

TSV office use only

Application for Bus Operator Exemption/s

Bus Safety Act 2009 (Vic), Bus Safety Regulations 2010 (Vic)

Things to know before applying

An applicant may be any of the following:

- an accredited or registered bus operator seeking a new exemption
- an accredited or registered bus operator seeking a variation to an existing exemption, condition or restriction
- a new applicant for bus operator accreditation or registration seeking an exemption.

Before completing this application you should:

- read the exemption guidelines published by the Safety Director on the Transport Safety Victoria (TSV) website
- determine whether the exemption/s you are seeking are in accordance with the *Bus Safety Act 2009 (Vic)* and the *Bus Safety Regulations 2010 (Vic)*
- determine that the requirement/s for which an exemption/s is/are sought impose a regulatory burden that is excessively onerous or unreasonable having regard to the purpose and objects of the Bus Safety Act and the principles of bus safety in the circumstances
- prepare and provide supporting documentation required as part of the application from the document checklist provided on page 5.

If, after reading the guidelines, you are unsure how exemptions relate to your bus service and circumstances, you should contact TSV on 1800 223 022 for advice.

There is no application fee.

Section 1 Applicant details

1. Are you the applicant...

- an accredited or registered bus operator seeking a new exemption? → Go to question 2.
- an accredited or registered bus operator seeking a variation to an existing exemption, condition or restriction? → Go to question 2.
- a new applicant for bus operator accreditation or registration seeking an exemption? → Go to question 2.

2. Name of applicant (This is the entity name. For example: John Smith, John & Mary Smith, Smiths Bus Lines Pty Ltd)

3. Registration or accreditation number (if you are currently registered or accredited as a bus operator in Victoria)

4. Name and contact details of the person appointed by the applicant to deal with queries in relation to this application

Title (Mr, Mrs, Dr, etc)	Surname	Given names
<input type="text"/>	<input type="text"/>	<input type="text"/>

Position title

Telephone number	Mobile number	Fax number
() <input type="text"/>	<input type="text"/>	() <input type="text"/>

Email

5. Applicant address

Street number and name	Suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Country Australia or specify other country

Postal address Same as street address above

OR specify different street number and name/PO box

Street number and name/PO box	Suburb	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Country Australia or specify other country

Section 2 Bus service details

6. What is the scope and nature of the bus service for which you are seeking the exemption/s?
- A commercial bus service (specify which type/s) Route Demand responsive Tour and charter Courtesy
- A local bus service
- Commercial minibus service
- Community and private bus service (specify which type/s below)
- Religious Educational Health Welfare Philanthropic Sporting Social body
- Courtesy bus service
- Non-commercial courtesy bus service
- Hire and drive bus service

7. Provide a description of the service to which the exemption/s relate, including days/hours of operation, geographical locations covered (suburbs), the type of patrons (general public, wedding parties, sporting groups etc.) and whether or not passengers are charged a fee to use the service.

8. Tick the box(es) which best describe the type of environment where the bus service generally operates. (You must choose at least one and can select more than one if applicable)

Built-up areas. A built-up area is where there are buildings and/or houses next to the road or there is street lighting at intervals not over 100 metres apart for a distance of 500 metres or more.

- Environment 1 (E1)** – Built-up areas characterised by high population density, low speeds, shorter journeys.
- Environment 2 (E2)** – Outside built-up areas characterised by lower population density, higher vehicle speeds, longer journeys, narrow and/or undivided roads, hazards such as livestock/wildlife/trees close to the road, heavy vehicle traffic at higher speeds.
- Environment 3 (E3)** – Outside built-up areas characterised by extreme risk factors such as long, steep roads with precipitous drop offs, high volumes of heavy vehicle traffic at high speeds, narrow or unsealed or winding or undivided roads, blackspots, climate conditions such as fog/snow/ice.

9. How many buses are operated/will be operated for the bus service?

Section 3 Exemption details

10. What exemption/s are you seeking or proposing to vary? Provide details of the specific designated provision/s, conditions or restrictions

11. How does the provision from which an exemption is sought impose a regulatory burden that is excessively onerous or unreasonable having regard to the purpose and objects of the Bus Safety Act and the principles of bus safety? List each provision separately.

12. Will any part of the bus service for which exemption is sought be carried out by another person or persons on behalf of the applicant?
 No → Go to question 13.
 Yes → You must attach a separate document that lists the name and contact details (address, telephone and email) of each such person and provide details of the part of the bus service that the person will carry out on behalf of the applicant. → Go to question 13.

13. Are you applying for an exemption to be accredited as a bus operator?
 No → Go to question 17.
 Yes → Go to question 14.

14. Provide details of how the exemption will not reduce the safe operation of the bus service in respect of which the exemption is sought?

15. Having regard to the scale and nature of the bus operations for which the exemption is sought, if the exemption is granted, how will you have sufficient competence and capacity to manage risks to safety associated with operating the bus service?

