



NHVR Master Code of Practice – Public Consultation Draft

Submission by the Bus Industry
Confederation & Australian Public
Transport Industrial Association

September 2025



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The Bus Industry Confederation & Australian Public Transport Industrial Association

The Bus Industry Confederation (BIC) is the national peak body for the Australian Bus and Coach Industry. We represent bus and coach operators, body, chassis and complete bus manufacturers and suppliers, parts and service providers, professional services, and state bus associations on issues of national importance.

The BIC advocates on behalf of our members to federal, state and territory governments and associated bodies, to ensure the safe and efficient carriage of passengers, along with safe and sustainable operations and supply chains that support the industry.

The Australian Public Transport Industrial Association is the industrial arm of the BIC, with nation-wide membership spanning all state associations, public and urban transport operators.

The state associations are:

- BusNSW
- BusVic
- QBIC
- TasBus
- BusSA
- BusWA

Definitions

Code	Master Code of Practice: Public Consultation Draft
Controls	Per Code
Existing Code	Master Code of Practice (2018)
Hazards	Per Code
HVNL	Heavy Vehicle National Law
NHVR	National Heavy Vehicle Regulator
Operator	An entity that operates bus or coaches for the purposes of transporting passengers for hire or reward.
Risks	Per Code

Consultation Process

The Bus Industry Confederation (BIC) and the Australian Public Transport Industrial Association (APTIA) welcome the opportunity to provide feedback to the *National Heavy Vehicle Regulator's (NHVR) Master Code of Practice – Public Consultation Draft*.

Throughout the consultation period we held two roundtable sessions with around 73 industry participants, representing:

- every state and territory in Australia,
- small, medium and large operators,
- local and international organisations,
- private and public operators,
- school, long distance, urban route and mining operations
- metropolitan, regional and rural operators, and
- state industry associations.

We also conducted an industry-wide survey and held 1 to 1 consultation sessions with our members, of which forms the basis for our submission. This submission incorporates information gained throughout the consultation process and replicates in part other submissions made by industry on this matter.

Further review and consultation were undertaken with the Executive Directors of our State Associations and the chair and vice chairs of the BIC and APTIA Councils.

The BIC supports the submissions made by BusNSW, BusVic and QBIC and attach them here as supplementary material to our submission.

Summary & Recommendations

The bus and coach industry supports the introduction of industry specific risk, hazards and controls in the draft Master Code of Practice (the Code). However, we also strongly advocate for controls that are appropriate to the nature, complexity and size of the duty holder's transport operation.

For the reasons laid out below, any controls contained within the Code should be carefully considered in light of the application of the registered Code within Court proceedings.

The draft Code references s632A of the HVNL which clearly states that when using code of practice in proceeding¹:

(2) *A registered industry code of practice is admissible as evidence of whether or not a duty or obligation under this Law has been complied with.*

(3) *The court may—*

(a) have regard to the code as evidence of what is known about a hazard or risk, risk assessment, or risk control, to which the code relates; and

(b) rely on the code in determining what is reasonably practicable in the circumstances to which the code relates.

(4) *Nothing in this section prevents a person from introducing evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.*

Whilst we acknowledge that a court will take into account the following principles in determining what a person ought to know,²

(a) the person's abilities, experience, expertise, knowledge, qualifications and training;

(b) the circumstances of the offence

we hope that it would also consider an organisation or duty holder's resources and autonomy in decision making.

We argue that as a registered code of practice, any controls contained within the Code of Practice should be reasonably practicable in the *best case scenario*. That is there should be no control contained within the code that fails to be reasonably practicable for any duty holder.

In contrast to the guidance received in the consultation process, we cannot be placated that the industry should be using this Code as a 'guide' and cannot escape the very real applications of such a code in court proceedings.

Section 632A (4) clearly states that a duty holder can only depart from the controls listed in the code if the alternative controls provide a standard of safety or protection equivalent

¹ *Heavy Vehicle National Law s 632A.*

² *Ibid s 632 2 (a) – (c).*

to or higher than the standard in the code. It is through this lens that we must assess each of the controls presented in the draft.

