I, Roger Weeks, Director Compliance, Safety Environment and Regulation, Transport for NSW, pursuant to section 158 of the Road Transport Act 2013 and clause 55 of the Road Transport (General) Regulation 2013, make this Order.

Roger Weeks
Delegate
Dated this 12th day of March 2020

Part 1 – PRELIMINARY

Explanatory Note

The object of this Order is to exempt buses (and any driver or responsible person for any such bus) from the requirement under the Road Transport Act 2013 to ensure that a monitoring device is fitted to the bus. The Order applies to buses that are used to carry out services under a current and valid passenger service contract under the Passenger Transport Act 2014.

In addition, this Order applies where a bus that is normally used to carry out services under a passenger service contract, is used (by the same operator) to deliver a charter service, but only where the charter service journey is no greater than a 100km radius from the garage address of the bus.

This Order is made under section 158 of the Road Transport Act 2013 and clause 55 of the Road Transport (General) Regulation 2013.

1 Name of Order
This Order is the NSW Vehicle Monitoring Device Exemption Order 2020

2 Commencement
This Order has effect on and from the date of publication in the NSW Government Gazette.

3 Effect
This order remains in force up to and including 30 March 2023 unless it is revoked earlier.

4 Interpretation
Words and expressions used in this Order have the same meaning as in the Road Transport Act 2013 and Road Transport (General) Regulation 2013 except for the following:

‘Accredited bus operator’ means a bus operator that holds an accreditation under Part 2 of the Passenger Transport Act 1990;
‘Bus’, ‘bus service’, ‘charter service’, ‘community transport service’, ‘public passenger service’, and ‘passenger service contract’ have the same meaning as in the definitions in Part 1 of the Passenger Transport Act 2014;

Part 2 – APPLICATION OF ORDER

5 Vehicles and persons to which this Order applies

5.1 This Order applies to a bus (and any driver or responsible person for the bus) used to provide public passenger services conducted according to regular routes and timetables under a passenger service contract between the accredited bus operator and Transport for NSW.

5.2 This Order also applies to a bus (and any driver or responsible person for the bus) used by an accredited bus operator that is a party to a passenger service contract, and where the bus is being used to provide charter services where the charter journey is within a 100km radius from the garage address of the bus. This includes bus services operating as community transport services.

5.3 This Order applies to a bus when it is used as a school bus to transport children from home to school and back under a passenger service contract.

5.4 This Order applies to buses, drivers and responsible persons for buses whether or not:

a) the buses are registered in NSW, or

b) the drivers hold NSW driver licences, or

c) the responsible persons ordinarily reside (or, being corporations, are incorporated or have their principal places of business) in NSW.

6 Exclusions

6.1 This Order does not apply to any vehicle, driver or responsible person for a vehicle where:

a) the vehicle is a bus conducting a charter service where the journey takes the bus outside a 100km radius from the garage address of the bus;

b) the vehicle is a bus that is not used under a passenger service contract from time to time;

c) the operator of the bus ceases to be an accredited bus operator or ceases to hold a passenger service contract; and

d) the vehicle is any vehicle other than a bus which has a GVM exceeding 13.9 tonnes.

6.2 This Order not exempt any vehicle, driver or responsible person from any provision of the Road Transport Act 2013 other than those in Part 6.1, and does not provide any exemption from provisions or obligations under any other legislation, for instance the Heavy Vehicle National Law (NSW), the Passenger Transport Act 1990 or the Passenger Transport Act 2014.