

## **BUS AND BUS DRIVERS POLICY**

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### **Hard copy only attachments:**

- Road Transport (General) regulation 2005, Part 6 – Heavy Vehicle Driver Fatigue Exemption Order Bus and Coach Industry
  - National Heavy Vehicle Driver Fatigue Law – Work Diary Exemptions, Industry update September 2009
  - Heavy Vehicle Driver Fatigue Regulation – bus and Coach Industry, Industry Update August 2009
  - Chartering a Bus or Coach in NSW: Information sheet put out by Bus & Coach Association of NSW
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### **1. Policy**

#### **1.1 Rationale**

Mumbulla School aims, to the best of our ability and based on circumstances under our control, to transport all children, staff, parents and carers safely on all excursions, camps and activities organized by the school within insurance parameters and legal responsibilities.

## 2. Procedures

### 2.1 Risk Assessment & Management

The Risk Assessment for any excursion, camp or activity in regard to the transportation of students will take into account the following:

#### 2.1.1 Management of Driver fatigue.

- It is the teachers' responsibility to:
  - Ensure drivers for self-drive or private vehicles are on the school's Approved Bus Drivers list.
  - brief the driver/s on the signs of driver fatigue (*Attachment B*);
  - brief the driver/s on the requirement to keep a log of driving hours in line with current legislation
  - give the driver/s information about insurance implications;
  - discount the driver/s from student:adult ratios;
  - not include the driver/s in activities;
  - allow the driver/s time to rest during excursion, camp or activity;
  - provide a separate sleeping space for the driver/s where possible for overnight camps and excursions;
  - allow the driver/s to rest every two hours while driving;
  - give the driver/s a copy of this policy, including *Attachment B*;
  - spend time with the driver prior to the excursion, camp or activity discussing any specific issues relating to driving;
  - provide the driver/s with a copy of the Risk Assessment and Management Plan and receive their signature of agreement to their role in this.
  
- It is the driver's responsibility to:
  - ensure their drivers licence is up to date
  - know the signs of driver fatigue (*Attachment B*) and act in accordance with them eg. rest every two hours while driving;
  - keep a log of driving hours in line with current legislation and understand any insurance implications;
  - withdraw from activities if rest is needed;
  - find a separate sleeping space where possible for overnight camps and excursions;
  - read this policy, including *Attachment B*;
  - spend time with the class teacher prior to the excursion discussing any specific issues relating to driving,
  - read the Risk Assessment and Management Plan and give signed agreement to their role in this.

#### 2.1.2 Child protection and wellbeing

- When an additional car is being used on an excursion, it is the responsibility of the class teacher to:
  - allocate two children in the car so that there is never a situation where one child is alone in the additional car with the driver, unless that driver is the child's parent or guardian;
  - provide a driver of the additional car who has filled out a Working with Children check.

- If a child is travelling with a carer who is not their parent or guardian, the class teacher must obtain a letter from the parents/guardians with permission for the child to travel alone with the carer.

### **2.1.3 Qualification of driver**

- The driver/s must supply and the teacher must sight the Driver's Licence and current Registration papers (if applicable) of any volunteer parents or adults driving additional vehicles. If there is any doubt about the registration status of a vehicle, a free registration check should be made on the Roads and Maritime Services website: [rms.nsw.gov.au](http://rms.nsw.gov.au)

### **2.1.4 Communication to parents**

- The class teacher will communicate all arrangements for the children's safety with regard to transport to parents prior to the excursion, camp or activity through class notes, class meetings or through individual contact.

## **2.2 General**

2.2.1 All transport/travel arrangements for excursions, camps and activities will be made through the school office in conjunction with the class teacher. (For school's safety and procedural guidelines, see *OH&S, Code of Conduct, Excursions and Camps* and *Child Protection* policies).

2.2.2 Transport/travel arrangements should be arranged with enough time to communicate effectively with parents and accompanying adults.

2.2.3 The decision to hire a coach or self-drive bus for any excursion, camp or activity will be based on the school's Risk Assessment & Management Plan which will take into account the following:

- Class size
- Age of children
- Distance to be travelled
- Duration of excursion
- The aims and nature of the excursion, camp or activity
- Terrain in which the excursion, camp or activity will take place
- Flexibility of itinerary
- Cost
- Availability of an "Approved Driver".
- Any issues related to the inclusion of students with disabilities or additional needs.

2.2.4 The decision regarding type of transportation for students on any excursion, camp or activity will be made by the class teacher with reference, where needed, to the College of Teachers and the Board of Directors.

## **2.3 Buses**

2.3.1 When hiring a coach or self drive bus for an excursion, camp or activity, the school will deal with a reputable company.

2.3.2 The Educational Administrator will obtain a copy of the bus company's Risk Management and insurance requirements before hiring, including limitations, in the case of a coach, on where the coach can travel and duration of driver shifts.