We acknowledge that duty holders have had a responsibility under the HVNL since its introduction in around 2012 and further that the Existing Code has been in effect since 2018. However, the industry has very clearly raised its concerns that this Code introduces new Controls that require further review and refinement prior to being incorporated into the registered Code.

Finally, the Industry fully supports the intent of the NHVR in its development of the Code. We look forward to working with the NHVR to provide the industry with a strong and workable Code.

RECOMMENDATIONS

- RECOMMENDATION 1** Consider delaying the timeline to register the Code to ensure that the Controls are appropriate and that such significant change is properly consulted with Industry.
- RECOMMENDATION 2** Review the proposed Controls to be sure that they are drafted to consider the principles of what might be reasonably practicable in line with s 632 of the HVNL; particularly for small and medium-sized Operators.
- RECOMMENDATION 3** Restructure the Master Code to improve layout and accessibility.
- RECOMMENDATION 4** Include further guidance for small and medium Operators to assist them in complying with their obligations under the HVNL.
- RECOMMENDATION 5** Clearly identify how the Code interacts with state-based safety regulations that already apply to bus and coach Operators.
- RECOMMENDATION 6** Ensure that the Controls are clearly linked to the Risks and Hazards identified in the Code and are achievable for all sectors of the bus and coach industry (regular passenger, school bus, long distance, tourist and charter).
- RECOMMENDATION 7** Clearly identify parties who are considered to be duty holders to include the government and their authorised representatives. For example, where in control of timetables to be identified as schedulers for the purposed of the Act.

Operating a Bus Fleet

In addition to the specific controls identified below, the section titled Activity 36 *Operating a Bus Fleet* requires significant attention as outlined here.

The section titled *Operating a Bus Fleet* contains within it a broad range of controls that makes it difficult to ascertain what the hazard or risk is that it is purporting to be controlled. In contrast, the “truck” section the Code has clearly distinguished between matters such as mass or training which are more clearly aligned to hazards or risks.

Some of the Controls listed, for example 36.1 regarding the provision of a statutory declaration for driving behaviour, does not have its equal within the ‘truck’ section. Thus, it seems that this Code unfairly assumes that dangerous driver behaviour is solely a Bus and Coach industry issue.

This is in contrast to what the statistics tell us. Bus crashes made up around 1.6% of all fatal road crashes in the past decade, from 2014 to 2023.³ Fatalities involving trucks were more than 10 times that of buses,⁴ with less than 8 times the number of vehicles on the road (in 2020).⁵ This information is not to water down the tragic fatalities that involved buses but rather to highlight the inconsistencies within the Code and to advocate for a fairer representation of driver behaviour Controls across all heavy vehicle driver types.

Furthermore, by combining a disparate selection of controls, the section downplays the complexities of operating a bus fleet and should be redeveloped in consultation with industry to ensure that controls are adequate and appropriate. Without this, the recommendation would be to remove the section in its entirety as there are suitable Controls elsewhere in the document for critical hazards and risks.

³ <https://datahub.roadsafety.gov.au/safe-systems/safe-vehicles/bus-safety> (February 24, 2025)

⁴ <https://www.abs.gov.au/statistics/industry/tourism-and-transport/survey-motor-vehicle-use-australia/latest-release>

⁵ https://www.bitre.gov.au/sites/default/files/documents/heavy_bulletin_sep2024.pdf

Commentary on Schedule of Controls – General

Note: the commentary below should be considered on a without prejudice basis and subject to review. It should also not be assumed that an absence of commentary is equivalent to support of a particular Control

1. Activity: Fostering a strong safety culture

Activity 1 should be reviewed as it overlaps with existing WHS responsibilities. Note specific feedback against individual controls.		
Number	Control	Commentary
1.8	Provide support, including counselling or access to legal advice to employees who fear repercussions from reporting	Please remove the option to provide employees with access to legal advice. This is outside the remit of the employer.
1.13	Engage with local organisations and businesses to promote public safety and to allow employees to meet the community affected by the way the business carries out its transport activities	Whilst this is nice to have, it certainly shouldn't be considered a control for the purposes of the Code. This should be primarily the role of government and sits outside the remit of the employer.

