

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

Explanatory notes for SL 2018 No. 189

made under the

Rural and Regional Adjustment Act 1994

General Outline

Short title

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

Authorising law

Sections 3, 10, and 44 of the *Rural and Regional Adjustment Act 1994* (the Act).

Policy objectives and the reasons for them

The purpose of the proposed legislation is to enable the Queensland Rural and Industry Development Authority (QRIDA) to provide financial assistance, under a scheme, to contracted bus operators providing urban bus services across Queensland to purchase and install anti-shatter film and driver barriers to increase the safety for bus occupants (including the driver and passengers).

The proposed legislation will fulfil its objective by prescribing the Queensland Bus Driver Safety Scheme as an approved assistance scheme under the Act.

In September 2016, the Queensland Government initiated a review into bus driver safety following an increase in violent incidents including verbal and physical aggression towards bus drivers.

The *Queensland Bus Driver Safety Review* (undertaken by Deloitte Risk Advisory Pty Ltd) was released in August 2017 and provided recommendations including the use of a risk based approach to assess operational needs for driver barrier installation.

The Queensland Government's final response to the review includes the provision of Government grants for bus operators to implement safety measures including protective barriers for drivers and anti-shatter window film on buses.

Achievement of policy objectives

The subordinate legislation will achieve its objective by inserting a new Schedule 10 into the *Rural and Regional Adjustment Regulation 2011*, allowing QRIDA to administer the Bus Driver Safety Scheme on behalf of the Department of Transport and Main Roads (TMR).

The Queensland Bus Driver Safety Scheme will assist bus operators by providing a rebate to offset the purchase and installation costs of anti-shatter film and driver barriers. For anti-shatter film, the bus operator can claim a rebate of 100 per cent of the purchase costs and installation. For driver barriers, the bus operator can claim a rebate of 50 per cent of the purchase and installation.

Conditional Approval Stage

To be eligible to apply to QRIDA for assistance under the Bus Driver Safety Scheme, the applicant must be an operator under the *Transport Operations (Passenger Transport) Act 1994*, and must hold a current Service Contract with the State under section 38B. The operator must also comply with their obligations under the Service Contract, the *Transport Operations (Passenger Transport) Act 1994* and the *Transport Operations (Passenger Transport) Standard 2010* at the time of the application. The scheme will also only cover vehicles which are not due for replacement within 2 years of application.

Operators must supply an indicative implementation or installation schedule with their applications. This demonstrates a commitment to enacting the conditionally approved works and assists the administration of the scheme and determining eligible vehicles.

To be eligible to apply to QRIDA for assistance specifically for driver barriers, the operator must provide a satisfactory risk assessment demonstrating that all or part of the operator's service area is high risk or has the potential to become high risk, and that the installation of a driver barrier would mitigate this risk. The Scheme relates to new installations only and buses that already have installed driver barriers are not eligible for assistance for replacement or maintenance of their existing barrier under the Scheme.

In the case of anti-shatter film, the operator must purchase and install anti-shatter film that meets the definition of anti-shatter film provided by TMR on a bus not already fitted with anti-shatter film.

Applications must be made to the authority no later than 31 March 2019, and applications will be assessed in the order that they are received. If the funds for the scheme are depleted during any stage of the scheme, the authority must not approve any further applications.

Claim Stage

Once installation is complete, eligible applicants will be required to submit a completed claim form which is considered and, if compliant, approved by QRIDA. This claim form should also be accompanied by required tax invoices, official receipts and an itemised confirmation by the installer that the correct buses have had the safety features installed consistent with the indicative quote.

The purchase and installation may only occur after receiving conditional approval from QRIDA and must be completed before the eligible applicant submits a claim form. Claim forms must be submitted by 30 June 2020. An extension of time may be given if QRIDA considers the applicant's circumstances are exceptional.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

The subordinate legislation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

An alternative way of achieving the policy objectives would be for the scheme to be administered by TMR. However, TMR is not as well equipped to administer rebate schemes as QRIDA, whose primary function is to administer financial schemes.

The *Rural and Regional Adjustment Act 1994* enables QRIDA to give financial assistance to primary producers, small businesses or other elements of the State's economy to benefit the State's economy. QRIDA has extensive experience in administering grant, loan and rebate schemes for government and is better placed to administer the Bus Driver Safety Scheme.

Benefits and costs of implementation

The Bus Driver Safety Scheme will benefit the safety of bus operations for both drivers and passengers, by providing bus operators with financial assistance for the cost of buying and installing anti-shatter film and driver barriers. This will support the implementation of recommendations from the *Queensland Bus Driver Safety Review*, which was released in August 2017 to improve safety for bus drivers.

The total cost allocated toward the Bus Driver Safety Scheme is \$5.47 million. This is made up of \$3.93 million for driver barriers and \$1.54 million for anti-shatter film.

Consistency with fundamental legislative principles

The subordinate legislation has been drafted with regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

In September 2016, the Queensland Government initiated a review into bus driver safety./ The *Queensland Bus Driver Safety Review* was released in August 2017. An evidence based process was undertaken to explore bus driver safety and develop insights into violence related risks and controls for bus drivers utilising the following procedures:

- collaboration with stakeholders involving 39 separate consultations with Queensland Government, industry, interstate government agencies, tertiary sector and advocacy groups;

- survey of bus drivers in Queensland of whom 522 bus drivers provided their opinions of violence related risks encountered in their work and safety controls to mitigate risk; and
- sourced costs of controls from stakeholders where available or permitted to support costing analysis and modelling for potential initiatives.

TMR has also consulted with key stakeholders, including industry and unions through its Bus Safety Forum. This forum has been kept up to date and provided feedback on the progress of the development of the final response. TMR has also consulted individually with industry peak bodies and sought feedback directly from operators through the use of surveys.

The Office of Best Practice Regulation (OBPR) has been consulted about the proposed amendments. OBPR advised that the Bus Driver Safety Scheme proposal is excluded from further analysis under the *Queensland Government Guide to Better Regulation* on the basis of category (k) – *regulatory proposals designed to reduce the burden of regulation, or clearly do not add to the burden, and it is reasonably clear there are no significant adverse impacts.*

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