16. Specify the financial capacity or public risk insurance arrangements you intend to put in place to meet reasonable potential accident liabilities arising from the bus service in respect of which the exemption is sought?

Section 4 Declaration and signature

17. I declare that:

- the information provided in this application including any attachments is true and correct
- I understand it is an offence under section 66 of the *Bus Safety Act 2009* (Vic) to provide any false or misleading information and that penalties apply.

Individual applicant

Who must sign: the individual applicant.

Signature

Date

X

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A body corporate applicant which is a company within the meaning of the *Corporations Act 2001* (Cth)

Who must sign: two directors of the company, OR a director and company secretary, OR if a proprietary company that has a sole director who is also the sole company secretary, the sole director.

Signature

Printed name

Position

Date

X

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Signature

Printed name

Position

Date

X

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A body corporate applicant other than a company within the meaning of the *Corporations Act 2001* (Cth)

Who must sign: each director of the body corporate, OR each member of the management committee of the body corporate.

An unincorporated body or association applicant

Who must sign: each member of the management committee of the body corporate.

Partnership applicant

Who must sign: all partners of the partnership.

If space is insufficient to provide all signatures, photocopy this page as required or attach a separate document with all signatures and details.

Signature

Printed name

Position

Date

X

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Signature

Printed name

Position

Date

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Signature

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Signature

Printed name

Position

Date

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Attachment checklist

You must provide the following attachments as part of your application. Failure to provide any of these attachments will result in delays to your application.

All applicants

- Evidence that the provision/s from which exemption/s is/are sought impose a regulatory burden that is excessively onerous or unreasonable having regard to the purpose and objects of the Bus Safety Act and the principles of bus safety.

If applying for exemption from accreditation

- Evidence of how the exemption will not reduce the safe operation of the bus service in respect of which the exemption is sought.
- Evidence of how you will have sufficient competence and capacity to manage risks to safety associated with operating the bus service.
- Evidence that you have the financial capacity or public risk insurance arrangements to meet reasonable potential accident liabilities arising from the bus service in respect of which the exemption is sought. If you hold public liability insurance, this includes a copy of the public liability insurance policy.
- Will any part of the bus service for which exemption is sought be carried out by another person or persons besides the applicant, you must attach a separate document that lists the name and contact details (address, telephone and email) of each such person and provide details of the activities that it is intended that the person will carry out on behalf of the applicant.

Business documents (not applicable to individual applicants)

For a body corporate which is a company within the meaning of the *Corporations Act 2001* (Cth)

- A copy of the certificate of incorporation
- A list of the names of all directors of the company, current as at the date of application.

For a body corporate other than a company within the meaning of the *Corporations Act 2001* (Cth)

- A copy of the certificate of incorporation or registration or a copy of the document creating or evidencing the existence of the body corporate or, for Government authorities or organisations incorporated under legislation, a letter on a letterhead stating the name of the legislation under which they are incorporated)
- A list of the names of all directors and/or office bearers of the body corporate, current as at the date of application.

For an unincorporated association or body

- A copy of the certificate of business name or other document creating or evidencing the existence of the unincorporated body or association. For example a certificate of registration, a printed extract from the Australian Securities and Investments Commission website www.search.asic.gov.au
- A list of the names of all members of the committee of management of the unincorporated association or body, current as at the date of application.

For a partnership

- A copy of the partnership agreement
- A list of the names of each of the partners of the partnership, current as at the date of application.

How to lodge

Send your completed application and attachments by post to PO Box 2797 Melbourne VIC 3001.

What happens next

TSV will send you acknowledgement that your application has been received.

You may be required to provide more information.

When all necessary information has been received, the Safety Director has up to six months to determine the application.

If your application is approved and exemptions granted, you will receive written notification of the exemptions and any conditions or restrictions placed on those exemptions.

If refused, you will be notified in writing, stating the reasons for refusal and your right to appeal the decision at the Victorian Civil and Administrative Tribunal.

Transport Safety Victoria (TSV) collects and holds the personal information provided in this application to assist the Director, Transport Safety (Safety Director) to administer the *Bus Safety Act 2009* (Vic) and *Bus Safety Regulations 2010* (Vic). TSV is committed to protecting personal information in accordance with its obligations under the *Bus Safety Act 2009* (Vic). The personal information provided in this application may be disclosed to other government agencies in accordance with the *Bus Safety Act 2009* (Vic) and the *Transport Integration Act 2010* (Vic). It is an offence under the *Bus Safety Act 2009* (Vic) to give information that is false or misleading in relation to an application.

The individuals whose personal information is collected on this application have a right to seek access to this personal information and to seek correction of any error in the personal information held. All individuals whose personal information is included with this application should be informed of this fact.

For more information on privacy please refer to TSV's privacy statement at www.transportsafety.vic.gov.au/privacy.