2. Activity: Training executives in the business

Number	Control	Commentary
2.1	Ensure executives are provided information to enable them to understand the executive duty and how to carry out due diligence	Are there NHVR training resources for the provision of training to executives? We strongly recommend the inclusion of training resources from the NHVR.

3. Activity: Recruiting and employing (all employees)

Activity 3 is a prime example of where the appropriate clause in the HVNL should be used for guidance.

Number	Control	Commentary
3.1	Recruit for attitude and behaviour as well as skills.	Recruiting for “attitude” is not an actionable control. Nor does it seem particularly defensible. Rather, control measures might include steps an employer could take to recruit.
3.2	Ensure referee checks ask specific questions about the applicant's commitment to safety and adherence to safety policies	

4. Activity: Training employees

Number	Control	Commentary
Activity 4 could be combined as per commentary below.		
4.1-4.11	Allocate appropriate time and resources for training.	Could be combined into something like: Assess training needs and allocate adequate resources for delivery of training and assessment. Then elaborate with revised and condensed explanatory notes contained within the existing text.
4.6	Cater to the learning needs of employees.	Learning principles should ideally be left out of the Code given the broad and subjective nature of the headline control. Demonstrated competence and understanding are the only viable indicators of compliance.
4.11	Involve business partners in training your employees and vice versa.	Control measures listed are not connected to specific hazards or risks. If the idea is to make this guidance document a useful resource for employers/operators/parties, it would be helpful to specify what hazards the control measures are

		eliminating/minimising. Upon reading some of these controls, if we ask the question, what hazard is this control addressing, it is not immediately clear as some are quite vague (e.g. Involve business partners in training your employees and vice versa)
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5. Activity: Working with other businesses

Activity 5 No specific commentary except that would hope a reasonable defense might be the availability of alternative business partners, especially in regional and rural area. Also, recognition that government bodies that in many cases purchase buses setting specifications and scheduling are recognised as a business for the practical application of the code.

6. Activity: Assurance – other businesses

Activity 6 No specific commentary other than provided for activity 5.

7. Activity: Sharing information

Number	Control	Commentary
7.5	Ensure that information which is time critical for safe operations has been received by the relevant party	Read receipts are not a suitable or adequate control.

8. Activity: Making agreements

Number	Control	Commentary
8.1	Ensure agreements do not contribute to safety risks.	This assumes a level of control over contracts that many Operators do not have.
8.2	Ensure the terms of an agreement will enable your business to operate safely	This assumes a level of control over contracts that many Operators do not have.

9. Activity: Recruiting and employing heavy vehicle drivers

Number	Control	Commentary
9.1	Provide incentives to attract and retain the best drivers.	We would advocate for the removal of this control. This is not a control and it has also been proven to fail. It does not contribute to the overall safety of the industry.
9.2	Plan career pathways and transition options to retain drivers long term and keep their knowledge and experience within the business.	This is an aspirational statement rather than a control and does not clearly link to controlling a risk or hazard. It is also not practicable for Operators.
9.3	Recruit for non-technical skills and personal traits as well as driving skills	Again, the suggestions underneath this control are aspirational rather than practical and do not necessarily have an effect on the risk or hazard (which is also not clearly identified).
9.4	Verify experience, skills, licenses and accreditation during the recruitment process	This is a more sensible and practical approach to a control. Examples of how to do so, could assist.
9.5	Require referees to disclose any personal connection with the applicant and ensure that they directly supervised or worked with the applicant and that they are authorised to speak on behalf of the previous employer.	More practical wording would be request, rather than “require referees...” . Another way to put this might be: 1. Employers should obtain candidate consent before checking references. 2. Only job-relevant questions should be asked. 3. Information should be treated as confidential and handled under privacy obligations. 4. Referees should stick to objective, factual, and honest comments.

