

Bus safety in New Zealand

Executive Summary

1. The Ministry of Transport (the Ministry), with input from the NZ Transport Agency (NZTA), has compiled factual information on bus safety following the bus crashes in July and August, including:
 - 1.1. a summary of known facts about the three bus crashes
 - 1.2. statistical information on the bus fleet and bus safety
 - 1.3. an overview of the regulatory framework for bus safety
 - 1.4. an overview of contractual safety obligations on school and urban bus operators
 - 1.5. a summary of strategic work underway related to bus safety.

Summary of the facts on the bus crashes in July/August

2. The three recent crashes all involved Mitsubishi Fuso buses manufactured between 1991 and 1995. There were no driver licence breaches and all vehicles had a current certificate of fitness (CoF).
3. The NZ Police investigation has concluded that in the crash on Mount Ruapehu there was no evidence of mechanical fault with the bus, and the NZ Police will not lay any criminal charges in relation to the crash. The crash has been referred to the Coroner. The NZTA is still investigating the Ruapehu Alpine Lifts (RAL) vehicle fleet.
4. The Taranaki and Manawatu crashes are still under investigation by the NZ Police. However, the NZTA does not suspect that vehicle design or manufacturing deficiencies contributed to the crashes.

Bus fleet statistical information

5. The majority of the bus fleet is less than 20 years old, and a large proportion (around 40 percent) is less than 10 years old. Newer buses do the bulk of the kilometres travelled. Buses manufactured since 2000 make up 87 percent of total vehicle kilometres travelled by buses. Mitsubishi Fuso buses make up 15 percent of the bus fleet, and are the second most common make of bus in New Zealand.
6. Between 2010 and 2014 travelling as a bus passenger was the safest mode of road transport and was significantly safer than travel as a car driver or passenger.

Regulatory framework

7. Bus operation has a range of regulatory controls, with requirements covering vehicles, operators and drivers.
8. Buses must meet a range of design standards before entering the fleet, and must meet additional age, comfort, quality and design requirements to obtain public transport funding. Buses must also be regularly inspected (generally every six months) by an approved vehicle inspector.

9. Operators must hold a transport service licence to ensure they are fit and proper in their conduct of a passenger service.
10. Drivers must be licensed to ensure they meet safety, competence, fitness and propriety standards for driving a bus and must meet worktime and logbook requirements for fatigue management.

Contractual safety obligations

11. School bus service providers contracted by the Ministry of Education (MoE) are required to meet additional standards, including vehicle age (not more than 26 years), vehicle telematics, driver training, and annual medicals for drivers.
12. Similarly, urban bus services contracted by a regional council must also meet additional safety standards, including a vehicle age limit of 20 years. Auckland Transport also requires the average age of their bus fleet to be less than 10 years old and requires closed-circuit television (CCTV) cameras to be installed in all buses.

Strategic work underway

13. There are several strategic projects underway that relate to bus safety, including:
 - 13.1. the development of the new road safety strategy
 - 13.2. the response to concerns about the NZTA's regulatory performance
 - 13.3. the Heavy Vehicle Entry Certification review
 - 13.4. the Land Transport: Passenger Service Vehicle Rule 1999 review
 - 13.5. the 2021 school bus tender
 - 13.6. proposed changes to driver licensing.

Introduction

14. The safety of buses and bus services can be considered from several perspectives. These include:
 - 14.1. the driver of a bus
 - 14.2. a passenger on-board a bus
 - 14.3. customers boarding or alighting from buses, or making their way to a bus stop or pick up location
 - 14.4. other road users interacting with buses, while moving and stationary.
15. The focus of this report is the safety of passengers on-board buses. However, many of the measures that are in place to manage the safety of passengers also help ensure safe outcomes from these other perspectives.
16. The Taranaki and Manawatu crashes are still under investigation by the NZ Police and the Ruapehu Alpine Lifts (RAL) vehicle fleet is still under investigation by the NZTA. The Mount Ruapehu crash has also been referred to the Coroner. While these investigations are underway we have limited information on the potential causes or circumstances surrounding the crashes. As a result the Ministry, with input from the NZTA, has compiled factual information on bus safety, including:
 - 16.1. a summary of known facts about the bus crashes
 - 16.2. statistical information on the bus fleet and bus safety
 - 16.3. an overview of the regulatory framework for bus safety, including safety standards for vehicles, operators, and drivers
 - 16.4. an overview of contractual safety obligations on school and urban bus operators
 - 16.5. a summary of strategic work underway related to bus safety.
17. The Ministry is aware of concerns relating to the NZTA's performance of regulatory functions. The overview of the regulatory framework in this report reflects the systems in place, but generally does not comment on if/how these systems are performing. Details of the response to concerns about the NZTA's regulatory performance are provided on page 15.

