regulatory framework and any duplication or gap issues further in its future reports.

### 3.1 Australian Design Rules

The introduction of vehicle standards is administered by the Commonwealth through the Australian Design Rules (ADRs) and the *Road Vehicle Standards Act 2018* (Cth).

The Commonwealth aims to harmonise national vehicle safety standards with international regulations. The United Nations (UN) international regulation are adopted where possible.

The Commonwealth reviews ADRs every 10 years to ensure they remain relevant, cost effective, and do not become a barrier to importing safer vehicles and components. The level of analysis and consultation depends on the impact a new or amended ADR is expected to have on industry or road users. Consultations involves industry, consumer and government groups.

This suggests that should there be concerns with the adequacy or currency of any ADR, the possibility of any change is likely to involve a lengthy process of review.

Key ADRs in the context of this report include ADR 58/00 Requirements for Omnibuses Designed for Hire and Reward and ADR 68/00 Occupant Protection in Buses.

ADR 58/00 establishes the design requirements for all types of buses typically used to provide regular route services, including the vehicles used under NSW passenger service bus contracts. ADR 58/00 allows for (and assumes there will be) standing passengers. It requires the manufacturer to nominate the capacity of the bus based on a combination of seated and standing passengers, with a mass of 65kg each. To accommodate standing passengers, it specifies requirements for the floor and aisle height, and requires a suitable number of straps, handrails and grips commensurate with the number of passengers.

ADR 68/00 is primarily concerned with establishing the requirements for seatbelts, the strength of seats, seat-anchorage, and provisions for protecting occupants from impact with seat backs and accessories on seats and armrests. This indirectly determines the strength of a bus's structure as it must support the seats and associated components that are subjected to forces in mandatory dynamic tests. It establishes the requirements for coaches and similar buses, including dedicated school buses used under rural and regional contracts in NSW. It does not apply to route service buses, buses with fewer than 17 seats (including the driver and crew) or buses where all seats are less than one metre in height. It allows front-facing and rear-facing seats, but explicitly does not allow side-facing seats.

In effect, this means that seatbelts are not required to be fitted on the kind of bus vehicle that is used to provide regular route services. These vehicles are permitted to have standing passengers, maximising vehicle capacity. This makes it easier for these vehicles to meet the Disability Standards for Accessible Public Transport (the DSAPT) under the Commonwealth *Disability Discrimination Act 1992* (the DDA), by accommodating the access needs of people with disabilities, the elderly, people with prams and the like.

The Taskforce received community representations proposing amendments to these ADRs, including changes that would have major implications such as removing the exemptions from ADR 68/00. These issues will receive further consideration in future reports.

Other ADRs for buses include requirements for a range of features including:

- seat strength
- anti-lock braking
- electronic stability control
- rollover protection
- safety glass
- emergency exits.

## 3.2 Heavy Vehicle National Law (HVNL)

The HVNL regulates the operation of heavy vehicles over 4.5t, including buses, in all jurisdictions except Western Australia and the Northern Territory. The HVNL commenced in 2014 when each of the cooperating jurisdictions passed a law that either adopts or duplicates the HVNL (with some modifications) as a law of that jurisdiction. In NSW, this is the *Heavy Vehicle (Adoption of National Law) Act 2013*.

The HVNL sets out requirements for the mass and dimensions of heavy vehicles, vehicle safety standards, work and rest rules to address fatigue for heavy vehicle drivers, heavy vehicle accreditation and use of intelligent transport systems. The HVNL also places obligations on identified off-road parties involved in the transport and logistics chain (chain of responsibility parties) and includes enforcement powers and administrative provisions.

It establishes the National Heavy Vehicle Regulator (NHVR) as Australia's national regulator in participating jurisdictions. Previous state based HV regulatory staff have been transitioned to the NHVR.

### 3.2.1 HVNL Chain of Responsibility provisions relevant to buses

The Chain of Responsibility laws apply to all heavy vehicles over GVM 4.5t (including buses fitted to carry more than 9 adults including the driver).

The HVNL imposes a **primary duty**<sup>1</sup> on parties within the Chain of Responsibility (CoR) to ensure the safety of their transport activities. That captures parties such as schedulers and operators, not just loaders or

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<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Flegislation.nsw.gov.au%2Fview%2Fhtml%2Finforce%2Fcurrent%2Fact-2013-42a%23sec.26C&data=05%7C01%7CLolita.Kepars%40transport.nsw.gov.au%7Ce9703e34fe92481946a308db7830f6e3%7Ccb356782ad9a47fb878b7ebceb85b86c%7C0%7C0%7C638235923920456270%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=4Rjmilkd593pbW3fP%2BjC1BNvKnaaHClCJCnxJETU9M8%3D&reserved=0>

packers. Where a legal entity has a safety duty, executives (e.g. board directors) must exercise due diligence to ensure the entity complies with the safety duty.

Importantly, the driver is **not** a party in the CoR but drivers have other obligations, including:

- a duty not to drive while fatigued;
- a requirement to comply with work and rest requirements;
- a requirement to keep a work diary if driving a fatigue-regulated heavy vehicle; and
- obligations on a record keeper.

Fatigue management in particular will be a matter considered in our future reports.

### 3.2.2 Current review of HVNL

A significant review of the HVNL is underway and is being led by the National Transport Commission (NTC). In June 2023 Ministers approved the foundations of the new HVNL with further work still required to develop regulations and supporting policies. It is expected that this work will be ongoing through the second half of 2023 and that Ministers will consider a final HVNL Review Decision Regulation Impact Statement in early 2024.

It is intended that the HVNL review will result in a reduction in derogations.

Some relevant policies being considered as part of the HVNL review include:

- Safety Management Systems,
- Fatigue,
- Technology and Data Framework,
- Vehicle Standards.

These proposals will be examined more closely in our future considerations.

## 3.3 Passenger Transport Act 1990 (NSW)

The modern approach to safety regulation, as exemplified by workplace health and safety regimes, heavy vehicle and rail national safety laws, and the point to point transport law in NSW, is duties based. Industry has responsibility for safety and is expected to take initiative to manage risk and safety for their systems and contracting chains. By contrast, passenger transport law continues to take a prescriptive approach.

The *Passenger Transport Act 1990*<sup>2</sup> (NSW) (PT Act 1990) requires operators of passenger transport services to be accredited (Part 2, Div 1), and drivers of public passenger vehicles to be authorised (Part 2, Div 2).

Accreditation of operators requires them to demonstrate financial viability and the capacity to deliver safe services and maintain their vehicles. The latter includes owning or leasing a depot where buses can be kept and maintained. They must complete the Bus Operator Accreditation Scheme (BOAS) training course. The BOAS requirements are further discussed at [3.3.1](#).

Bus driver authorisation is similarly intended to assure safe delivery of services. The prerequisites to obtain a bus driver authority are set out in clause 29 of the Passenger Transport (General) Regulation 2017. These

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<sup>2</sup> <https://legislation.nsw.gov.au/view/html/inforce/current/act-1990-039>

requirements and our recommendations to improve them to address the current acute shortage of bus drivers were discussed in our First Report to the Minister, delivered on 10 July 2023.