9.6	Research other information sources to understand the applicant's employment history and lifestyle choices.	We would advocate for the removal of this control. Researching an applicant's lifestyle choices is problematic and puts employers at risk of breaching privacy and anti-discrimination legislation. Need to clarify what they mean by lifestyle choices.
9.9	Include contract terms requiring a driver to notify the employer of any criminal history, driving offence, infringement, loss of points, or changes to condition of any licence or authorisation immediately the driver becomes aware of them.	
9.10	Maintain records of each driver's traffic history and license throughout the course of their employment. Verify its accuracy at regular intervals.	
9.11	Offer employment terms conducive to safety.	How does 'Health Assessment of Drivers' fit into this control?
9.15	Include contract terms requiring a driver to provide written authority enabling the employer to discuss the driver's fitness for work with their medical practitioner(s) and obtain copies of relevant records from the practitioners (including for any relevant previous condition or ailment), and that such authority will not be withheld.	This will become a union issue. What are the possible privacy implications regarding Dr's ability to discuss medical information with employer? Wouldn't that information need to be provided directly by the employee/individual
9.16	Include contract terms requiring a driver to consent to the provision of samples for drug and alcohol testing throughout the employment period.	This control will need to be qualified as there are normally strict policies and procedures within business.
9.17	Ensure that time is afforded to manage a driver's ongoing fitness to drive and wellbeing	We would advocate for the removal of this Control. It is not specific or actionable.

9.18	Include contract terms requiring employers to implement policies and procedures, training and resources to ensure the privacy of employees' medical and other records.	This is not a safety related control and should be excluded from the Code.
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10. Activity: Managing fitness to drive

Number	Control	Commentary
10.12	Conduct targeted testing of a driver if there are indications of unsafe driving, etc.	Remove "mood swings" from the list as without proper context it is not appropriate.

11. Activity: Managing driver fatigue

Activity 11 Does this, and other similar sections include or exclude bus? If included, how does it interact with the bus specific controls?

Number	Control	Commentary
11.2	Provide training for all employees about the risks of drivers being impaired by	
11.12	Avoid rostering drivers with split shifts.	Not practicable for many Bus operators running large networks and operating school bus services.
11.13	Where split shifts are unavoidable, implement additional controls to manage the risk of drivers being impaired by fatigue.	This can be outside of the Operators control – for example – where an employee lives.
11.15	Maintain a register of relief drivers who can replace a driver impaired by fatigue.	Let's review the practicality of this and the ability for this to be funded when having drivers on standby.
11.17	Enlist business partners to monitor and immediately report a driver who is impaired by fatigue or otherwise unfit to drive.	Consideration of the difficulty in relying on external partners, or their employees, to assess fitness to drive is needed.

11.20	Assess the circumstances of the driver's impairment and determine whether	Note
11.22	Regularly monitor the fatigue impairment risk of all drivers, using all available	Not all items are / will be funded. Refer to the various urban bus contract funding models across the country

12. Activity: Managing distraction and inattention

Number	Control	Commentary
12.1	Reduce the number of audio and visual devices in the cabin of each vehicle to the necessary minimum.	Would it be up to the Court to decide what 'necessary minimum' is?
12.2	Reduce the number of separate systems that bus drivers use for ticketing and navigating.	On what basis has this control been introduced? Reducing form what to what? Furthermore, in the main, operating systems provided by State
12.3	Restrict radio or phone calls to drivers to times when they are not driving.	This is not practical. Potentially change restrict to 'minimise' and remove 'not'. You should also separate out radio and phone calls.
12.4	Attend to mechanical issues early, to prevent warning lights being displayed on the dashboard.	What is the data that shows that mechanical warning lights are a hazard or risk? Recommend this is re-phrased to imply having maintenance plans in place to minimise risk or remove this altogether..
12.7	Make time to speak to drivers at the end of each shift, so that work issues can be resolved or addressed before their next shift	This doesn't control the issue – it could be considered overreach. It is also Impractical in many areas where vehicles do not return to base (school bus) and/or return at early or late hours.
12.10	At the start of a journey, remind drivers about hazards on the route	More information regarding how this control reduces inattention

