

BUS SAFETY - FEES AND PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2019-20** is:

Fee unit \$14.81
Penalty unit \$165.22

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3)).
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4)).

Relevant legislations and description of penalties		Infringement Penalty from 1 July 2019		Maximum Court Penalty From 1 July 2019	
		(\$)	Units	(\$)	Units
Bus Safety Act 2009					
15(1)	Duty of operator - (1) An operator of a bus service must, so far as is reasonably practicable, ensure the safety of the bus service. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$297,396.00 \$1,486,980.00	1,800.00 9,000.00
16	Duty of procurer - (1) A procurer of a bus service must, so far as is reasonably practicable, ensure the safety of the bus service. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$297,396.00 \$1,486,980.00	1,800.00 9,000.00
17	Duty of bus safety worker - (1) A bus safety worker must take reasonable measures to ensure the safety of persons who may be affected by the acts or omissions of the bus safety worker. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$297,396.00 \$1,486,980.00	1,800.00 9,000.00
18	Duties in relation to bus stopping points and bus stop infrastructure - (1) A person who determines the location of, designs, constructs, installs, modifies or maintains a bus stopping point or any bus stop infrastructure, or who engages a person to do any of those things, must ensure, so far as is reasonably practicable, that the location, design, construction or condition of the bus stopping point or bus stop infrastructure is safe. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$297,396.00 \$1,486,980.00	1,800.00 9,000.00
19(1)	Bus safety inspections - (1) An accredited bus operator must ensure that each bus used to provide the commercial bus service or local bus service undergoes a safety inspection in accordance with the regulations In the case of a natural person In the case of a body corporate	\$661.00	4.00	\$3,304.00 \$16,522.00	20.00 100.00
19(2)	Bus safety inspections - (2) A registered bus operator must ensure that each bus used to provide the bus service undergoes a safety inspection in accordance with the regulations In the case of a natural person In the case of a body corporate	\$661.00	4.00	\$0.00 \$826.00 \$4,131.00	5.00 25.00
19(3)	Bus safety inspections - (3) An accredited bus operator or registered bus operator must arrange a safety inspection of each bus used to provide the bus service operated by the operator if the Safety Director directs that a safety inspection be conducted in respect of the bus service operated by the operator. In the case of a natural person In the case of a body corporate	\$661.00	4.00	\$3,304.00 \$16,522.00	20.00 100.00
22A(1)	Offences relating to operation of bus service required to be registered - (1) An operator of a bus service which is not a commercial bus service or a local bus service must not operate the bus service unless the operator is registered. In the case of a natural person In the case of a body corporate	\$1,983.00	12.00	\$0.00 \$9,913.00 \$49,566.00	60.00 300.00
22A(2)	Offences relating to operation of bus service required to be registered - (2) A registered bus operator must comply with the conditions specified in section 22(6). In the case of a natural person In the case of a body corporate	\$1,983.00	12.00	\$9,913.00 \$49,566.00	60.00 300.00
22A(3)	Offences relating to operation of bus service required to be registered - (3) A bus operator who is registered in respect of a commercial minibus service must ensure that a person driving a bus for that bus service is the holder of a driver accreditation under Division 5 of Part VI of the Transport (Compliance and Miscellaneous) Act 1983 to drive that bus.	\$1,983.00	12.00	\$9,913.00	60.00
22A(4)	Offences relating to operation of bus service required to be registered - (4) A registered bus operator must ensure that a person driving a motor vehicle that is a bus for the bus service in respect of which the operator is registered holds an appropriate driver licence for the category of motor vehicle that person is driving for the registered bus operator.	\$1,983.00	12.00	\$9,913.00	60.00
