



Queensland

Rural and Regional Adjustment (Bus Driver Safety Scheme) Amendment Regulation 2018

Subordinate Legislation 2018 No. 189

made under the

Rural and Regional Adjustment Act 1994

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1 Short title

This regulation may be cited as the *Rural and Regional Adjustment (Bus Driver Safety Scheme) Amendment Regulation 2018*.

2 Regulation amended

This regulation amends the *Rural and Regional Adjustment Regulation 2011*.

3 Amendment of s 3 (Approval of schemes—Act, s 11)

Section 3(1), ‘9’—
omit, insert—
10

4 Insertion of new sch 10

After schedule 9—
insert—

Schedule 10 Bus Driver Safety Scheme

section 3(1)

1 Objective of scheme

The objective of the scheme is to provide for assistance to operators of eligible bus services to install anti-shatter film and driver barriers on eligible buses to make the buses safer for drivers and passengers.

2 Definitions

In this schedule—

anti-shatter film means a laminate, bonded to a vehicle window, that is designed and constructed to bind glass shards on impact and prevent them entering the vehicle.

applicant means a person applying for assistance under the scheme.

application means an application for assistance under the scheme.

bus service contract means—

- (a) generally—a service contract under the *Transport Operations (Passenger Transport) Act 1994*, section 38(1), between the passenger transport chief executive and the holder for the contract for providing an eligible bus service; and
- (b) for an applicant—a service contract for which the applicant is the holder.

designated bus, for an application, see section 4(1)(d).

designated safety equipment, for an application, see section 4(1)(d).

driver barrier means a barrier, fitted in a bus, that is designed and constructed to prevent or reduce the risk of injury to a person in the driver's seat (the *driver*) in the event of another person committing, or attempting to commit, an act of violence against the driver.

eligible bus means a bus identified in an applicant's bus service contract for providing an eligible bus service.

eligible bus service means a public bus service mentioned in the document 'Eligible Queensland Bus Services' prepared by the passenger transport chief executive and published on the authority's website.

holder, for a service contract, see the *Transport*

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Operations (Passenger Transport) Act 1994, schedule 3.

notice means written notice.

operator see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

passenger transport chief executive means the chief executive of the department in which the *Transport Operations (Passenger Transport) Act 1994* is administered.

public bus service means a public passenger service within the meaning of the *Transport Operations (Passenger Transport) Act 1994* for the carriage of passengers on a bus, but does not include a driver service within the meaning of that Act.

scheme means the scheme set out in this schedule.

3 Nature of assistance

The nature of the assistance that may be given under the scheme is a rebate to offset—

- (a) the costs of acquiring and installing anti-shatter film on designated buses to the maximum amount for each bus under section 7(2); and
- (b) 50% of the costs of acquiring and installing driver barriers on designated buses to the maximum amount for each bus under section 7(3).

4 Eligibility for conditional approval for assistance

- (1) An applicant is eligible for conditional approval for assistance under the scheme if—
 - (a) the applicant is the operator of an eligible bus service; and

- (b) the applicant has entered into a bus service contract with the passenger transport chief executive to provide the bus service; and
- (c) the passenger transport chief executive is satisfied the applicant has complied with the applicant's obligations under the bus service contract; and
- (d) the applicant has applied for conditional approval for assistance to install, on an eligible bus identified in the application (the *designated bus*), either or both of the following items of equipment (each the *designated safety equipment*)—
 - (i) anti-shatter film of a type described in detail in the application;
 - (ii) a driver barrier of a type described in detail in the application; and
- (e) the authority is satisfied—
 - (i) the applicant has obtained, or will obtain, a written warranty from the manufacturer or seller of the designated safety equipment that the equipment will be fit for purpose; and
 - (ii) the applicant has given the authority a notice stating when it is proposed to install the designated safety equipment; and
 - (iii) if the designated safety equipment is installed on the designated bus, the applicant proposes to operate the bus for at least 2 years after the equipment is installed; and
 - (iv) the applicant will be responsible for maintaining the designated safety equipment; and

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- (f) for an application for installing anti-shatter film on the designated bus, the authority is satisfied anti-shatter film has not already been installed on the bus or acquired for that purpose, whether with assistance under this scheme or otherwise; and
 - (g) for an application for installing a driver barrier on the designated bus, the authority is satisfied—
 - (i) the applicant has carried out a risk assessment showing that the eligible bus service is provided in a high risk area; and
 - (ii) a driver barrier has not already been installed on the bus or acquired for that purpose, whether with assistance under this scheme or otherwise; and
 - (h) the applicant agrees to give the passenger transport chief executive the information reasonably required by that person for evaluating the designated safety equipment after it is installed.
- (2) In this section—
- high risk area*** means an area in which the applicant considers there is a high risk of any of the following happening—
- (a) violence towards a bus driver or passenger;
 - (b) threatening behaviour, including, for example, serious verbal threats or abuse, towards a bus driver or passenger;
 - (c) an object being thrown at a bus, bus driver or passenger.

