

Application for Bus Operator Registration

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

TSV office use only

Things to know before applying

An applicant may be any of the following:

- an individual person
- a body corporate (company, registered incorporated association, co-operative or other body corporate)
- a partnership
- an unincorporated body or association.

There is no fee to lodge this application. Before completing this application you:

- should determine whether you need to be registered
- must prepare and provide the supporting documentation required as part of the application. This includes proof of identification, bus roadworthy certificates and certificates of business registration.

For further information, refer to the guidance notes on page 6 at the back of this form. A full list of attachments is also provided on page 4.

If, after reading the information provided, you are unsure how the registration requirements relate to your bus service and circumstances, you can contact Transport Safety Victoria (TSV) on 1800 223 022 for advice.

Section 1 Applicant details

1. In what name is the registration to be held? This is the entity name. For example: John Smith, John & Mary Smith, Smiths Bus Lines Pty Ltd

2. Are you the applicant...

an individual? → Go to question 3.

a body corporate (company, registered incorporated association, co-operative or other body corporate)? → Go to question 4.

a partnership? → Go to question 4.

an unincorporated association or body? → Go to question 4.

3. Individual applicant

Title (Mr, Mrs, Dr, etc)

Surname

Given names

Street address

Street number and name

Suburb

State

Postcode

Country Australia or specify other country

Postal address Same as street address above

OR specify different street number and name/PO box

Suburb

State

Postcode

Country Australia or specify other country

Telephone number

Mobile number

Fax number

Email

Now go to question 5.

4. **Body corporate/partnership/unincorporated association or body applicants**

ACN/Registration number (if applicable)

Street address

Street number and name

Suburb

State

Postcode

Country Australia or specify other country

Postal address Same as street address above

OR specify different street number and name/PO box

Suburb

State

Postcode

Country Australia or specify other country

Telephone number

Mobile number

Fax number

Email

Contact person. Bodies corporate, partnerships and unincorporated associations or bodies must nominate a contact person.

This person must be involved in managing the operation of the bus service and must be entitled to communicate with TSV in relation to the application and the bus service. Generally this person will be employed by the applicant.

Title (Mr, Mrs, Dr, etc)

Surname

Given names

Position title

Section 2 Bus service details

5. What type of bus service do you intend to operate? Choose all that apply. Refer to the guidance notes for an explanation of the types of services and definitions of community organisations.

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

6. Provide a description of the service 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.

7. Tick the box(es) which best describe the type of environment where the bus service will operate.

(You must choose at least one. 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, high population density, low speeds, shorter journeys.

Environment 2 (E2) – Outside built-up areas, lower population density; higher 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 with extreme risk factors e.g. long steep roads with precipitous drop offs, high volumes of heavy vehicle traffic at high speeds, narrow, unsealed, winding, undivided roads and blackspots, climate conditions such as fog, snow and ice.

8. How many buses are to be operated?

Section 3 Previous bus operator accreditation/registration details

9. Have you (the applicant) ever been, or are you currently, licensed/accredited/registered as a bus operator elsewhere in Australia?

No → Go to the declaration and signature at question 11.

Yes → Provide details of all previous and current bus operator licences/accreditation/registration

Name licence/accreditation/registration held in	Registration number	Date of issue	State or territory of issue	Current or expired
				<input type="checkbox"/> Current <input type="checkbox"/> Expired
				<input type="checkbox"/> Current <input type="checkbox"/> Expired
				<input type="checkbox"/> Current <input type="checkbox"/> Expired
				<input type="checkbox"/> Current <input type="checkbox"/> Expired
				<input type="checkbox"/> Current <input type="checkbox"/> Expired
				<input type="checkbox"/> Current <input type="checkbox"/> Expired

10. Have you (the applicant) ever had any bus operator licence, accreditation or registration cancelled, suspended or disqualified or had any disciplinary action taken against you as a bus operator?

No → Go to the declaration and signature at question 11.

Yes → Provide details

Section 4 Declaration and signature

11. I declare that:

- the information provided in this application including any attachments is true and correct
- I am not disqualified from managing corporations under *Part 2D.6 of the Corporations Act 2001 (Cth)*
- if registered, all buses will comply with the vehicle standards under the *Road Safety Act 1986 (Vic)* and any other prescribed standards
- 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

Who must sign: the individual applicant.

Signature

X

Date

A body corporate 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

X

Printed name

Position

Date

Signature

X

Printed name

Position

Date

For all other applicants

Who must sign: the contact person nominated in question 4.

Signature

X

Date

Attachment checklist

You must provide the following attachments as part of your application. TSV cannot assess your application unless you provide all attachments. Failure to provide any of these attachments will result in delays to or refusal of your registration. Original documents will be returned.