	to bring them to the driver's attention	before supporting its inclusion in the Code.
12.11	Use visual prompts inside the cabin to remind drivers to pay attention to hazards,	This is a direct contradiction to item 12.1
12.12	Check in on drivers throughout longer journeys or use in-vehicle monitoring	Define "longer journey". It also contradicts 12.3
12.13	Use GPS geo-fencing to set alerts at key parts of a journey, to remind drivers of hazard ahead	This should be reviewed. It not only contradicts other Controls, the technology is in its infancy and we are not fully aware of its capabilities.
12.14	For complex or hazardous journeys, allocate a person to accompany the driver	What would the NHVR consider to be a 'complex' or 'hazardous journey'?

13. Activity: Training drivers

Activity 13 How does this fit in with the other sections on training?

14. Activity: Equipping drivers

Activity 14 Nil Commentary

15. Activity: Using monitoring devices and safety systems

Number	Control	Commentary
15.1	Provide information and engage with drivers and other employees about the decision to introduce or use monitoring devices.	Need to be careful to ensure that this adheres to consultation provisions in industrial instruments.

18. Activity: Equipping and modifying vehicles

Number	Control	Commentary
18.2	Identify and install systems and technology that improve safety.	Refer to 35.8 to 35.11. Not all vehicles are fitted with recommended installations (the below are relevant to buses that are not installed to most buses across the networks):

		• FDDT's • Cameras or sensors that detect and warn of vulnerable road users • Sensors for detecting infrastructure hazards (low bridges or tunnels, level crossings) • Onboard mass measuring systems • Tyre temperature and pressure monitoring systems
18.4	Identify and install auxiliary equipment required for the transport task.	In other areas of the Code you refer to fire extinguishes on buses. This overlaps.

22. Activity: Arranging for a vehicle to perform a task

Activity 22 Does this, and other similar sections include or exclude bus? If included, how does it interact with the bus specific controls?

24. Activity: Allocating a driver to a driving task

Activity 25 Does this, and other similar sections include or exclude bus? If included, how does it interact with the bus specific controls?

25. Activity: Scheduling transport tasks

Activity 25 Does this, and other similar sections include or exclude bus? If included, how does it interact with the bus specific controls?

26. Activity: Route planning and selection

Activity 26 Does this, and other similar sections include or exclude bus? If included, how does it interact with the bus specific controls?

27. Activity: Allocating or accepting a vehicle for a transport task

Activity 27 Does this, and other similar sections include or exclude bus? If included, how does it interact with the bus specific controls?

32. Activity: Measuring, communicating and monitoring mass

Activity 32 How does this interact with passenger mass?

Commentary on Schedule of Controls - Buses

It is unclear in the Code how the section on buses interacts with the other Controls. Again, clear reference to the HVNL provisions would assist.

35. Activity: Equipping and modifying buses

It is unclear whether these measures should apply retrospectively to existing fleets or to new vehicles only. Some of the measures mentioned while logical are prohibitively expensive, For example laminated glass which can be \$13,000 per vehicle. It should also acknowledge jurisdictional differences.

Number	Control	Commentary
35.1	Provide fire extinguishers.	Some requirements, such as the provision of fire extinguishers and break-glass hammers, are already mandated under the Australian Design Rules (ADR). As they are existing compliance obligations they are duplicative in the code.
35.2	Provide first aid kits.	Are there references to this control? A court decision was made in QLD to mandate FAK on urban services in reference to the WHS COP, however this has not been adopted across Australia. In South Australia Automatic defibrillators are mandated from 01/01/2026 at operator cost. While good, the other part is how is the first aid kit dispensed when needed. In some states, bus drivers on city services are actively trained now not to interact with passengers for fear of assault. The determination needs more flexibility. A recommendation is that an operators should determine what medical equipment is mandated for their operation in accordance with jurisdictional requirements.
35.3	Fit lap/sash seatbelts to seats, ensuring the top sash mounting point of seats	For existing buses: This retrofit is prohibitively expensive at upwards of \$50,000 per vehicle.

