

Understanding your obligations as a procurer of a bus service

The *Bus Safety Act 2009* (Vic) aims to provide for the safe operation of bus services. This includes the introduction of new safety obligations for the procurer of a bus service.

Who is a procurer of a bus service?

The Bus Safety Act defines the procurer of a bus service as:

"a person who charters a bus service or otherwise engages with an operator for the purposes of using the bus service, whether or not the provision of the bus service is on a commercial basis."

A procurer of a bus service will generally have influence over the schedule, route, type of bus and the fare a passenger may or may not be expected to pay.

However, they are not the operator of the bus service.

A person is not necessarily the procurer of a bus service just because they provide funding to the operator of a bus service.

What are some examples of a procurer?

The following examples show individuals or entities who are likely to be procurers of a bus service under the Bus Safety Act:

- > A government contracts with a bus operator to provide transport for school students to and from school. The contract specifies the type of vehicle, the pickup and drop off points, and the schedule that the school bus service must follow.

- > A suburban shopping complex provides a free shuttle bus service, picking up customers from hotels within the CBD and dropping them at the shopping complex. A bus operator is contracted by the shopping complex to provide this courtesy bus service. The contract specifies the type of vehicle, the pickup and drop off points, and the schedule that the courtesy bus service must follow.
- > A tourist operator enters into a contract with a bus operator to provide the land transport component of a tour. The bus operator is required to brand the bus with the tour company's livery and the tour company defines the schedule and pays the bus operator to provide this service.
- > A long distance bus operator provides scheduled bus services which cross over most of Australia. This operator provides their own buses for some portion of these trips, but contracts local bus operators to provide additional portions. The local operators are required to brand the bus with the long distance bus operator's livery and the long distance bus operator defines the schedule and pays the bus operator to provide this service.

What are your safety obligations?

A procurer of a bus service must, so far as is reasonably practicable, ensure the safety of the bus service. A procurer would contravene this duty if they procured the bus service on terms that impose conditions or obligations which prevent or threaten, or are reasonably likely to prevent or threaten, the safe operations of the bus service.

For more information about your safety responsibilities, please refer to the following factsheet: *Understanding your safety duties*.

Where to get more information

Hotline: 03 9655 8922

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