Recent bus crashes - summary of known facts

Mount Ruapehu crash – 28 July 2018

18. The known facts about the Mount Ruapehu crash are:
 - 18.1. the vehicle was a 1994 Mitsubishi Fuso, first registered in New Zealand on 29 July 2004
 - 18.2. NZ Police confirmed that no driver licence breaches were detected

- 18.3. the vehicle had a certificate of fitness (CoF) issued on 31 May 2018, which was current at the time of the crash
- 18.4. NZ Police has completed its investigation. NZ Police have concluded that there was no evidence that a mechanical failure caused the accident and will not lay any criminal charges in relation to the crash
- 18.5. NZ Police will continue to support other agencies in their ongoing investigations.
19. Following the fatal crash on 28 July 2018, the NZTA initiated a fleet audit of all buses being operated by RAL, excluding the bus involved in the accident. RAL was the transport service license holder responsible for operating the bus involved in the accident. The audit resulted in RAL being issued with a Notice of Proposal to have their transport service license suspended. During the period available for RAL to make a submission in response to the Notice of Proposal, the operator voluntarily suspended their passenger service licence. As a result, it is no longer able to operate passenger bus services.
20. The NZTA was not aware of any issues with RAL before the crash in July 2018. The NZTA is continuing its investigation into the RAL vehicle fleet.

Manawatu crash – 2 August 2018

21. The known facts about the Manawatu crash are:
 - 21.1. the vehicle was a 1991 Mitsubishi Fuso, first registered in New Zealand on 29 November 2005
 - 21.2. NZ Police confirmed that no driver licence breaches were detected
 - 21.3. the vehicle had a CoF issued on 11 July 2018, which was current at the time of the crash.

Taranaki crash – 8 August 2018

22. The known facts about the Taranaki crash are:
 - 22.1. the vehicle was a 1995 Mitsubishi Fuso, first registered in New Zealand on 20 December 2007
 - 22.2. NZ Police confirmed that no driver licence breaches were detected
 - 22.3. the vehicle had a CoF issued on 10 July 2018, which was current at the time of the crash.
23. As outlined above, the Taranaki and Manawatu crashes are still under investigation by the NZ Police, the Mount Ruapehu crash has been referred to the Coroner, and the RAL vehicle fleet is still under investigation by the NZTA. However, the NZTA does not suspect that vehicle design or manufacturing deficiencies contributed to the crashes.
24. The NZTA has also confirmed that there is no link between the vehicles involved in the crashes and heavy vehicle specialist certifiers or other certification agents (such as agents completing CoF checks) that are being investigated by the NZTA.

