



Point to Point Transport Review 2020

22 May 2020

BusNSW is the peak body for the NSW private bus and coach industry whose members provide essential services on a daily basis and provide a key interface with the travelling public. The BusNSW mission is to foster the efficient and sustainable growth of public transport in NSW, and to promote the benefits of bus and coach travel.

Buses and coaches play a vital role in delivering public transport in NSW. In conjunction with other public transport modes and the point to point transport industry, bus and coach transport is an important part of an integrated mobility solution for the community.

BusNSW members include operators who provide tourist and charter services using vehicles with less than 12 seats, including the driver (small bus). Members also include operators providing regular passenger services using small buses, under service contracts with Transport for NSW.

The tourist/charter work, using small buses, is now regulated by the Point to Point Transport Commission, whilst the regular passenger services using small buses has continued to be regulated by Transport for NSW (previously Roads and Maritime Services) under the Bus Operator Accreditation Scheme (BOAS).

Some members operate a mixed fleet, which includes vehicles with between 8-12 seats (including the driver) and vehicles with more than 12 seats (including the driver), and the overlap between the two regulators has created some inefficiencies. Further explanation of this issue is provided below.

Following are BusNSW's comments in response to each of the Terms of Reference.

- 1. Consider whether there is a case for further assistance in view of:**
 - (a) the objectives and nature of the point to point transport reforms; and**
 - (b) the Government's announced commitment to assist traditional industry members through those reforms**

BusNSW supports the original objectives of the point to point reforms however believe that there is a case for further reform to ensure the implementation of the objectives is consistent throughout the passenger transport market. In particular, there is concern that point to point transport reforms lowered the safety standards which previously applied to small buses in the bus industry by:

- Removing the requirement for drivers to display identification (Driver Authority),
- Removal of 6 monthly vehicle inspections,
- Removal of a single accreditation agency to manage driver eligibility,
- Providing an exemption to NDIS operators.

The reforms and minimal on road compliance and enforcement have allowed operators of small buses to enter the passenger transport market based on a lower level of regulations to what applies for operators of fleets that include large buses.

There is a risk that without further government review, that in some areas, particularly smaller regional towns, there may not be a sustainable environment for passenger transport services to operate commercially. The mobility needs of communities during peak and off-peak times need to be supported by an appropriate regulatory framework.

- 2. In the context of the Government’s commitment to a ten-year plan for the industry and taking account of the differing circumstances in metropolitan and regional transport markets, examine the impact of the point to point reforms to date and advise if further structural adjustments are needed to ensure the long term viability of the sector and to realise positive customer outcomes.**

BusNSW believes that there are a number of structural adjustments that would benefit the bus industry. The current Point to Point legislation means that operators who have buses 12 seats and under which are used for TfNSW contracted work (e.g. school and regular passenger services) continue to be regulated under the Bus Operator Accreditation Scheme (BOAS), however where such vehicles undertake charter or tourist services, they need also to be “authorised” by the Point to Point Commission.

The legislation seems to have been developed under the view that bus operators who operate contracted bus services are distinct from those who operate charter or tourist services. This is not the case. Indeed, a majority of bus operators who transport children to and from school also undertake charter work, and this can involve the use of small buses e.g. taking children on excursions or to sporting events. Where such work involves a small bus, the operator needs to be both “accredited” as a bus operator under the Passenger Transport Act *and* “authorised” as a booking service provider under the *Point to Point Transport (Taxis and Hire Vehicles) Act*.

For the operators involved, this is a heavy and expensive regulatory burden with little real benefit. The regulatory differences between bus accreditation and booking service authorisation are marginal. Moreover, the bus operators affected tend to be the smaller rural and regional school bus operators who are least able to manage the cost and complexity involved.

BusNSW considers that operators in this position should be required to be accredited/authorised by one agency, based on the higher level of safety standards. We also believe that such a change would be relatively easy to achieve. The Point to Point legislation, could for example, deem accreditation under the Passenger Transport Act to be authorisation under the Point to Point legislation. In other words, an operator would be required to be accredited OR authorised in order to use small buses to operate charter or tourist services in NSW.

In regard to the specific impacts on the bus industry to date, BusNSW believes that the following measures would also promote the objectives of the *Point to Point Transport (Taxis and Hire Vehicles) Act*:

- The application process for new entrants to the ride share industry should ensure that the applicant has complete understanding of their obligations under the regulations and that a Safety Management System should be in place prior to the commencement of services.
 - The requirement for better identification of ride share vehicles such as providing a permanent identification mark on the number plate,
 - The reinstatement of a central complaints line to ensure all complaints are properly tracked and closed,
 - Greater on road enforcement of the Point to Point Transport regulations.
- 3. Consider if there are regional locations at risk of losing point to point transport services, and identify:**
- (a) appropriate interventions to address local transport needs**
 - (b) any measures, including any changes to industry structure specific to the regions, that may be needed to support the continued participation of point to point transport service providers in the local transport market, especially for those providing wheelchair accessible services and other services to vulnerable communities.**
 - (c) any further support needed for wheelchair services**

The current legislation is having significant impact on the stability and reliability of local transport needs in regional locations. New entrants are able to commence a ride share service (often as means of secondary income) and effectively “cherry pick” customers at peak times only. This has a significant impact on passenger transport providers who are supplying services throughout the day and night and require the peak time income to cross subsidise the quieter periods.

BusNSW believes that operators who have made a substantial investment in capital and in ensuring they meet the requirements of the regulations, including wheelchair accessibility and safety standards, should not be disadvantaged. A more regulated approach to new entrants, including NDIS operators, will ensure long term sustainability as well as address any local transport requirements, including the need for wheelchair accessible services.

Thank you for the opportunity of contributing to this important review. If you would like to discuss these comments in more detail, please contact me on (02) 8839 9500.

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