Bus driver training, competency and skill levels, as well as monitoring and management of driver behaviours, are key to ensuring safe operations, and will also be considered in our future reports.

The PT Act 1990 and Regulation also contain a number of specific provisions about safety on buses. In particular, bus operators are required to take 'reasonable steps' to ensure that passengers on a bus, that has seatbelts, are aware that they are required by the Road Rules (3.5.2) to wear one. There is further discussion of this issue at 6.3.

We have some concerns, based on available evidence and observations, whether any or sufficient on-road inspection activities are being carried out by Transport Authorised Officers to ascertain compliance with the requirements of the PT Act and regulations, as well as other related regulatory requirements. This will be investigated in our future reports.

The PT Act 1990 also sets out the powers of the Chief Investigator of the Office of Transport Safety Investigations (OTSI) to investigate transport accidents or incidents. The Minister may also constitute a board of inquiry to investigate any transport accident or incident. Reports by either body must be tabled in Parliament. OTSI has commenced an investigation into the recent fatal bus crash in the Hunter Valley.

### 3.3.1 BOAS requirements

Bus operator accreditation serves as a system that evaluates the suitability, character, fitness, and competency of individuals or responsible persons within an organisation who seek to operate public passenger transport services. Through the combination of accreditation and regulatory measures, the NSW government seeks to establish a framework that not only incorporates passenger safety but also drives quality, reliability, and safety in the provision of public passenger services.

The application stage includes an assessment of whether the applicant is fit and proper, competent and financially viable to operate a bus service, as well as having access to maintenance facilities and council approval to keep buses at the relevant premises. Completion of the BOAS training course requires the operator to demonstrate they have understood the specific requirements of operating a bus service, including in relation to vehicle safety, safety management systems (SMS), fitness and performance of workers, passenger management, and audit procedures.

The requirement to develop, maintain and implement an SMS (in accordance with guidelines issued by Transport) is a key element. The SMS comprises eight essential safety elements:

- Commitment and Objects
- Management, Accountabilities, Responsibilities and Communication
- Hazard & Risk Management
- Process Documentation
- Transport Safety Worker Monitoring Programme
- Training and Education
- Safety Performance Measurement
- Audit and Evaluation

We have some concerns about whether the SMS system, which dates from 2005, remains the most appropriate way to manage safety in bus operations. For example, it is not clear how effectively the SMS approach aligns with workplace health and safety (WHS) duties to ensure safe workplaces that apply to bus operators as they do in all workplaces. It also seems that the SMS may not align with current Australian and International standards concerning the content structure and function of a safety management system. The adequacy and appropriateness of current SMS requirements will be further considered in our future reports.

After an operator is granted accreditation, they must undertake ongoing annual self-assessment reports (ASAR) and three yearly independent audits. The intention of these is to review the operator's ongoing compliance with accreditation requirements. The Taskforce will more closely examine the BOAS process in future reports. We expect that this will include consideration of the following questions, amongst others:

- how effectively Transport oversees operator accreditation to ensure the achievement of safety outcomes, not merely compliance with specific requirements, including the adequacy of the current auditing regime,
- how it aligns with the requirements of other regulatory frameworks such as the HVNL, both in its current form and under planned future changes,
- whether a different approach (for example, a safety assurance framework or safety duties approach such as that mandated by the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (NSW), or under Victorian passenger transport law) would lead to better safety outcomes.

### 3.4 Contractual arrangements supporting safety

The [\*Passenger Transport Act 2014\*](#)<sup>3</sup> (NSW) sets out the way in which passenger transport services may be procured by Transport. The contracting regime was described in Chapter 3 of our First Report to the Minister.

As noted in that Report, the framework for the procurement of passenger services by the making of contracts between Transport and operators of public passenger services is broad, permissive and multi-modal, giving Transport the ability to determine how it will contract and for what. This leaves the detail of service delivery and operations to be dealt with in the contracts themselves.

Contract variations therefore provide an additional means of achieving changes and improvements in bus operation safety outcomes.

Contractual arrangements differ somewhat across geographic regions, with the main contract categories being Sydney metropolitan, outer metropolitan and rural and regional bus contracts.

We were advised that contract renewal processes (tendering and negotiation) for Sydney and Outer Metropolitan contracts involve an assessment of information provided by proponents about how they will manage safety requirements, and there are clauses in the contract that require compliance with general law including road transport and heavy vehicle laws. There are specific requirements with respect to compliance with WHS laws, and operators must provide regular reports on their compliance with their obligations under these laws. Safety Management Systems must be in place and operators must ensure staff are competent to carry out their work.

Issues relating to safety dealt with in contracts include specification of vehicle types (including through requirements to use Transport Bus Panels for procurement). Ensuring the safety of passengers and drivers

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<sup>3</sup> <https://legislation.nsw.gov.au/view/html/inforce/current/act-2014-046>



takes precedence when establishing vehicle specifications. Where applicable, Transport buses should be equipped with additional safety features that mitigate risk and promote secure operations. Future procurement specifications will be considered further in future Taskforce reports.

Transport advised that some assurance activities take place in relation to operators' safety compliance under the contract. The Taskforce will examine these more closely in later reports.

### 3.5 Road Transport Act 2013 (NSW)

The [\*Road Transport Act 2013\*](#)<sup>4</sup> and its supporting statutory instruments govern matters such as driver licensing, vehicle registration, safety (including drugs and alcohol) and traffic management.

#### 3.5.1 Vehicle monitoring devices

Under Part 6.1 of the *Road Transport Act*, NSW registered buses operating in NSW are required to be fitted with a vehicle monitoring device (VMD) in most circumstances, although exemptions are in place for many coaches operating under passenger service contracts. This is considered a derogation from the HVNL. The VMD requirement was implemented in the early 1990s following major bus crashes at Grafton and Kempsey. In general terms a vehicle monitoring device is designed to automatically record the time and distance travelled by a vehicle as well as its travelling speed.

The current VMD requirements are relatively unsophisticated, have been in place for more than 30 years, and require review. This will be considered in future reports.

#### 3.5.2 Road Rules – seatbelt requirements

The [\*Road Rules\*](#)<sup>5</sup> are made under the *Road Transport Act*. Of particular relevance to this report are the provisions in Part 16 of the Road Rules dealing with the obligations of drivers and passengers to wear seatbelts.

Passengers of buses are required to wear a seatbelt, if one is available. Passengers who are 16 years or older can be fined \$362 for not complying with this rule. Passengers on a bus (within the meaning of the PT Act) can be exempt from wearing a seatbelt if:

- the bus is being used to provide a public passenger service (within the meaning of that Act), and
- the bus is specifically designed for use by standing passengers, and
- in the case where the bus has one or more seating positions that are fitted with seatbelts, all of those seating positions are occupied by other passengers.

While the Road Rules require drivers to ensure their passengers are wearing seats belts, bus drivers are exempt from this rule.

NSW Police is responsible for enforcement of road rules in NSW.