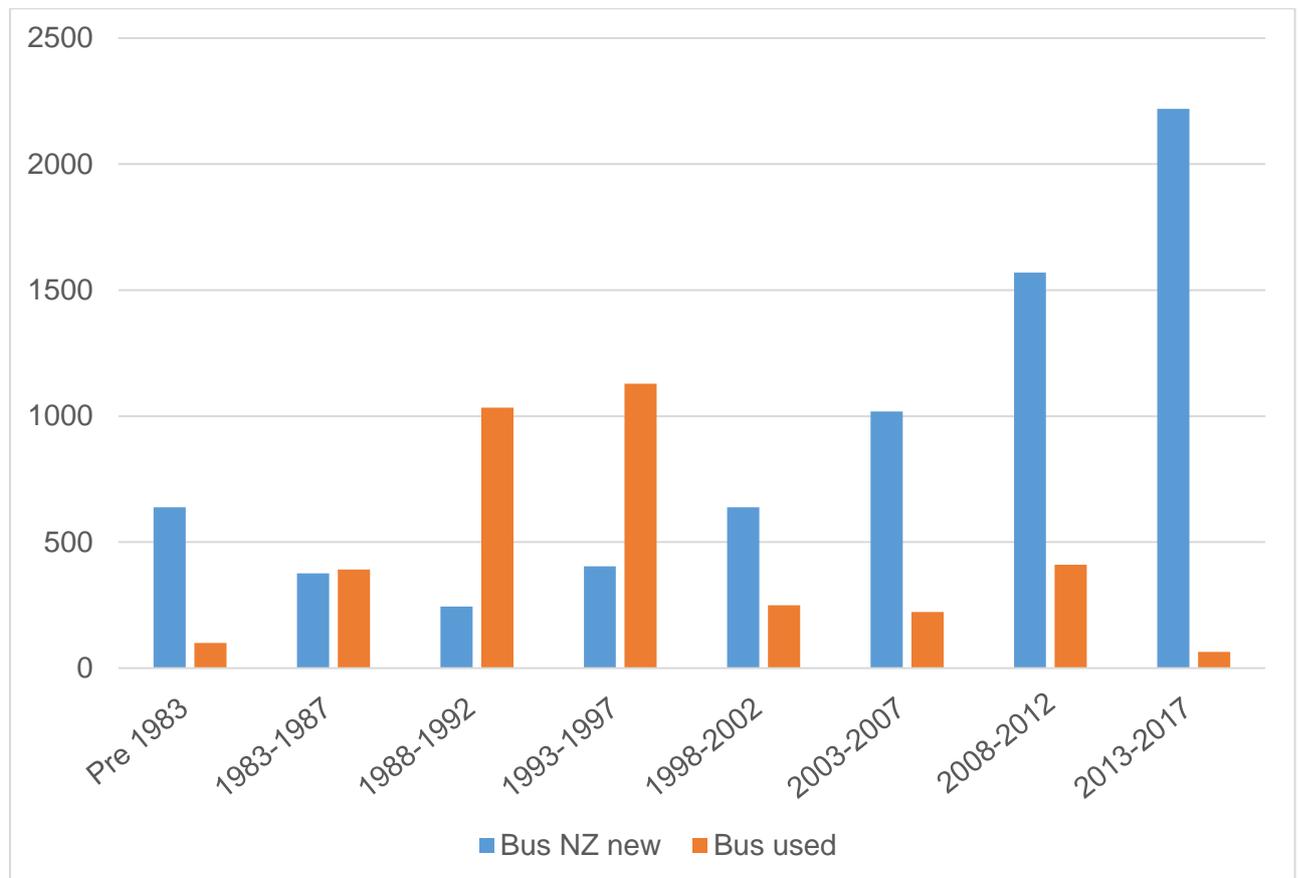
25. The NZTA also has no record of any specific issues with the operators of the vehicles prior to the crashes taking place.
26. Until the investigations by the NZ Police, the NZTA, and the Coroner are complete, no further details of the crashes will be available and there will be no separate investigation into the crashes beyond this report.

Bus fleet information and safety data

Vehicle fleet

27. Figure 1 below shows that the majority (around 60 percent) of the bus fleet is less than 20 years old. A large proportion (around 40 percent) is less than 10 years old.
28. New Zealand new buses of all age groups typically travel more than used imports. Buses manufactured since 2000 travel significantly more per vehicle, and make up the vast majority (87 percent) of total vehicle kilometres travelled by buses.
29. The three buses involved in the crashes in July and August were all Mitsubishi Fuso vehicles. Mitsubishi Fuso are the second most common make of bus in New Zealand. Currently there are 1,727 Mitsubishi Fuso buses in use in New Zealand, representing 15 percent of the bus fleet. MAN buses are the most common buses in use in New Zealand, with 1,867 vehicles. In total there are 11,216 buses in our vehicle fleet.