		For new buses: Specifically for the lash orientation, while the proposed sash orientation (with the top mounting point closest to the window) appears logical, the concept it is currently under detailed investigation following recent incidents. Premature implementation may lead to inconsistent practices and other unknown issues. BIC recommend deferring this control until the findings are published and a mature solution is available in consultation with industry ADR 68/01 References – Implementation Dates: Additional information is required regarding ADR 68/01. The 1 November 2026 date applies to new model buses is correct but needs to be complimented by the additional information that all new buses must comply from 1 November 2027. Without this distinction, the current wording may incorrectly imply an earlier universal implementation.
35.4	Install audible and visual reminders for passengers to fasten seatbelts.	Expand to provide a summary of the relevant ADR.
35.5	Install seatbelt reminder stickers or stitching on the back of seats to	Expand to provide a summary of the relevant ADR.
35.6	Fit laminated safety glass to bus side windows.	The proposal to fit laminated safety glass to bus side windows is a commendable safety initiative. However, its implementation requires further detailed industry consultation and technical evaluation prior to it being a considered control. Key considerations include:

		• Emergency Exit Functionality: Laminated glass may impede emergency egress unless designed with breakaway features or alternative exit mechanisms. How do we protect passengers where laminated glass cannot be fitted? • Weight and Cost Implications: Laminated glass adds weight and cost, which may affect vehicle capacity and government procurement budgets. • First Responder Access: Emergency services must be able to access passengers quickly. Laminated glass may hinder this unless supported by appropriate tools, design features, and response information. • Current Investigations: Ongoing studies within the industry are exploring optimal materials and configurations for side glazing. These should be concluded before mandating laminated glass as a control. As part of developing a mature solution ○ Emerging Alternatives: Technologies such as safety window films are being investigated as potentially viable alternatives to full lamination. ○ International Standards: International standards such as FMVSS 217A (USA), could be considered as possible which governs bus window retention and emergency exits. These standards may inform a more robust
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		and globally aligned solution. BIC recommend removing this control until a mature, evidence-based solution is developed in collaboration with industry stakeholders.
35.7	Equip buses with glass breaking hammers.	Per 35.1.
35.8	Procure buses with driver safety screens or retrofit screens to existing buses.	Driver safety screens can be installed in full compliance with ADRs without solely relying on the NHVR Exemption Notice. The exemption and BIC guidance are relevant only where ADR compliance is not feasible. BIC recommend removing the note referencing the exemption to avoid confusion.
35.9	Install vehicle immobilising technology.	This is a valuable safety measure. We recommend reframing the control to focus on anti-rollaway systems, which may include park brake alerts or automatic braking systems. The emphasis should be on preventing unintended vehicle movement and supporting driver awareness. Vehicle immobilising technology – While rollaway risk is recognised and subject to technical specifications in NSW, the retrospective fitment of certain immobilising systems may not be technically feasible across diverse fleets and would potentially impose significant cost QLD and SA own their fleet, whilst in NSW and some other jurisdictions the fleet is owned by the state Examples of vehicle immobilising technologies are a park brake alert system, or a fail-safe automatic braking system that

		instantly applies the vehicle park brake if it is not applied by the driver or operator before they exit the cabin
35.10	Install automatic passenger counting technologies, to provide the bus driver an accurate count of the number of passengers on the bus.	Refer 35.11
35.11	Install on-board mass measuring technology, to provide the bus driver accurate	Mass monitoring for passengers is not a practical or equitable solution. Public transport involves dynamic and diverse passenger loads and weighing individuals could be perceived as discriminatory. Industry supports managing passenger capacity through clear seating and standing limits rather than active mass measurement. • Passenger Mass: Recommend removing this control and instead replace it with implementing automatic passenger counting systems or clear signage indicating capacity limits pending jurisdictional requirements. Either should be considered acceptable. • Luggage Mass: Suggest operators use signage to remind drivers of cargo limits, allowing flexibility for innovative industry solutions.
35.12	Fit drawers to the cargo area under high floor buses to contain luggage and	The proposed measures are overly prescriptive. We recommend simplifying the control to: “Implement measures to minimise movement of cargo and luggage within storage areas during transit.”