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<sup>4</sup> <https://legislation.nsw.gov.au/view/html/inforce/current/act-2013-018>

<sup>5</sup> <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2014-0758>

## 4. Data about bus safety

### 4.1 Bus crashes

The circumstances around bus crashes can be unique and travel patterns vary, so it can be challenging to identify key trends. A regular route bus in an urban street environment encounters quite different safety risks from a long distance passenger coach on a national highway, or a dedicated school service on a rural road.

Transport has provided NSW wide data in relation to bus crashes involving fatalities or serious injuries (FSI).

*Crashes involving a bus:* The data in this section refers to the number of crashes where a bus was involved and resulted in a fatality or serious injury (FSI) - multiple FSIs may have occurred in any one crash. The FSI may not have been on the bus and the driver of the bus may not have been the key controller (at fault).

Between 2017 and 2023 (to 10 July) there were:

- 40 fatal **crashes** that involved a bus.
- 258 serious injury **crashes** that involved a bus.

A large proportion of FSI crashes that involve a bus occur when the bus is travelling under 60 kmph. Where the speed of the bus was known:

- 57 per cent of fatal **crashes** occurred at a bus speed under 60 kmph
- 71 per cent of the serious injury **crashes** occurred at a bus speed under 60 kmph

*FSIs involving bus passengers:* The data in this section refers to the total number of FSIs, note there may have been multiple FSIs from one crash.

Between 2017 and 2023 (10 Jul) there were 64 **fatalities** and **serious injuries**:

- 13 **fatalities** of bus passengers – this includes the 10 fatalities from the Greta crash
- 51 **serious injuries** of bus passengers

*FSIs due to a passenger not wearing a seatbelt:* Whether a passenger on a bus was wearing a seatbelt is not always known. Of the 64 FSIs that occurred involving bus passengers, seatbelt usage was unknown in 25 cases. Of the 39 where it was known there were:

- 4 (10 per cent) FSIs where a restraint was fitted and not worn (these were all serious injuries)
- 13 (33 per cent) FSIs where a restraint was worn
- 22 (56 per cent) FSIs where a restraint was not fitted – this means that they would have been travelling in a bus where seatbelts were not required to be fitted.<sup>6</sup>

Most of the FSIs occurred on buses where a restraint was not fitted.

*FSIs due to a passenger falling in or from a bus:* Of the 64 FSIs involving bus passengers 10 were killed or seriously injured because they fell on or from a bus. The majority of these would be a fall in a bus, as falling from a bus is rare. While we do not know the exact circumstances, we can assume that these passengers

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<sup>6</sup> Note that the figures do not add to 100 because of rounding down.

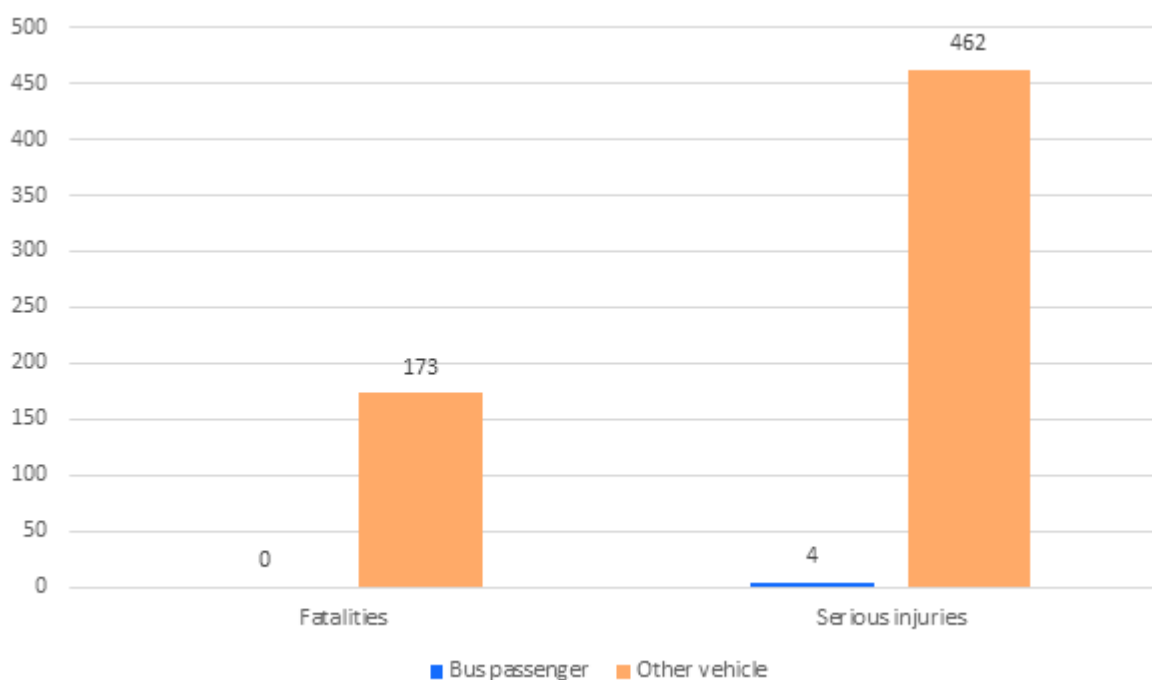
were likely to have been standing, they may have been exiting their seat at the time, and therefore not wearing a seatbelt.

Of these 10 FSIs, 7 occurred when the bus was travelling at 30 kmph or under. For the remaining 3, speed was unknown.

Of the 64 FSIs that occurred involving bus passengers there may have been more passengers that were standing at the time of the crash however this information is unknown.

*FSIs where a restraint was not worn:* Not wearing a seatbelt, where one is fitted, is still a factor in fatalities and serious injuries on NSW roads. Between 2017 and 2022 for all vehicle types there were 173 fatalities and 466 serious injuries where a seatbelt was not worn. Figure 1 shows that belt not worn, where one is fitted, on buses accounts for a very small number of FSIs when compared to the number of FSIs on all other non-bus vehicles.

**Figure 1: FSIs 2017 – 2022 Belt not worn**



## 4.2 Vehicle safety

The Heavy Vehicle Inspection Scheme (HVIS) is a roadworthiness inspection scheme where vehicles are inspected by NHVR at a Heavy Vehicle Authorised Inspection Station (HVAIS) or by Transport.

In NSW public passenger vehicles require two HVIS inspections for each registration period:

- First inspection within three to six months of renewing registration.
- Second inspection no more than three months before the next renewal date.

The NHVR provided data about its vehicle inspection activities and the results in relation to buses and coaches. The data may not be representative of actual risks, as the NHVR advised they are reluctant to pull over vehicles with passengers on board as compared to other heavy vehicles.

However, data provided by the NHVR about the outcomes of inspections of the bodies of the vehicles demonstrates that public passenger vehicles have a significantly lower level of defects compared to the

rest of the heavy vehicle industry, with a majority of these defects being rated as minor followed by non-safety critical defects.

Between January 2019 and June 2023, the NHVR conducted 172,102 inspections of public passenger vehicles in NSW:

- 97 per cent (166,324) were inspected as part of the HVIS,
- 3 per cent (5,778) were inspected during on-road interceptions.