24	Offence for operator to operate commercial bus service or local bus service unless accredited - An operator of a commercial bus service or a local bus service must not operate the commercial bus service or local bus service unless the operator is accredited under this Part. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$39,653.00 \$198,264.00	240.00 1,200.00
33(3)	Issue of certificate of accreditation - (3) An accredited bus operator under subsection (2) on the ground that a certificate has been lost or stolen and who subsequently recovers the lost or stolen certificate must, within 14 days after the day of which the certificate was recovered - (b) return the recovered certificate to the Safety Director unless informed by the Safety Director that it is not necessary to do so. In the case of a natural person In the case of a body corporate	\$661.00	4.00	\$3,304.00 \$16,522.00	20.00 100.00
36	Offence to fail to comply with conditions - An accredited bus operator must comply with the conditions to which the accreditation is subject. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$39,653.00 \$198,264.00	240.00 1,200.00
41(1)	Accredited bus operator to notify of relevant changes in circumstances - (1) If a relevant change in circumstances occurs with respect to an accreditation or an accredited bus operator, the accredited bus operator must notify the Safety Director of the change in writing within 7 days after becoming aware of the change. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$0.00 \$39,653.00 \$198,264.00	240.00 1,200.00
41(3)	Accredited bus operator to notify of relevant changes in circumstances - (3) If the relevant change in circumstances has resulted or will result in any particular set out in the certificate of accreditation becoming inaccurate or inapplicable, the accredited bus operator must surrender the certificate to the Safety Director when the accredited operator notifies the Safety Director of the change under subsection (1) In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$39,653.00 \$198,264.00	240.00 1,200.00
41(6)	Accredited bus operator to notify of relevant changes in circumstances - (6) A person must not fail to comply with a requirement under subsection (5).	n/a	n/a	\$198,264.00	1,200.00
52K	Breaching restriction or condition of exemption In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$0.00 \$20,000.00 \$100,000.00	n/a n/a
53	Operator to return certificate and plates when accreditation cancelled or surrendered - An operator must return to the Safety Director the certificate of accreditation and the number plates issued to the operator on accreditation, if the accreditation of the operator is cancelled or surrendered under this Act. In the case of a natural person In the case of a body corporate	\$1,983.00	12.00	\$9,913.00 \$49,566.00	60.00 300.00
54(2)	Safety Director may request information - (2) An accredited bus operator or registered bus operator must comply with a request made by the Safety Director under subsection (1).	n/a	n/a	\$198,264.00	1,200.00
56	Alcohol and drug management policy - (1) This section applies to accredited bus operators and registered bus operators. (2) An operator to whom this section applies must develop, maintain and implement an alcohol and drug management policy that—(a) is developed in consultation with bus safety workers who are employees, or contractors, of the operator for the purposes of operating the bus service; and (b) provides for the matters specified in section 57. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$39,653.00 \$198,264.00	240.00 1,200.00
65	Notification of incidents - An accredited bus operator or registered bus operator (as the case requires) must notify the Safety Director of prescribed incidents in accordance with the regulations.	\$661.00	4.00	\$8,261.00	50.00
66	Offence to provide false or misleading information - (e) engage in conduct, or a course of conduct, for a purpose that is relevant to this Act, if that conduct is misleading or deceptive, or is likely to mislead or deceive. Level 9 imprisonment (6 months maximum) or 120 penalty units or both, in any other case. In the case of a body corporate	n/a n/a	n/a n/a	\$19,826.00 \$99,132.00	120.00 600.00

