



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

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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.