During that period, 32,465 defect notices issued to buses and coaches in NSW. HVIS accounted for 99 per cent of total defect notices issued. 37 per cent of total defect notices issued were to public passenger vehicles with a gross vehicle mass less than 4.5 tonnes.

Minor defects accounted for the largest percentage of notices at 66 per cent, followed by self-clearing defects at 20 per cent. Formal warning defect notices were given in 12 per cent of cases. Major and major grounded defects accounted for only 3 per cent of notices issued.

**Figure 2: changes in defect notices by severity over time**

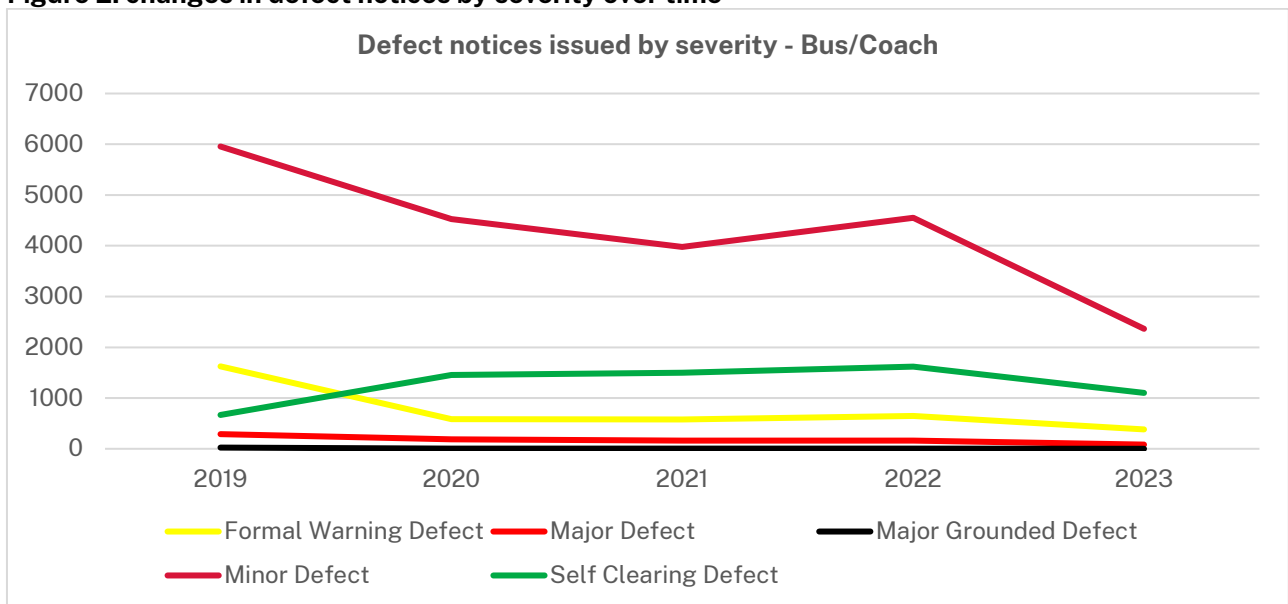


Table 1 sets out results for bus and coach inspections as compared to other heavy vehicles. It is notable that they have a higher level of compliance than other heavy vehicles.

**Table 1: results of vehicle inspections between June 2022 and May 2023**

Vehicle category	Units inspected	Notices issued	% non-compliant
Coach	40545	7810	19.26%
Other heavy vehicles	367301	93679	25.50%

The [Bus Industry Quarterly Dashboard Reports](#)<sup>7</sup> confirm that buses used for regular passenger and school services have a higher compliance rate than buses and coaches used for long distance, tourist and charter services. The compliance rate indicates the percentage of vehicle units not found to have any breaches against heavy vehicle legislation at the time of inspection. The compliance rate includes all programs including the Heavy Vehicle Inspection Scheme (HVIS), Heavy Vehicle Safety Station (HVSS), On Road Enforcement (ORE), and Special Operations.

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<sup>7</sup> <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/buses/documents-and-forms>

## 5. Retrofitting of seatbelts on school buses

### 5.1 Concerns about seatbelts on school buses

Following the tragic crash in the Hunter Valley, media reporting drew attention to community concerns about whether buses carrying school children should all be fitted with seatbelts.

The terms of reference for the Taskforce were expanded to include a review of the current program for retrofitting of seatbelts on school buses in regional NSW, and whether the fitting of seatbelts on buses should be expanded to other areas. Some members of the public, including parents, have made representations to the Taskforce on this issue.

A concerned parent living in the Singleton area reported that her children travelled on a route including 100 km per hour stretches in a bus without seatbelts and said: “Surely the time has come for children that have to travel to school in buses on rural roads with 100km speed limits to be afforded the same safety restraints that have been compulsory in cars for over 50 years.” As is discussed at [5.3.3](#), seatbelts are due to be fitted on school buses in this area.

### 5.2 The current requirements

Requirements in relation to seatbelts differ depending on whether a bus is used for regular route services or dedicated school services.

Dedicated school services primarily transport school students to and from school under the School Student Transport Scheme (SSTS) and carry few, if any, other fare paying passengers. These services represent the majority of bus services provided across regional New South Wales with school students representing 90 per cent of passenger trips in regional New South Wales.

Under the Rural and Regional Bus Service Contracts, four categories of buses are used for dedicated school services. Category 1 and 2 buses are smaller vehicles that seat up to 28 passengers. They are not designed to carry standing passengers and are generally delivered fitted with seatbelts. Category 3 and 4 buses are larger buses and can accommodate more than 29 passengers. Generally, standing passengers have been permitted on these larger buses.

However, it is a longstanding accreditation condition that when standing passengers are on board a bus (being used solely or principally for the conveyance of students to and or from school) and the posted speed limit is higher than 80km/h, operators providing these services must ensure that the bus travels no faster than 80km/h (this is further discussed at [7.2.1](#)).

In rural and regional areas, these buses operate in a mixed environment and have a greater risk exposure. They were subject to the first retrofitting program discussed at [5.3](#). In 2022, this program was extended to dedicated school service buses in outer metropolitan areas, see [5.4](#).

Regular route services have a published timetable and are available to the general public for a fare. They are used by the community to travel to and from work or education, for leisure and other activities such as visiting the doctor or shopping centres. School children also use these services to travel to and from school. Regular route services are generally provided in larger buses, which can accommodate standing passengers, and do not have seatbelts.

As these services are open to the general public, they must meet the Disability Standards for Accessible Public Transport (the DSAPT) under the Commonwealth *Disability Discrimination Act 1992* (the DDA). In terms of the fit-out of a route service bus, a key feature is that there must be accommodation in the bus for two passengers in wheelchairs. The DSAPT does not apply to dedicated school bus services.

Route service buses tend to spend more time operating in lower speed, urban environments, including in regional New South Wales.

### 5.3 Retrofitting of seatbelts on school buses

The following table provides a timeline for the retrofitting of seatbelts on school buses.