5 Conditional approval for assistance

- (1) Subsection (2) applies if the authority is satisfied

the applicant is eligible under section 4 for conditional approval for assistance to install the designated safety equipment on the designated bus.

- (2) The authority may, by notice to the applicant, approve the application for conditional approval for assistance only on the condition stated in subsection (3).
- (3) The applicant must—
 - (a) acquire the designated safety equipment after being given the notice under subsection (2); and
 - (b) install the equipment on the designated bus and apply for final approval for assistance for the installation within the final claim period for the application.
- (4) The applicant may, on or before 30 June 2020, ask the authority to extend the final claim period for the application.
- (5) If the applicant asks for an extension of the final claim period under subsection (4), the authority may, by notice to the applicant, extend the period if it considers there are exceptional circumstances to do so.
- (6) In this section—

final claim period, for the application, means the period ending on—

 - (a) 30 June 2020; or
 - (b) if the period is extended to a later day under subsection (5)—the later day.

6 Final approval for assistance

- (1) This section applies if—

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- (a) the authority has given conditional approval under section 5(2) for assistance to install the designated safety equipment on the designated bus; and
 - (b) the applicant has applied under section 5(3)(b) for final approval for the assistance.
- (2) The authority must decide to—
- (a) approve the application and give final approval for the assistance; or
 - (b) refuse the application.
- (3) The authority may, by notice to the applicant, give final approval for assistance to install the equipment if satisfied—
- (a) the applicant is still eligible for the conditional approval for the assistance under section 4; and
 - (b) the applicant has obtained the warranty for the equipment mentioned in section 4(1)(e)(i); and
 - (c) the applicant has acquired and installed the equipment in compliance with section 5(3).

7 Amount and payment of assistance

- (1) This section applies if the authority gives final approval under section 6 for assistance for installing the designated safety equipment on the designated bus.
- (2) For installing designated safety equipment that is anti-shatter film, the authority must pay the applicant the lesser of—
- (a) the costs incurred for acquiring and installing the anti-shatter film; and
 - (b) either—
 - (i) for a large bus—\$2,400; or

-
- (ii) for another designated bus—\$1,200.
 - (3) For installing designated safety equipment that is a driver barrier, the authority must pay the applicant the lesser of—
 - (a) 50% of the costs incurred for acquiring and installing the driver barrier; and
 - (b) \$2,000.
 - (4) In this section—

large bus means a designated bus identified in the applicant's bus service contract as an articulated bus, a double decker bus or long wheel base bus.

8 Condition of assistance

- (1) The payment of the assistance under section 7 is subject to the condition stated in subsection (2).
- (2) The applicant must give the authority tax invoices and official receipts of amounts the applicant has paid to acquire and install the designated safety equipment.
- (3) In this section—

official receipt means a receipt of an amount paid by an applicant to an entity that includes—

- (a) the name and address of the entity that issued the receipt; and
- (b) if the entity has an Australian Business Number—the Australian Business Number; and
- (c) a description of each item to which the receipt relates.

9 Applications

- (1) An application for assistance under the scheme must—

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- (a) be in the form approved by the authority;
and
 - (b) be accompanied by any other documents
stated in the approved form.
- (2) An application for conditional approval for assistance mentioned in section 4 must be given to the authority on or before 31 March 2019.
- (3) An application for final approval for assistance mentioned in section 5 must be given to the authority before the end of the final claim period for the application.
- (4) The authority may ask an applicant for further relevant information required to decide the application.
- (5) In this section—
final claim period, for the application, see section 5(6).

10 Deciding applications

- (1) Subject to subsections (2) and (3), the authority must consider, and decide to approve or refuse to approve, each application for assistance under the scheme.
- (2) The authority must consider applications in the order they are received.
- (3) The authority, for the State, may approve an application only if the authority's assistance funds for the scheme are sufficient to pay for the assistance.

ENDNOTES

- 1 Made by the Governor in Council on 15 November 2018.
- 2 Notified on the Queensland legislation website on 16 November 2018.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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