2.3.3 The Educational Administrator will also obtain from the teacher a schedule of the excursion, camp or activity and communicate this to the bus company ahead of time for any issues to be resolved.

## **2.4 Bus Drivers**

2.4.1 When hiring a coach for an excursion, camp or activity, the school will utilise the drivers employed by the bus company to drive buses.

2.4.2 When hiring a self-drive bus for an excursion, camp or activity, the class teacher will appoint a designated driver from the school's Approved Drivers list. (See *Attachment D*)

2.4.3 For a driver to be listed as an "Approved Driver" and therefore eligible to drive a bus with students, staff and/or parents/carers, the driver must supply to the school **all** of the following:

- a. a current *Working with Children Check* or signed Prohibited Employment Declaration;
- b. a current drivers licence or relevant qualifications to drive the type of vehicle being used for the excursion, camp or activity. This may be a Light Rigid Driver's License;

2.4.4 Before excursions, drivers must

- a. sign the "*Agreement form for Adults Attending Excursions, Camps & Activities*"
- b. sign agreement to their role in the Risk Management plan for this excursion, camp or activity.
- c. be willing to state that they have had no regular driving or traffic offences over the past three years. Any evidence of a traffic offence involving speed, alcohol or negligence will automatically disqualify a driver from the school's "Approved Drivers" list;
- d. be show their recent and relevant driving experience of the type of vehicle being hired by the school. Preference will be given to drivers who can show that they have safely driven such vehicles recently.

Evidence for 2.4.4 (c) and (d) may be sourced from:

- a. Working with Children checks, police checks or checks through the RMS if deemed necessary by the College of Teachers or Board of Directors.
- b. parents and other adults' anecdotal evidence. Any evidence from this must be verified by other sources, that is, evidence cannot be based on hearsay alone.
- c. teacher experience of drivers on past excursions, camps or activities

2.4.5 Approved Drivers can only be added to the "Approved Drivers" list when all the above criteria are met, and with the approval of the College of Teachers and Board of Directors.

2.4.6 There will be no more than eight approved drivers on the school's Approved Drivers list. This allows for two drivers per class from Class 3 to Class 6 as a guide.

There will be no variation from these procedures unless specifically approved and minuted by the Board of Directors.

This policy will be reviewed every 2 years by the Board to ensure its effective implementation.

Date approved: March 2013

Signed: Board of Directors

Date to be reviewed: March 2015

## **ATTACHMENT A Insurance**

### **Advice from GIO (rough notes from Donna's phone conversation with GIO, 2009):**

1. All persons in a vehicle are covered by Compulsory Third Party (CTP) legislation
2. General liability policy excludes anything to do with vehicles
3. School needs to ask the company we are hiring the bus from for thorough documentation on their insurance – what they cover and what they don't, including excluded areas of travel.
4. If driver is found personally negligent (eg drinking) they will carry the full responsibility for accident and in turn the liability.
5. Driver should not be seen as part of the Excursion party and not counted into the adult:student ratio required by the school. The driver should get proper rest, especially if the excursion is an overnight one and should stop every 2 hours while on the road. (See Attachment B for further information about Driver Fatigue).
6. If the parent volunteer is using their own car, we should obtain a copy of their Drivers Licence and current Registration papers. Note should be made if the parent is a P-plate driver (see Attachment D for further information about Provisional Licence holders)
7. If the driver is employed by the school, they are covered by Workers Compensation if injured.
8. Parent volunteers must be informed prior to any excursion, camp or activity that the school will not take responsibility for any damage to their vehicle in an accident while driving on an excursion, camp or activity if they do not have comprehensive insurance.

**ATTACHMENT B**  
**Driver Fatigue**  
**Information from the National Transport Commission website**

Managing driver fatigue while on excursion, camp or activity is part of the school's Risk Management plan.

- Facts about driver fatigue:
  - You're four times more likely to have a fatal fatigue crash if you're driving between 10pm and dawn. That's because your body's circadian rhythms are programming you to sleep.
  - Driving while sleep deprived, especially late at night and at dawn, increases the risk of having a 'microsleep' and losing control of your vehicle.
  - If you fall into a microsleep and nod off at 100 km/h, you'll travel 100 metres in just four seconds, unconscious.
  - Don't ignore the early warning signs of fatigue:
    - Yawning
    - Poor concentration
    - Tired eyes
    - Restlessness
    - Drowsiness
    - Slow reactions
    - Boredom
    - Oversteering

**Heavy vehicle driver fatigue reform**

Fatigue is one of the biggest causes of crashes for heavy vehicle drivers.

The Heavy Vehicle Driver Fatigue Reform was therefore developed by the National Transport Commission (NTC) and approved by Ministers from all States and Territories in February 2007. This world-first reform focuses on the causes of driver fatigue rather than just regulating hours. The Reform is underpinned by world leading fatigue research and is the result of consultation with the trucking industry, government agencies, peak industry trucking associations/unions, as well as drivers.