Timeline	Activity
October 2012	School Bus Safety Advisory Committee published its <a href="#">School Bus Safety Report</a> . <sup>8</sup> 35 Recommendations accepted by NSW Government, including the installation of seatbelts on dedicated school buses and to prohibit students from standing on unsealed and high-speed roads outside urban areas.
July 2013	NSW Government announced seatbelts on school buses operating in rural and regional (R&R) areas would be mandatory within 10 years, including the phasing out of standing in school buses. (Budget \$208M)
June 2017	Minister announced that all rural and regional buses would be fitted with seatbelts by December 2021. (Additional budget of \$29M, total budget now \$237M)
December 2018	R&R Seatbelt retrofit installations commenced.
November 2019	Minister commissioned the Rural and Regional Bus Seatbelt Program Taskforce to examine issues with the Rural and Regional Seatbelt Program. <a href="#">Rural and Regional Seatbelt Taskforce Report</a> <sup>9</sup> , published in November 2019 included 7 recommendations which were accepted by Government.
February 2022	Completion of Seatbelt program in Rural and Regional NSW, with approx. 2600 buses now retrofitted or have been replaced with seatbelts.
April 2022	Minister approved extension of NSW Rural and Regional Seatbelts Program to selected outer metropolitan areas where some outer metropolitan school buses travel along some of the same high-risk roads as R&R school buses. Project would include upgrade of approximately 100 buses with an estimated budget of \$10m.
August 2022	Commenced additional work relating to Seatbelt Taskforce Recommendation #2 regarding seatbelted One Door Urban Buses (ODUB). Completed Q2 2023.
December 2022	Outer Metro seatbelt retrofit installations commenced. Expected to be completed 2024.

<sup>8</sup> [https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/m236-school-bus-safety-report\\_web.pdf](https://www.transport.nsw.gov.au/sites/default/files/media/documents/2017/m236-school-bus-safety-report_web.pdf)

<sup>9</sup> <https://www.transport.nsw.gov.au/system/files/media/documents/2020/Rural-and-Regional-Seatbelt-Program-Taskforce-Report.pdf>

### 5.3.1 Activity after 2012 School Bus Safety Advisory Committee Report

In July 2013 the NSW Government declared seatbelts would become mandatory on school buses in rural and regional areas within 10-years and standing on school buses would be phased out.

This commitment was made at a time when there were two types of bus contract in rural and regional NSW – Contract A covered dedicated school services, while Contract B covered both regular passenger services and dedicated school services. The 2013 commitment was only made in relation to Contract A buses.

In 2016, a new style of contract called Rural and Regional Bus Service Contracts (RRBSCs) saw removal of this distinction. The RRBSCs are based on fleet size rather than the type of service being provided. From a public perception point of view, it was unclear why only some dedicated school bus services were being fitted with seatbelts and were subject to the ban on standing.

In 2017, additional funding was announced to expand and accelerate the installation of seatbelts on all buses providing services under the RRBSCs. In 2018, the installation of seatbelt retrofits commenced in rural and regional areas, culminating in the completion of approximately 2600 buses retrofitted with seatbelts or replaced with new buses fitted with seatbelts.

### 5.3.2 2019 Rural and Regional Seatbelts Program Taskforce

In 2019, the NSW Rural and Regional Seatbelts Program Taskforce (the 2019 Taskforce) conducted a comprehensive analysis of the program's rollout. It made recommendations to enhance efficiency and effectiveness of the program.

A key recommendation was that seatbelts only be required on dedicated school buses, and not be required on buses providing regular route services. The 2019 Taskforce noted that, while other jurisdictions had also considered requirements for seatbelts on school buses, it was unaware of seatbelts being installed on route service buses anywhere outside NSW.

The 2019 Taskforce noted indications that manufacturers and retrofitters were inconsistently interpreting the impact of ADR 68/00 on standing passengers on route service buses. As described at [3.1](#), ADR 68/00 requires manufacturers to indicate the number of authorised adult standing passengers on each bus. Some manufacturers, apparently concerned about their potential liability in the event of an accident, had not been authorising any standing passengers on route service buses fitted with ADR 68/00 compliant seats and seatbelts. Further, the engineering solution to fit compliant seats with seatbelts on low-floor wheelchair accessible buses had resulted in seating for 8 adults being removed, which further reduced capacity.

The Commonwealth Department of Infrastructure, Transport, Cities and Regional Development (DITCRD) advised Transport that “the Department’s view is that the Australian Design Rules do not include operational requirements for in service use and ADR 68/00 does not inhibit the carriage of standing passengers.”

The 2019 Taskforce drew attention to the impact of installing ADR 68/00 compliant seats and seatbelts on route service buses, which are used by the broader community including those carrying parcels or using wheeled shopping carts, prams and mobility aids such as walking sticks and frames, as well as passengers in wheelchairs. (Note: In rural and regional areas, the buses used for regular route services are referred to as ODUBs.) The 2019 Taskforce concluded:

Given the negative impact of the installation of ADR 68/00 compliant seats and seatbelts on capacity, comfort and safety in ODUBs used for regular route services the Taskforce recommends



that this aspect of the program be discontinued. This is consistent with the recommendations of the SBSCAC report.

The 2019 Taskforce expressly acknowledged that “this means that school students travelling in ODUBs will not have access to seatbelts, which is consistent with metropolitan and outer metropolitan Sydney and other jurisdictions. We note however, that ADR 58/00 requires features on these buses that mitigate against risks associated with their typical use.”

We are aware there are members of the community and transport advocacy groups that do not agree with this conclusion. We have received submissions proposing all buses that carry school children should be seatbelt equipped, and others proposing ALL buses in NSW should be seatbelt equipped. The latter approach could involve removal of the exemption for regular route services from ADR 68/00. Additional investigation of the implications and impacts is required before we can form a view on this issue, and this will form part of our work going forward.

It is also noted that the seatbelt program was, from the time of the 2012 Report, based on an assumption of continuing to allow for ‘3 for 2’ seating for smaller children. This is a lower cost option as it increases the capacity of the fleet. This allows ‘quick change’ seating to be fitted for three primary school age children or two adults on regular school buses or charter buses.