		This allows operators to adopt innovative and fit-for-purpose solutions.
35.13	Treat the floor of the cargo area with non-slip material to minimise the movement	Cargo/Luggage Control – Overly prescriptive. Simplify to 'Implement measures to minimise movement of cargo/luggage'.
35.14	For buses with overhead luggage storage, install dividers in overhead	Control measures should be robust and practical before suggesting or removed altogether.
35.15	Resources for Equipping and Modifying Buses	The intent is sound, but refinements are needed: • A. Jurisdictional Guidance: Transport for NSW specifications may differ from other states. Operators should refer to guidance specific to their jurisdiction. • B. ADR 58/00: As a mandatory standard, referencing ADR 58/00 is redundant and can be removed. • C. Additional Resources: Recommend including references to the Bus Industry Confederation's guidance on Fire Safety and Zero Emission Buses for a more comprehensive resource list.

36. Activity: Operating a bus fleet

Activity 36 Please see headline commentary.		
Number	Control	Commentary
36.1	Before engaging a new driver, seek confirmation in the form of a Statutory Declarations on driving history	This consideration must also be viewed in the context of State Bus Driver Authority system, which provides the legal framework for authorising individuals to drive a public passenger bus or coach in NSW. The system is designed to ensure that drivers are fit and proper persons, with the requisite

		skills and knowledge to safely transport paying passengers. The NHVR has not included these sorts of controls for truck drivers and given the frequency rates of accidents, this should be reviewed.
36.2	Verify the currency of the driver's license and bus driving authority, including whether the driver's license is subject to conditions which restrict when and what types of buses they may drive.	This is covered in other pre-employment and authority checks.
36.3	Provide information to the bus driving accreditation issuing authority about conduct that led to the termination of the driver's employment	BIC has grave concerns regarding the legality of this control and strongly recommends that it is removed, This is likely to be restricted under privacy legislation and appears inconsistent with existing state processes for administering Bus Driver Authorities and driver performance. This sort of feedback was consistent amongst respondents.
36.4	Train drivers about how to de-escalate aggressive or abusive passenger behaviour	This control might actually increase the risk for our drivers.
36.5	Establish the total number of passengers who can be carried on the bus, to prevent the bus being over-mass when full.	While the concept is sound in principle, enforcement is generally impractical in a public passenger transport setting and would place unreasonable demands on drivers to manage
36.6	Establish a luggage mass limit per passenger for transport on high floor buses.	As above, this section could use more specific hazards and risks to justify the controls suggested.
36.7	Distribute luggage and freight across the cargo area to ensure appropriate mass	As above.
36.8	Limit the amount of luggage in the saloon, having regard to the	As above

	combined mass of passengers and luggage and the mass limit of the passenger cabin.	
36.9	Provide training to bus drivers to always apply the park brake when stationary.	Revise: Park brake when stationary, park brake and neutral before leaving the driver's seat.
36.10	Provide adequate training time for drivers to learn and familiarise themselves	

37. Activity: Managing passengers

Number	Control	Commentary
37.1	Provide information about luggage mass limits to passengers at the time of ticket	Some proposed controls, such as advising passengers of luggage mass limits at ticket purchase , are not practical for bus and coach services where no pre-purchase occurs.
37.2	Set standards and provide clear information about how to behave on buses, such as using signage or announcements.	Signage cannot be installed onto any bus within any jurisdiction without authorisation from the PTA, this control is not achievable for an operator.
37.3	Alert bus operators to issues and provide feedback.	This item needs to be expanded on. To what issues are operators being provided feedback for and in what circumstances? Should there be a HSR & Health and Safety Committee an organisation will discuss particular items. Operators aren't able to provide feedback to all drivers on matters, particularly in high incident / accident prone areas
37.4	Impose ticket terms and the right to exclude violent passengers.	This is not possible when operating a public transport system. Only few coach operators have the mechanism to undertake this control. There are safety risks in bus drivers imposing ticketing terms and excluding passengers - suggest

		removing / rewording or expanding on this. This control does not provide a real solution or reduce risk for most of our Operators. Providing behavioural standards for school students is already managed under TfNSW's Guidelines for Managing School Student Behaviour on Buses and through operator policies.
37.5	Provide information and guidance to passengers about safe stowage of luggage inside the saloon.	"Saloon" is not bus language we use in Australia. Where has this reference come from?
37.6	Resources for Managing passengers	There are other guidelines to be referenced in here, each jurisdiction have created their own code of conduct for travelling on services, QLD & NSW have both developed a School Code of Conduct yet the NSW version is the only one referenced.