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Relevant legislations and description of penalties		Infringement Penalty from 1 July 2019		Maximum Court Penalty From 1 July 2019	
		(\$)	Units	(\$)	Units
Bus Safety Regulations 2010					
6(1)	Bus standards - (1) Subject to sub-regulation (2), the operator of a bus service must ensure that every bus used to provide a bus service complies with each bus standard that is applicable to the bus unless an exclusion specified in Schedule 2 applies.	n/a	n/a	\$3,304.00	20.00
7(1)	Devices for school buses - (1) Subject to sub-regulation (2), the operator of a school bus service must ensure that any bus used to provide that school bus service is fitted with complying lights and signs.	\$661.00	4.00	\$3,304.00	20.00
7(3)	Devices for school buses - (3) Subject to sub-regulation (4), the driver of a bus that is required to be fitted with either complying lights and signs under sub-regulation (1) or a hazard warning device under sub-regulation (2)(a) must ensure that the lights or hazard warning device operate when the bus is stationary on the highway for the purpose of picking up or setting down school children.	\$330.00	2.00	\$1,652.00	10.00
7(6)	Devices for school buses - (6) If a bus has ceased operating under sub-regulation (5)(b), the operator of the school bus service must not allow that bus to be used for a school bus service until the lights or hazard warning device are operational.	\$661.00	4.00	\$3,304.00	20.00
8	Fire extinguishers - The operator of a bus service must ensure that each bus used in the provision of the bus service is not used unless all fire extinguishers fitted to that bus are maintained in operating condition.	\$330.00	2.00	\$1,652.00	10.00
9	Signage - An accredited bus operator must ensure that any signs required by the Safety Director by notice in writing for the safety of passengers are displayed in each bus operated by the accredited bus operator.	\$66.00	0.40	\$330.00	2.00
10(1)	Number plates - (1) An accredited bus operator must display accredited bus operator number plates on each of the operator's buses that are registered in Victoria.	\$330.00	2.00	\$1,652.00	10.00
10(2)	Number plates - (2) A person must not display accredited bus operator number plates on a bus unless that person is accredited to operate that bus.	\$330.00	2.00	\$1,652.00	10.00
11	Driver must not have alcohol or drugs present - The driver of a bus must not have alcohol or drugs present in his or her blood or breath immediately before, or while, driving a bus.	n/a	n/a	\$1,652.00	10.00
16(1)	Retention of records - (1) An accredited bus operator must retain the following records in a safe and secure location for the specified period (a) a record of the name, address, driver licence number and driver accreditation issued under Division 6 of Part VI of the Transport (Compliance and Miscellaneous) Act 1983, of each person who drives a bus operated by the accredited bus operator; (b) any document required to demonstrate compliance with the conditions of accreditation; (c) any document produced as part of the management information system of maintenance management system; (d) any document produced as part of the annual audit of bus service operations under regulation 15(b)(i); (e) evidence of annual inspections in accordance with Part 5 in respect of each bus operated by the accredited bus operator; (f) any other record that the accredited bus operator is required to keep as a condition of accreditation.	\$165.00	1.00	\$826.00	5.00
16(2)	Retention of records - (2) An accredited bus operator must ensure that the books and records are kept in the English language.	\$165.00	1.00	\$826.00	5.00
17(1)	Disclosure of records - (1) An accredited bus operator must not directly or indirectly make a record of, disclose to any person, or make use of, any information acquired under regulation 16(1)(a) except - (a) with the consent of the person from whom the information is obtained; or (b) if otherwise lawfully authorised or required.	n/a	n/a	\$3,304.00	20.00
25(1)	Bus incident investigation - (1) An accredited bus operator or a registered bus operator must, if directed by the Safety Director to do so in writing, undertake an investigation into a bus incident.	\$66.00	0.40	\$330.00	2.00
25(2)	Bus incident investigation - (2) The operator must commence an investigation required under sub-regulation (1) within 7 days after being given a direction under that sub-regulation.	\$66.00	0.40	\$330.00	2.00
25(5)	Bus incident investigation - (5) An accredited bus operator or a registered bus operator must provide the Safety Director with a copy of the investigation report - (a) in the case of an investigation required under sub-regulation (1), no later than - (i) the period specified by the Safety Director in giving a direction under sub-regulation (1); or (ii) if no period is specified, 60 days after a direction is given under sub-regulation (1) (b) in the case of an investigation commenced under sub-regulation (3) - (i) within 7 days of the date of completion specified under sub-regulation (3)(b); or (ii) the expiry of any further period that has been agreed to by the Safety Director.	\$165.00	1.00	\$826.00	5.00

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Relevant legislations and description of fees	Fee	
	From 1 July 2018 (\$)	Units
Bus Safety Regulations 2010		
Schedule 3 - Fees		
1. Application Fee (regulation 12)	\$592.40	40 fee units
2. Annual accreditation fee (regulation 13) where B is the number of buses proposed to be operated by the bus operator	$81.455 \times (B-1) + 296.2$	$5.5 \text{ fee units} \times (B-1) + 20 \text{ fee units}$