Roadworthy certificate/s (all applicants)

- For each bus to be operated under the service, a copy of the current roadworthy certificate issued by a licensed vehicle tester authorised by VicRoads to test buses.

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; and
- 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; and
- A list of the names of all directors and/or office bearers of the body corporate, current as at the date of application.
- A letter duly authorised by the body corporate appointing the contact person as its representative and authorising the contact person to bind the body corporate and act on its behalf in all matters relating to the registration.

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 (ASIC) 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.
- A letter duly authorised by the unincorporated association or body appointing the contact person as its representative and authorising the contact person to bind the unincorporated association or body and act on its behalf in all matters relating to the registration.

For a partnership

- A copy of the partnership agreement; and
- A list of the names of each of the partners of the partnership, current as at the date of application.
- A letter duly authorised by the partnership appointing the contact person as its representative and authorising the contact person to bind the partnership and act on its behalf in all matters relating to the registration.

Statutory declaration (for non-commercial courtesy bus service only)

- If intending to operate a non-commercial courtesy bus service, you must attach a statutory declaration confirming a non-commercial bus service is to be delivered.
The Safety Director may declare by notice published in the Government Gazette a bus service to be a non-commercial bus service.

Proof of identification (For individual applicants only)

Certified copies of proof of ID documents for the individual applicant. Indicate which option/s you are providing.

One primary ID document from the list below

- Current Australian state/territory driver's licence containing a photograph of the person.
- Australian passport (current or expired within the preceding 2 years).
- Card issued by a state or territory for the purpose of providing a person's age containing a photograph of the person.
- Foreign passport or similar travel document containing a photograph and signature of the person.

OR

Two secondary ID documents (one from each list below)

One of these:

- Australian birth certificate.
- Australian citizenship certificate.
- National identity card issued by a foreign government containing a photograph of the person in whose name the card was issued.

And one of these:

- A document issued by a local government body or utilities provider within the preceding three months showing the persons name and current residential address (e.g. rates notice or gas/ electricity bill).
- Pension card issued by Centrelink.
- Health card issued by Centrelink.
- A document issued by the Australian Taxation Office within the preceding 12 months that records a debt payable by the person to the Commonwealth (or by the Commonwealth to the person) which contains the person's name and current residential address (e.g. Notice of Assessment).
- A document issued by the Commonwealth or a state or territory within the preceding 12 months that records the provision of financial benefits to the person and which contains the person's name and current residential address (e.g. bank statement).
- Foreign driver's licence that contains a photograph of the person in whose name it was issued and that person's date of birth.

Copies of all identification documents must be certified. The person who is authorised to certify documents must sight the original and the copy and make sure both documents are identical. For each page of the documents, they must write or stamp 'certified true copy', followed by their signature, printed name, qualification (e.g. justice of the peace) and the date.

Persons that can certify documents include:

- A justice of the peace.
- A notary public officer.
- A police officer.
- A chemist.
- A permanent employee of Australia Post with five or more years of continuous service.
- A finance company officer with five or more years of continuous service (with one or more finance companies).
- An officer with, or authorised representative of, a holder of an Australian Financial Services Licence (AFSL), having five or more years continuous service with one or more licensees.
- An Australian consular officer or an Australian diplomatic officer
- A judge of a court or a magistrate.
- A registrar or deputy registrar of a court.
- A chief executive officer of a Commonwealth court.

Non-English documents. Any proof of identification documents not written in English must be accompanied by an English translation prepared by an accredited translator.

How to lodge

- Make sure you have included all attachments listed on page 4 of this form. If you do not include all attachments, your application cannot be assessed and may be delayed.

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

What happens next?

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

You may be required to provide more information.

When all information has been received, TSV will commence assessing the application and determine whether to approve your registration. This may take up to three months.

If your application is approved, you will receive a bus operation certificate. Your registration is ongoing.

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.

Application for Bus Operator Registration Guidance Notes

Determining whether you need to be registered

The *Bus Safety Act 2009* (Vic) requires the registration of all operators of:

- any bus service which operates one or more buses with **10 to 12 seats** for adults (including the driver) to provide a service for the transport of passengers by road
- a bus service which operates one or more buses with **13 or more seats** (including the driver) to provide a service for the transport of passengers by road that does not fall under the definition of a commercial bus service or local bus service.

