



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

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**Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Cate Faehrmann.**

#### Second Reading

**The Hon. CATE FAEHRMANN** [12.56 p.m.]: I move:

That this bill be now read a second time.

I introduce The Greens Road Transport (Safety and Traffic Management) Amendment (Child Safety on School Buses) Bill 2012. The bill's purpose is to improve school bus safety in regional and rural New South Wales by implementing key recommendations of the School Bus Safety Advisory Committee, which was established by the Government in April 2011 to examine the safe transportation of children in rural and regional New South Wales. The objects, which I will outline in more detail shortly, include a phase in of mandatory school bus seatbelts and an end to standing on buses on non-urban roads.

This bill is a culmination of years of hard work by parents across the State—parents who, sick with worry, for far too long have put their kids on school buses that do not have seatbelts. I have been working on this issue since late 2010, but even that is only a fraction of the time that has gone into this long-overdue reform. Some of the parents I have spoken to have been campaigning for seatbelts since their grown up kids were in primary school. It is a reform that we all know is an absolute no brainer. Currently school buses are travelling on dangerous routes—regional routes with high speed limits of 80 kilometres an hour or higher, routes on roads that are unsealed and so on—and young students are standing or sitting in seats that do not meet appropriate design standards and do not have seatbelts. This must change, and it must change as quickly as possible. While it is true that bus travel is a comparatively safe mode of transport, parents should not, cannot, and will not accept second best when it comes to the safety of their kids.

We have had recent reminders of the seriousness of this issue with a number of school bus crashes in New South Wales during 2012. The most recent involved the tragic incident of the death of a young boy at Singleton. At the time of the crash, the chair of the Government's School Bus Safety Advisory Committee, Carolyn Walsh, said the crash "highlights the importance of the work of the committee". The death of Harry Dunn, aged nine years, and the injury of seven other children when their bus and a truck collided was a tragedy that deeply affected the Singleton community. But we must recognise that seatbelts save lives. We know that. It is not in dispute. It is why seatbelts have been mandatory in cars since 1972 and in coaches since 1995, but seatbelts are no less effective or important on school buses.

We should be doing everything within our means to give kids the gold standard in safety when they are travelling to school. We have seen delays from successive governments over many years now. The previous Government conducted a comprehensive assessment of school bus routes, but no further action was taken. Then, after increasing pressure during an election campaign, in April 2011 the new O'Farrell Government established the School Bus Safety Advisory Committee. Two non-fatal crashes in Taree and Maclean, which resulted in minor injuries to students in March of this year, came almost a year after the Government established the advisory committee. At that time I said that this should have been a wake-up call for the Government, but apparently not yet. We need to know what justifies the delays.

The committee's deliberations took 18 months. It eventually reported and made recommendations in October of this year. Its recommendations are modest and affordable. We now need to push ahead and implement them to ensure the safety of our schoolchildren travelling on some of the State's most dangerous routes. That is what The Greens bill does. New South Wales has a fleet of 3,265 school buses in rural and regional areas. As well as seatbelts not being mandatory, standing is permitted—although buses must not exceed 80 kilometres per hour if students are standing.

Currently Australian Design Rule 68/00, introduced in 1995, means that seatbelts are mandatory for everyone travelling on coaches in Australia. Since that time no seatbelted passenger has been killed or maimed in a coach incident. The function of Australian Design Rule 68/00 is to specify requirements for seatbelts, seats, anchorages and provisions for protecting occupants from impact with seat backs and accessories on seats. Currently an exemption exists that allows certain buses to be non-compliant with Australian Design Rule 68/00.

It has been voluntary for bus companies to comply with Australian Design Rule 68/00 for the purposes of transporting schoolchildren on dedicated bus routes. It should be noted that commuting buses for use in urban areas are also exempt from these design rules. While there are compelling reasons for urban commuter buses to have different seating configurations and design, it simply does not make sense that the design rule for commercial coaches does not apply to school buses in rural and regional areas. These buses are often travelling on the same routes, or similar routes, and with students taking the journey every school day.

As I said, the purpose of this bill is to give effect to key recommendations of the School Bus Safety Community Advisory Committee. The committee's deliberations have been long and have resulted in a comprehensive report with 35 recommendations. The objects of the bill relate to key recommendations in the advisory committee's report; that is, recommendations Nos 7, 8, 12 and 13. They are, first, 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 schoolchildren are to be prohibited from standing 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 urban areas; second, 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 schoolchildren in rural and regional areas; and, third, to require the Minister to prepare and publicise a student code of conduct that sets out the rights and obligations of school students who travel on school bus journeys.