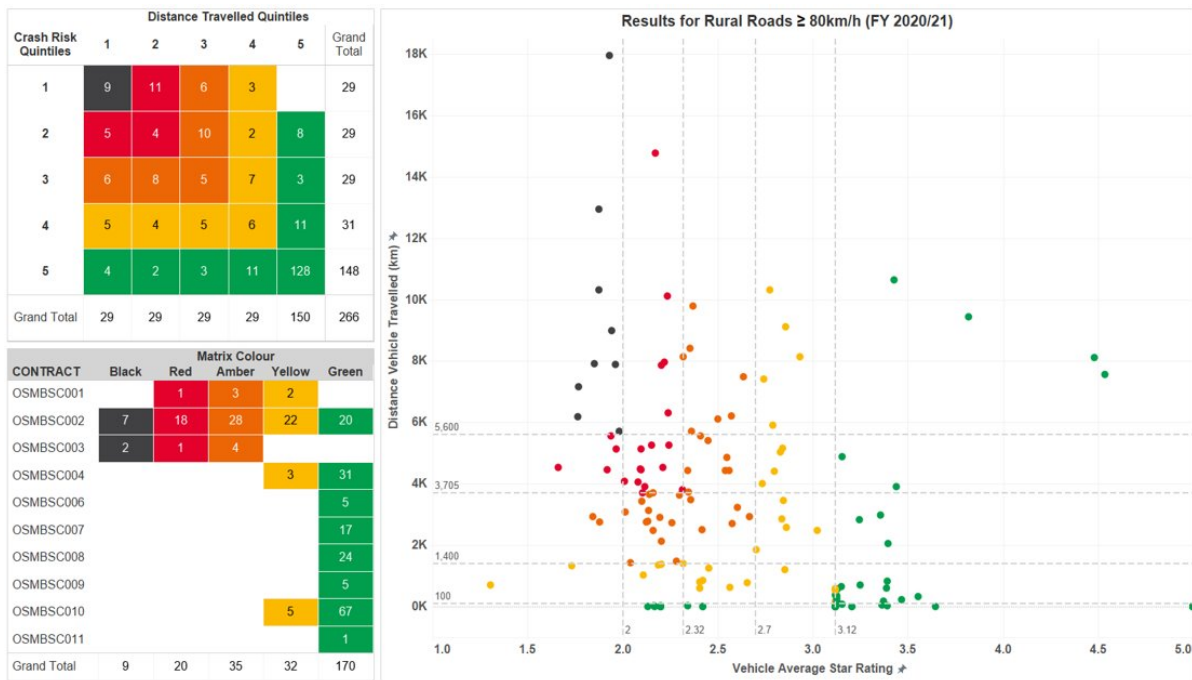
### 5.3.3 Expansion to outer metropolitan areas

In April 2022, the then Minister authorised the expansion of the NSW Rural and Regional Seatbelts Program to selected outer metropolitan areas. These areas were identified as having school buses traversing high-risk roads, like or in rural and regional zones. The project aimed to upgrade approximately 100 buses.

The installation of seatbelt retrofits in the outer metropolitan areas commenced in December 2022 and is anticipated to conclude by 2024. As illustrated by Figure 3, it takes a risk based approach to prioritise seatbelt retrofitting, considering factors such as:

- Roads with speed limits of 80km/h or higher.
- Rural local government areas.
- Roads with elevated crash risk ratings and duration.

**Figure 3: Risk assessment results for rural roads**



The highest exposure vehicles are all located in Contracts 1, 2 and 3. The retrofitting approach for school buses in the outer metropolitan areas aimed to provide operators with flexibility in vehicle utilisation within the designated zones. The simplest method involved equipping all school buses in depots serving specific contracts with seatbelts.

Consequently, some buses with lower exposure risk were included in the proposed program, resulting in a total of 102 buses participating in the Outer Metro Seatbelt program. As of July 2023, there are 56 buses remaining to be retrofitted primarily in the Hunter region.

The table below provides a summary of the current status and strategy.

**Table 2: Status of outer metropolitan school bus retrofitting**

Total buses included in outer metropolitan retrofit program is 77 buses.

Operator and depot	Retrofits completed	Retrofits in progress	Retrofits planned
Hunter Valley Buses Pty Ltd (Contract 2) MacDougalls Hill, 20-22 Magpie Street	0	0	11
Hunter Valley Buses Pty Ltd (Contract 2) Morisset, 14 Ettalong Road	0	0	2
Hunter Valley Buses Pty Ltd (Contract 2) Thornton, 12-14 Glenwood Drive	16	4	39

Operator and depot	Retrofits completed	Retrofits in progress	Retrofits planned
Port Stephens Coaches (Nelsons Bay Pty Ltd) Contract 3 Anna Bay, 17A Port Stephens Drive	0	0	4
Rover Motors Pty Ltd (Contract 1) Cessnock, 231-233 Vincent Street	0	1	0
Total buses 77	16	5	56

The Taskforce considers that the approach being taken by Transport to the rollout of the school bus seatbelt program to outer metropolitan areas is appropriate. Transport should complete the implementation of the program.

Recommendation 1 - That the NSW Government and Transport for NSW continue the implementation of the NSW Rural and Regional Seatbelts Program in outer metropolitan areas, prioritising the retrofitting of seatbelts on school buses founded on a risk-based approach.

## 6. Improving seatbelt compliance

### 6.1 Seatbelts only help if they are used

As set out at [3.52](#), under the NSW Road Rules, passengers of buses are required to wear a seatbelt, if one is available.

The vehicle that was involved in the tragic crash in the Hunter Valley in June this year was a coach equipped with seatbelts. It is a matter for the Police and other investigating bodies to determine whether any of the passengers, including those who lost their lives or suffered serious injuries, were wearing seatbelts, whether those seatbelts were properly fitted in compliance with ADR 68/00 and in good condition, what measures were taken to ensure passengers knew they should be wearing their seatbelts, and whether the wearing of seatbelts would have prevented or mitigated the injuries suffered in the particular circumstances of the crash.

Nevertheless, it is appropriate for this Taskforce to examine the general question of how seatbelt compliance could be improved.

Similarly, given the rollout of seatbelts on dedicated school buses, it is important to consider how to maximise the use of those belts by school children. The Taskforce has received representations from the public proposing that in addition to further awareness raising campaigns, measures to improve the rate of seatbelt use by schoolchildren could include:

- uniformed police on board school buses during the first week back at school each year, advising students that by law they must wear the seatbelt provided, for their safety.
- using CCTV footage to identify children not wearing their seatbelt, then issuing a warning to the student and their parent/carer, advising that their free bus pass may be suspended until the student complies.
- installing electronic devices to detect when a seatbelt has not been fastened by a passenger.
- Schools instituting an anonymous 'dob in' box, for students concerned about their fellow passengers travelling unsafely.

### 6.2 Raising awareness about bus seatbelt safety

It is clear from the representations set out above, that there is a need to do more to support seatbelt use. Practical implementation of some of the above, however, may be difficult and have resource implications. In the meantime, implementing a road safety campaign specifically aimed at promoting seatbelt usage on buses presents an opportunity to continue to raise awareness among bus passengers regarding their obligation to buckle up.

Transport informed us about the Seatbelt Awareness Behavioural campaign which ran from November 2021 to June 2022. With the key message 'Seatbelts save lives', its objective was to make people aware of the risks of not using a seatbelt. The social media campaign had a cumulative reach of over 1.6 million people as of June 2022. Research showed that post campaign, 86 per cent of people believed not wearing a seatbelt while driving would increase the risk of being injured in a crash, compared to 83 per cent before the campaign started.

This suggests that it would be useful to run future campaigns to increase understanding of the risk of not wearing a seatbelt and to change behaviour by encouraging individuals to develop the habit of wearing their seatbelts every time they board a bus or coach that is fitted with them. The campaign would highlight

that wearing seatbelts is not just a personal choice but a legal requirement, with potential penalties for non-compliance.

