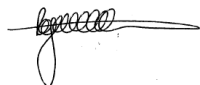


## TRANSPORT FOR NSW

### NSW VEHICLE MONITORING DEVICE EXEMPTION ORDER 2020

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*.