Description of bus services requiring registration

<i>Bus service</i>	<i>Description</i>	<i>Example</i>
Community and private bus service	A service which carries passengers for or in connection with the activities of a religious, educational, health, welfare, philanthropic, sporting or social body. To operate this type of service, the bus operator must receive no consideration, or consideration which is of no greater value than the costs incurred in making the journey.	A school transporting students to and from school.
Non-commercial courtesy bus service	A service where the operator does not derive any profit from the provision of the service.	A bus operated by a business to transport its own employees from an office to a work-site.
Hire and drive bus service	A service which hires out buses for a fixed period of time for valuable consideration on the condition that the bus will be driven during that period of time by the person who hired the bus, or by another person on behalf of the hirer. The service does not provide a driver with the bus.	A bus rental business.
Commercial minibus service	A route service, demand responsive or tour and charter bus service operating a bus built with seating for 10, 11 or 12 adults (including the driver).	
	Route bus. A regular service operated for hire or reward for passengers to travel along a fixed route on a regular basis.	A minibus used as an airport shuttle where passengers are picked up from route locations.
	Demand responsive. A regular service that operates for hire or reward in a specific area where the route is determined by the demands of the passengers and is not fixed. Each passenger is charged a separate fare.	A minibus used for as an airport shuttle where passengers are picked up in different suburbs, dependent on demands of customers.
	Tour and charter. A service that operates for hire or reward either to transport tourists by a bus to a common destination; or to carry a group of passengers that have booked the bus for a purpose. The group is charged one fee for the bus rather than a separate fee for each passenger.	A minibus hired for the purpose of transporting guests from a wedding ceremony to the wedding reception.

If the service you intend to operate does not meet any of the above categories, you may need to be accredited instead of registered.

The *Bus Safety Act 2009* (Vic) requires the accreditation of all operators of a **commercial** or **local** bus service which operates a bus with seating positions for **13 or more adults** (including the driver).

Description of bus services requiring accreditation

Commercial bus service

A commercial bus service operates one of the following services:

<i>Bus service</i>	<i>Description</i>	<i>Example</i>
Route bus	A regular service operated for hire or reward for passengers to travel along a fixed route on a regular basis.	Bus 96 that travels the same route each day.
Demand responsive	A regular service that operates for hire or reward in a specific area on a regular basis where the route is determined by the demands of the passengers and is not fixed. Each passenger is charged a separate fare.	Airport shuttle where passengers are picked up in different suburbs.
Tour and charter	A service that operates for hire or reward either to transport tourists by a bus to a common destination; or to carry a group of passengers that has booked the bus for a purpose. The group is charged one fee for the bus rather than a separate fee for each passenger.	A bus hired for the purpose of transporting guests from a wedding ceremony to the wedding reception.
Courtesy bus (other than a non-commercial courtesy bus service)	A service operated for any consideration or in the course of any trade or business.	Used by a business to carry customers or patrons of the business. A hotel which offers a free bus service to patrons. A car park which offers a free shuttle service to patrons. A free bus services that transports passengers holding tickets to an event to the grounds of the event.

Local bus service

<i>Bus service</i>	<i>Description</i>	<i>Example</i>
Local	Operates on a regular basis or subject to demand, is available for use by the general public and is not operated for hire or reward but may accept passenger donations.	A bus service provided by a local council or a housing authority for the benefit of residents in a locality or members of the general public.

Definitions of community and private bus organisations

Philanthropic	An organisation involved in the planned and structured giving of money, time, information, goods and services, voice and influence to improve the wellbeing of humanity and the community.
Social body	An organisation (public or private) involved in activities of a social or cultural nature. This may include structured bodies concerned with social advancement or welfare on a large scale, for example bodies providing information or support in relation to issues including family, community service, transport, climate change and diversity. This may also include bodies concerned with internal social development on a smaller scale, for example, recreational groups (such as a bowling club or chess club) or cultural groups.
Welfare body	An organisation (public or private) involved in the advancement of public welfare. A welfare body may be organised with objectives including the relief of poverty, sickness, destitution or homelessness in the community. A welfare body may provide services including aged care services, services for people with disabilities or housing assistance (including the provision of temporary or crisis accommodation).

Definition of duly authorised

A document has been duly authorised if it is signed by a representative of the applicant entity or someone who is authorised to act on behalf of that entity. Each entity will have different rules governing the appointment of an authorised representative. An entity should check its constituent documents (e.g. constitution, articles of association, rules) to determine who may be authorised to act on its behalf, and how this should be done.

Definition of body corporate

A body corporate includes:

- an incorporated body
- a company within the meaning of the *Corporations Act 2001* (Cth)
- a co-operative registered under the *Co-operatives Act 1996* (Vic) including an association or federation
- an incorporated association incorporated under the *Associations Incorporation Reform Act 2012* (Vic)
- a body corporate other than a company, co-operative or incorporated association.