The Taskforce understands Transport is also developing materials to improve the rate of seatbelt use on school buses that are fitted with them, in tandem with the ongoing rollout of seatbelts on rural and regional and outer metropolitan school bus services. This material could have a three way focus – encouraging parents to model good behaviour by always buckling up themselves, encouraging parents to help their children understand that they must wear their seatbelt if their school bus is fitted with them, and encouraging schools to remind students to wear their seatbelt. A range of supporting material either exists already or is being further developed.

The Taskforce welcomes this further initiative.

Recommendation 2 - That a road safety campaign be implemented to promote seatbelt usage on buses, including by school children on school buses, aiming to raise awareness, change behaviour, ensure compliance with seatbelt laws, address misconceptions, and foster a culture of seatbelt compliance among bus passengers.

### 6.3 Informing passengers about wearing seatbelts – reasonable steps

Bus operators have a legal duty to take reasonable steps to ensure that passengers are informed about the mandatory use of seatbelts, provided the bus is equipped with them. Each bus operator must determine what those reasonable steps should be.

Clause 89 of the Passenger Transport (General) Regulation 2017 sets out two types of steps that might be taken, without limiting other measures that an operator might institute. These steps are: displaying signs inside the bus and arranging for the driver to notify passengers through various channels, such as a public address system, recorded audio messages, or videos.

It is noted some school buses do not have a public address system or any other means to play a recorded audio message or video. A public address system, including a driver microphone, is not a requirement under the bus specifications for the Transport Bus Procurement Panel.

It has been suggested that the current wording of the clause may cause some uncertainty. The lack of a clear definition of 'reasonable steps' may unintentionally suggest to bus operators they have a defence against charges of non-compliance.

On the other hand, simple prescription of requirements may lead to a 'tick and flick' approach where operators do not take on broader responsibility for ensuring passenger awareness around seatbelt compliance and only do the bare minimum to satisfy requirements.

Technological or other measures might be available to support the wearing of seatbelts on buses, for example, warning systems that can monitor whether a seatbelt has been engaged or not and alert the driver.

At the minimum, it would be appropriate for Transport to develop further guidance material for bus operators about the range of actions that could be taken in the context of the bus service they run to improve their compliance with the requirement to take 'reasonable steps' to inform passengers of their obligation to wear seatbelts.

This could be promoted through the BOAS accreditation process and incorporated in the BOAS training materials.

In relation to services contracted by the State, contractual variations could be made to support additional and appropriate measures being taken. This could include changes to bus specifications, for example for better and more prominent internal signage and messaging about seatbelts.

If this is insufficient to promote increased compliance, consideration could be given to including further examples in regulation itself. This would also better target long distance, tourist and charter services.

It is imperative for bus operators to uphold their duty of promoting passenger safety by implementing measures that effectively inform passengers about the compulsory use of seatbelts. By addressing any possible confusion or ambiguity associated with the interpretation of "reasonable steps," a better understanding for all can be achieved.

Recommendation 3 - That Transport for NSW consider how bus operators can be best assisted to understand and comply with their obligation under clause 89 of the Passenger Transport (General) Regulation to take "reasonable steps" to inform passengers about the mandatory use of seatbelts. This could include additional guidance material or regulatory amendment, or, in the case of contracted services, amendments to contractual provisions.

## 7. Minimising risks for standees on buses

There is a perception and concern among the public that persons standing on buses face a higher risk of injury compared to seated passengers due to the nature of standing on a moving bus. A 'standee' refers to a passenger who is required to remain standing due to the unavailability of seats.

### 7.1 Rules about standing passengers

Multiple parties, including manufacturers, bus operators, and drivers, share the responsibility of determining, informing, and ensuring compliance with regulations regarding standees.

The maximum loading standards for buses are established by adhering to ADR 58/00, which outlines capacity guidelines. The bus manufacturer determines this capacity and issues a certificate specifying the approved number of seated and standing passengers for the vehicle.

The bus operator must prominently display the authorised adult passenger count for both seating and standing positions on the bus exterior.

Drivers are strictly prohibited from exceeding the approved number of standing passengers and must take special care when carrying standee passengers to ensure they are carried safely.

#### 7.1.1 Special rules for dedicated school bus services

Chapter 5 focused on the retrofitting of seatbelts to dedicated school bus services, in response to reports commissioned in 2012 and 2019. In response to the 2012 report, the government put in place a policy prohibiting students from standing on buses traveling on unsealed and high-speed roads outside urban areas. The 2019 Taskforce Report was concerned that the policy was not well enforced or understood and made a recommendation for Transport to provide guidance to bus operators regarding the policy.

It is not clear the present Taskforce whether or how this recommendation has been implemented. We note the 2019 Taskforce's observations as follows:

This advice should acknowledge the various risk mitigations available to operators, such as ensuring that the bus travels at a speed of no more than 80 km/h, in the rare event that it is impossible to prevent standing passengers on unsealed roads or on roads with a speed limit of 80km/h or more that are outside urban areas, for example if a student were otherwise to be left alone on the side of the road in a potentially vulnerable situation.

As noted at [5.2](#), it is a condition of BOAS accreditation that when dedicated school buses are used to transport students to and from school in NSW, a maximum speed limit of 80 kilometres per hour must be observed whenever students are required to stand. However, it can be difficult to enforce compliance with this requirement. Because it is a condition of accreditation, the only available responses are suspension or cancellation of accreditation, which are very blunt instruments. Alternatives could include making a regulation to this effect under the PT Act 1990, which would allow for penalties to be imposed instead.

In any case, however, this speed restriction does not apply to non-dedicated school buses on which school students might be passengers.

## 7.2 Risk profile of services carrying standing passengers

Standeers are most likely to be carried during the peak periods in the mornings and afternoon services. During these periods buses carrying standees may be travelling in speed zones greater than 80 km/h. The perception is that the higher speed creates a greater risk.

However, the data provided by Transport (discussed in [Chapter 4](#)) suggests that even if high speed areas are theoretically higher risk, most bus crashes happen in lower speed zones. This may be because most buses travel more often in low speed zones.

In some service areas where buses are carrying standees traveling in speed zones of greater than 80 km/h, this may be only for very short distances such as a dual carriageway. Limiting the standees in speed zones greater than 80 km/h would present difficulties in application as the distance travelled is short.

In addition to the speed at which the bus is travelling, consideration should be given to other factors such as roads that have higher crash risk ratings and whether the carrying of standees is suitable.

## 7.3 How to address risks for standees

Any limitation on numbers of standees would have implications for bus operators in the provision of services. It would significantly limit the capacity of existing vehicles. Adding more vehicles to the fleet would raise costs, both in relation to the purchasing of new vehicles and employing more drivers. This could have severe effects in areas already suffering from driver shortages.

Further consideration should be given to potential risk mitigation approaches such as:

- Identifying roads that have higher crash risk ratings and excluding standees from services on those roads.
- Exclusion of standees in greater than 80km/h speed zones.
- Exclusion of standees.
- Limiting the speed of buses carrying standees.

Further examination is needed to address the public's perception and concern regarding standees on buses and determine practical measures to mitigate both real and perceived risks to passengers.

Recommendation 4 - That Transport for NSW conduct a thorough examination of the risks associated with standees on buses and explores potential risk mitigation approaches to address public perception and concerns.