38. Activity: Establishing, monitoring and scheduling bus routes

Activity 38 Given the resources referenced in this section, it does make it unclear who this section is aimed at and since the government has not been clearly identified as a duty holder, it reads that the Operator is responsible for these suggested controls.

Number	Control	Commentary
38.1	Situate bus stops where the stationary bus will not create a hazard for	Route design, timetabling, and performance indicators – for contracted regular passenger and school services are determined by each respective jurisdiction such as TfNSW through service contracts and network planning. Operators have little to no capacity to influence these controls independently, and requests for service alterations are typically declined where they involve additional cost to government. Jurisdictional bodies such as TfNSW should therefore be recognised as

		being responsible for timetables and bus stops that may impact an operator's ability to manage risks associated with speed and fatigue, taking into account the operating environment to - These are the responsibility of local councils and government
38.2	For bus stops located on main or arterial roads, establish turnouts so the bus can	See 38.1
38.3	Ensure the intended route for the bus can be driven safely within the scheduled	See 38.1
38.4	Establish the schedule for an intended route at the time of day with the heaviest	See 38.1
38.5	Establish multiple schedules for each route, for use during times of peak or off-	See 38.1
38.6	Ensure contracts and agreements do not impose penalties for failing to meet "on OTR"	This is not feasible. Contracts are set by the PTA with room to discuss departures however it is extremely unlikely OTR will be removed from contracts or not included within future agreed contract terms. Furthermore, any Operator who attempts to water down these provisions may lose the opportunity to win contracts. Operators have little to no capacity to influence these controls independently, and requests for service alterations are typically declined where they involve additional cost to government. State representatives should therefore be recognised as being responsible for timetables that may impact an operator's ability to manage risks associated with speed and fatigue, taking into

		account the operating environment
38.7	Ensure contracts and other agreements do not cause or encourage the driver of a	As per 38.6
38.8	Review the scheduled time for bus routes at regular intervals, including when	As per 38.6
38.9	Implement a procedure to receive feedback from bus drivers about the schedule	Per 38.6

41. Activity: Recovery vehicles and operations

Activity 41 Does not properly contemplate on-road breakdown and repairs for buses.

Each jurisdiction has guidance information for dealing with breakdowns as has most operators and the BIC also has guidance material⁶. If any inclusion for buses is made, then it should reflect the reference to have a breakdown plan, guide in place in accordance to each jurisdictions own requirements.

⁶ <https://bic.asn.au/bus-breakdown-guide/>

References

Australian Bureau of Statistics <https://www.abs.gov.au/statistics/industry/tourism-and-transport/survey-motor-vehicle-use-australia/latest-release> (Accessed 26 September 2025)

Bus Industry Confederation *Bus Break Down Guide* (2002) <https://bic.asn.au/bus-breakdown-guide/>

Department of Infrastructure, Transport, Regional Development, Communications and the Arts
https://www.bitre.gov.au/sites/default/files/documents/heavy_bulletin_sep2024.pdf
(Accessed 25 September 2025)

Heavy Vehicle National Law (2014)

Road Safety Data Hub <https://datahub.roadsafety.gov.au/safe-systems/safe-vehicles/bus-safety> (Accessed 26 September 2025)

Attachments

We also refer to the following submissions from our State Associations and attach them for your convenience. They have also been submitted directly with the NHVR:

1. BusNSW - Submission
2. BusVIC – Submission (supporting letter to their annotated Master Code as submitted directly by the Association)
3. Queensland Bus Industry Council - Submission