The Heavy Vehicle Driver Fatigue law commenced in NSW on 28 September 2008. The law applies in NSW to trucks and truck and trailer combinations over 12 tonne GVM and **buses built to seat over 12 adults (including the driver)**.

A key component of the legislation is the concept of general duty to manage fatigue. It includes chain of responsibility provisions which extends to certain parties in the transport chain who must take 'reasonable steps' to prevent driver fatigue similar to existing NSW Occupational Health and Safety laws.

From 29 September 2009, all NSW bus and coach drivers must:

- Comply with one of the work and rest hours options of the new laws.
- Use a work diary to record work and rest times (unless covered by a work diary exemption).

**Driver work & rest hours options**

The new laws include two 'Standard' hours options.

- Standard Hours (solo heavy vehicle driver).

- Standard Hours (solo bus driver).

Bus and coach drivers may work under either of these options.

The Standard Hours (solo bus driver) option is intended to suit long distance coach tours. It allows greater flexibility in scheduling rest days in exchange for restrictions on night work.

<b>Standard Hours (solo bus driver)</b>
4 rest days every 4 weeks
6 night rests every week

Under the law, industry has a choice of operating under three fatigue management schemes each of which allows increasing levels of flexibility and are offset by more comprehensive compliance standards and requirements. The three schemes are:

- A **Standard Hours option** with maximum driving hours of 12 hours in any period of 24 hours under a prescriptive structure.
- A **Basic Fatigue Management (BFM) option** which allows flexibility within a set of minimum rest and maximum work hours (14 hours per 24 hour period).
- An **Advanced Fatigue Management (AFM) option** based on a risk management approach with operating and “outer limits”, i.e. outer limits of 15 hours work in any 24 period in NSW and Victoria and 16 hour outer limits in other jurisdictions).

A number of **exemptions** have been granted from certain provisions of the new law.

### **Bus and coach industry**

#### *Bus and Coach Industry Exemption Order 2008*

- All bus and coach drivers (including volunteer bus drivers, school bus drivers, private bus owners and operators) who undertake journeys within a 100km radius of the driver’s base and all bus and coach journeys provided under Ministry of Transport bus service contracts, regardless of distance travelled, are exempt from the requirement to carry and complete a work diary.
- Record keeping requirements still apply and full details are contained in the hard copy attachment to this policy - “Road Transport (General) regulation 2005, Part 6 – Heavy Vehicle Driver Fatigue Exemption Order: Bus and Coach Industry”.
- These exemptions are only with respect to the requirement to carry and complete a work diary (and record keeping requirements for primary producers). Drivers must comply with the other provisions of the Regulation, including managing fatigue, chain of responsibility requirements and compliance with prescribed work and rest hours.

See hard copy attachments to this policy:

- *National Heavy Vehicle Driver Fatigue Law – Work Diary Exemptions*, Industry update September 2009
- *Heavy Vehicle Driver Fatigue Regulation – Bus and Coach Industry*, Industry Update August 2009

For more information go to the National Transport Commission website [www.ntc.gov.au](http://www.ntc.gov.au)

## **ATTACHMENT C**

### **Vehicle and passenger conditions for P1 and P2 licence holders**

The NSW Government has introduced prohibited vehicle and passenger conditions for provisional licences to keep novice drivers safe on our roads.

Some parents at Mumbulla School may be P plate drivers in which case the vehicle being driven must not be a Prohibited Vehicle as defined by the RTA (see RTA website) and the Passenger conditions must be followed.

In all cases, where a parent holds a Provisional Licence, the teacher in charge must ensure that the parent is able to carry passengers in an acceptable vehicle.

#### **Passenger conditions**

##### **P1 peer passenger condition**

From 1 July 2007, all provisional P1 drivers under the age of 25 must not drive a vehicle with more than one passenger (other than the driver) under 21 years old between 11pm and 5am. This restriction is referred to as the peer passenger condition.

Drivers of emergency vehicles are exempt from the peer passenger condition while driving the vehicle in the performance of their duties. Emergency vehicles are vehicles driven by police officers, members of the ambulance service, metropolitan or rural fire services or any other person approved by the RTA.

##### **P1 and P2 one passenger condition**

A one passenger condition also applies to any provisional (P1 and P2) driver who is **disqualified** for a driving offence that is committed on or after 11 July 2005. After the disqualification period the provisional licence holder will be restricted from carrying more than one passenger at all times while driving. This condition will apply for 12 months.

##### **Peer passenger exemption**

An exemption from the peer passenger condition may be granted if:

- You are required as part of your employment responsibilities to transport passengers between 11pm and 5am and more than one of these passengers is, or likely to be, under 21 years of age.
- You can demonstrate a need to drive certain immediate family members between 11pm and 5am and there are no alternative options.
- You volunteer in community service work (eg Lifeline counselling) that requires the transport of passengers between 11pm and 5am and more than one of these passengers is, or likely to be, under 21 years of age.