The Greens bill brings forward the committee's preferred phase in of seatbelts on regional routes from 10 years to five years—that is, by 2018. Given the very affordable costings prepared by Transport for NSW for this reduced time frame, the already lengthy delays from successive governments, and the long-awaited advisory committee report, The Greens believe a further 10-year wait is simply unjustified. How many crashes will occur in the next five years? How many will occur in the next 10 years? Every school bus journey without seatbelts is more than a plain statistic for parents. It is a journey that has increased risk—a risk students and parents should not have to take because the means to remove it are there and ready to go with this bill.

To implement the key recommendations of the advisory committee, the bill amends the Road Transport (Safety and Traffic Management) Act 1999. It inserts a new schedule to deal with child safety on school buses, schedule 5A. Division 1 defines what school bus journeys will be subject to the provisions of the bill. For the purposes of the seatbelt phase in, "rural and regional school bus journeys" are those outside of the major urban areas of New South Wales: Sydney, Newcastle, the Central Coast and Wollongong. For the purposes of an end to standing, "non-urban routes" are those that include unsealed roads or roads with a speed limit of 80 kilometres per hour or higher that are outside those major urban areas.

Division 2 brings about a prompt prohibition to standing on buses on non-urban school bus routes from the first day of term three next year. Division 3 deals with the seatbelt phase in and requires that Australian Design Rule 68/00 be adhered to on regional and rural routes, overriding the current exemptions. It also requires appropriate signage and that all reasonable steps be taken by the driver to ensure that seatbelts are used and children remain seated. Division 4 requires the Minister to develop a new student code of conduct to take into account these new requirements. This will be important to prevent onerous and undue obligations on the driver, and to ensure that all students are aware of their responsibilities and restrictions on behaviour.

It has been suggested to me that the main reason for delay on this long-overdue reform has been cost. The long and good deliberations of the advisory committee simply have not borne that out. In 2010-11 rural and regional school bus services cost around \$372 million, which represents 29 per cent of the total cost of Transport for NSW school bus contracts and 27 per cent of the task by distance. Transport for NSW prepared cost modelling for the advisory committee for a number of phase-in scenarios for the recommendations regarding seatbelts and no-standing on buses rules on all non-urban school bus routes in rural and regional areas. We are told these estimates were designed to cover the worst-case scenario. It is likely the cost will be cheaper.

If the phase in is implemented within five years, as provided in The Greens bill, in the first year it would cost \$15 million, rising incrementally to an additional \$55 million a year by year six. If the Government were to fund the fitting of seatbelts in school buses on an ongoing basis it would cost \$55 million per year thereafter in current dollar terms. This represents 4 per cent of the total cost of New South Wales bus contracts—from \$1.28 billion to \$1.33 billion per year. This compares to the final recommendation of the committee of a 10-year phase in time with a cost of \$7 million per year, rising incrementally to \$55 million per year at year 11.

So even the more ambitious phase in of The Greens bill is modest and affordable, and of little overall increase to the entire budget. If the Government agrees to support this bill and funds the necessary changes to facilitate the phase-in period—along with some existing Commonwealth funding—this will put into action what has been promised since April 2011: that school bus safety is a priority for the Government. If this is true, if school bus

safety is really a priority, it should take action now. No further delays are justified.

Last week I wrote to the Minister for Transport, Gladys Berejiklian, with details of the bill and I sought her support. I have not yet received a response—which is understandable—but I hope she will throw her support behind this bill and that the Government will be motivated to act. The bill's measures are not controversial; they are in line with the committee's work. There is no reason this bill cannot be passed with the help of the Government in the new year. The Greens are open to negotiation on the finer points and the measures in this bill because we want action. Parents will not accept further delays and neither should Parliament. Other States have moved ahead of New South Wales on school bus safety and it is time we caught up. Queensland began a phase in during 2005 and Western Australia began a phase in during 2006. Victoria is the only other State that has not begun some form of phased introduction of mandatory seatbelts for school buses on regional routes.

I would like to take a moment to thank all the parents and groups who have spent countless hours over many years keeping up the pressure and working hard to make these reforms happen: people such as Glenda Staniford and Jan Shalhoub of the Belt Up for Safety Action Group; Jan Gill of the Mid North Coast Parents Bus Action Group; Leon Hain, the long-time campaigner of over 30 years from Victoria—and let us hope our colleagues in Victoria follow on soon after the New South Wales Parliament passes this bill—Peter Rodgers of the School Transport Action Group; and, of course, there are many, many more. I thank them all for their leadership and hard work in this important area. These parents and groups, including the Parents and Citizens Federation, have given this bill their full support. I urge the Government to seriously consider this bill over the break, to talk to The Greens and to look at ways to support the bill when Parliament resumes next year. I commend the bill to the House.