Recommendation 5 – That Transport for NSW consider whether the 80km/h rule for dedicated school bus services with standing passengers could be rolled out across all services.



## 8. Appendix A: Chronology of bus safety events

Date	Event
20 Oct 1989	Bus crash: 20 people killed in a collision between a coach and a semitrailer on the Pacific Highway near Grafton. Driver of semitrailer had a high concentration of ephedrine (stimulant) in his blood and veered onto the wrong side of the highway.
22 Dec 1989	Bus crash: 35 died and 39 injured after two coaches collided in Clybucca, near Kempsey due to one driver falling asleep and veering through a left-hand curve on the Pacific Highway.
Early 1990	Coronial hearings into Grafton and Kempsey bus crashes. Both coronial inquests recommended the Pacific Highway between Sydney and Brisbane be upgraded to a dual carriageway to improve safety. The coroner also recommended research into coach seats, seat anchorages and seatbelts and better emergency exits for coaches.
1991	Maximum speed limit of heavy vehicles was immediately reduced in NSW. ADR 65 was introduced which limited maximum road speed limit for heavy vehicles and buses to 100 km/h with exception at the time of 90 km/h for prime movers designed to be used as part of road train combinations. Vehicle monitoring devices (RTA 531) were introduced as well as safety and enforcement tools such as Safe-T-Cam, and heavy vehicle driver logbook.
1992	ADR 59 Standards for omnibus rollover strength came into effect for large (ME category) buses. Existing buses have gradually been upgraded to comply with ADR 59.
1992 to 1993	ADR 66 Seat Strength, Seat Anchorage Strength and Padding in Omnibuses introduced in two stages from 1 July 1992 and 1993, depending on bus type. ADR 66 specifies safety requirements for bus compartmentalisation, greater strength of seats, and seat anchorages capable of withstanding impact at 10g forces (equivalent to a bus travelling at 55km/h and coming to an abrupt halt).
1994	Introduction of "wig wag" flashing yellow lights and signs at the front and rear of school buses.
1994 to 1995	ADR 68 Occupant Protection in Buses was introduced which requires retracting three-point seat belts on all passenger seats, including on all coaches. Both ADRs 66 and 68 contain specific exemptions for 'Route Service Omnibuses' or omnibuses with less than 17 'Seats' including the driver and crew, or to vehicles in which all passenger 'Seats' have a "reference height" of less than one metre.
1997	Bus door safety requirements Technical Specification 146, Field of view requirements Technical Specification 147 and Bus padding Technical

Date	Event
	Specification 148.
2002 to 2005	First School Zone Alert System (Flashing Lights) installed at 11 schools as a trial.
2003	National Transport Commission (NTC) established with ongoing responsibility to develop, monitor and maintain uniform or nationally consistent regulatory and operational reforms relating to road, rail and intermodal transport.
2005	Bus and coach operators in NSW required to establish and maintain a documented Safety Management System (SMS) under the BOAS. TfNSW publishes a Handbook to assist operators in establishing their SMS. BusNSW provides several accreditation management tools. Risk Management methodology of SMS is based on ISO31000 – Risk management – Principles and guidelines.
2006 to 2011	ARRB completed a report on Effectiveness of the School Zone Alert System (Flashing Lights). Minister for Roads announced a school zone package which included promise of an additional 400 school zone flashing lights to be delivered between 2007 – 2011. By 2011 NSW had 566 school zone flashing lights in school zones.
2008	National heavy vehicle driver fatigue reforms introduced in Heavy Vehicle Driver Fatigue National Model Legislation (Model Fatigue Law). Included revised work and rest limits for heavy vehicle drivers, better management of driver fatigue and Chain of Responsibility obligations.
July 2008	267 kilometres (39%) of the Pacific Highway route upgraded to dual carriageway, with 87km still under construction and 325km still a single carriageway.
Oct 2012	School Bus Safety Community Advisory Committee Inquiry into Rural and Regional School Bus Safety in NSW. 35 Recommendations accepted by NSW Government, including installation of seatbelts on dedicated school buses and to prohibit students from standing on unsealed roads and on high-speed roads outside urban areas.
July 2013	NSW Government announces that seatbelts on school buses operating in rural and regional areas would be mandatory within 10 years, including phasing out of standing in school buses.
2013	National Heavy Vehicle Regulator established as a statutory authority to administer one set of laws – Heavy Vehicle National Law (HVNL) – which applies in all Australia’s states and territories except Northern Territory and Western Australia.

Date	Event
2014	Legislation introduced to require drivers to slow down to 40km/h or less when passing a school bus on a weekday between 7.00 am and 9:30 am and between 2:30pm and 5:00pm.
Dec 2015	NSW Government commitment ensured that all schools in NSW would have at least one set of flashing lights for school zones.
May 2016	437 kilometres (65%) of the Pacific Highway between Hexham and Queensland border was dual carriageway, with 240 kilometres remaining.
Aug 2016	NSW Government announced additional school zone flashing lights for 400 schools, which was completed by June 2017.
June 2017	Transport for NSW announced the expansion and acceleration of the Seatbelt Program to include all the rural and regional bus fleet.
Nov 2019	Rural and Regional Bus Seatbelt Program Taskforce released report examining Rural and Regional Seatbelt Program. All seven recommendations accepted by NSW Government, including removing seatbelts from regular route buses in rural and regional areas.
Dec 2020	Final section of the Pacific Highway upgrades was completed to make it dual carriageway between Sydney and Brisbane.
Aug 2022	Extension of Seatbelt Program to specific outer metropolitan areas where school buses travel along similar higher-risk roads as the rural and regional school buses. Expected to be completed in 2024.
1 May 2023	Bus Industry Taskforce established to make recommendations to improve the reliability, quality and effectiveness of bus services across NSW.
11 June 2023	Bus crash: 10 killed and 25 injured after a charter bus carrying wedding guests overturned in the NSW Hunter Valley. The bus driver has been charged with dangerous and negligent driving and the crash is currently being investigated.
21 June 2023	Bus Industry Taskforce remit expanded to look at concerns around safety management, seat belt use and regulatory arrangements.
June 2023	Now more than 6,800 school zone flashing lights in NSW school zones.

## 9. Appendix B: Data for figures

**Figure 1: FSIs 2017 – 2022 Belt not worn.**

Passenger type	Number of fatalities or injuries
Bus passenger fatalities	0
Other vehicle fatalities	173
Bus passenger serious injuries	4
Other vehicle serious injuries	462

**Figure 2: Changes in defect notices by severity over time**

Severity	2019	2020	2021	2022	2023	Grand Total
Formal Warning Defect	1624	586	581	645	382	<b>3818</b>
Major Defect	289	188	164	162	83	<b>886</b>
Major Grounded Defect	24	7	7	7	0	<b>45</b>
Minor Defect	5956	4525	3976	4554	2364	<b>21375</b>
Self-Clearing Defect	667	1455	1499	1619	1101	<b>6341</b>
Grand Total	<b>8560</b>	<b>6761</b>	<b>6227</b>	<b>6987</b>	<b>3930</b>	<b>32465</b>



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