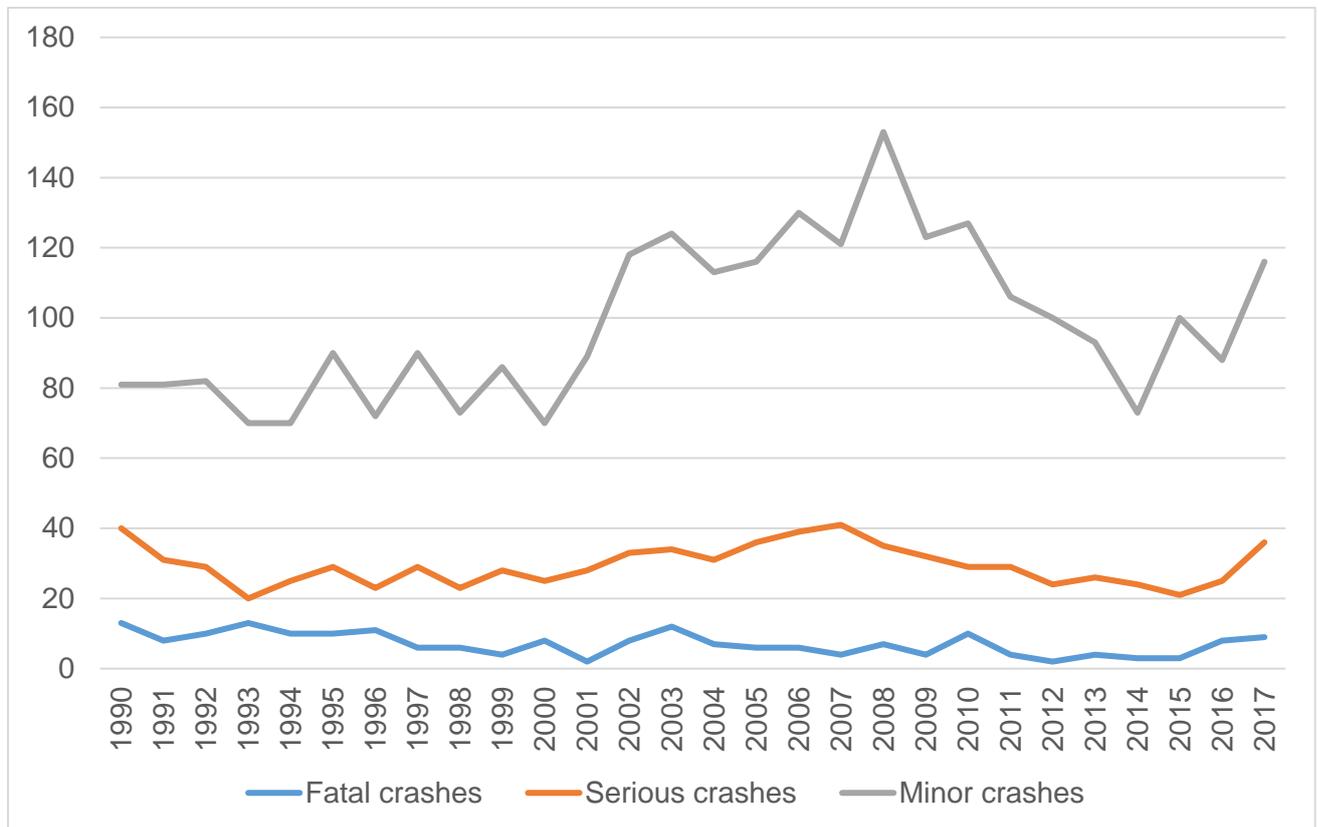
Figure 1: Age profile of the New Zealand bus fleet in 2017



Trends in crashes involving buses

- 30. Figure 2 shows there has been no clear long-term trend in the number of fatal, serious, and minor crashes involving buses¹ in New Zealand. The numbers have fluctuated year to year. Over the last 28 years there has been an average of seven fatal crashes, 29 serious crashes, and 98 injury crashes involving buses each year. 2017 had a higher than average, but not unprecedented, number of crashes involving buses.
- 31. Between 2001 and 2016 the bus fleet more than doubled from 5,022 to 10,268. Kilometres travelled by buses almost doubled over the same period. However, trends in the number of crashes have not reflected this growth. Rather than increasing to match growth in the bus fleet over this period, the number of crashes involving buses has fluctuated.
- 32. Fatal and injury crashes involving a bus have generally represented between 1 and 1.5 percent of total annual fatal and injury crashes since 1990.

Figure 2: Fatal, serious, and minor crashes involving buses since 1990



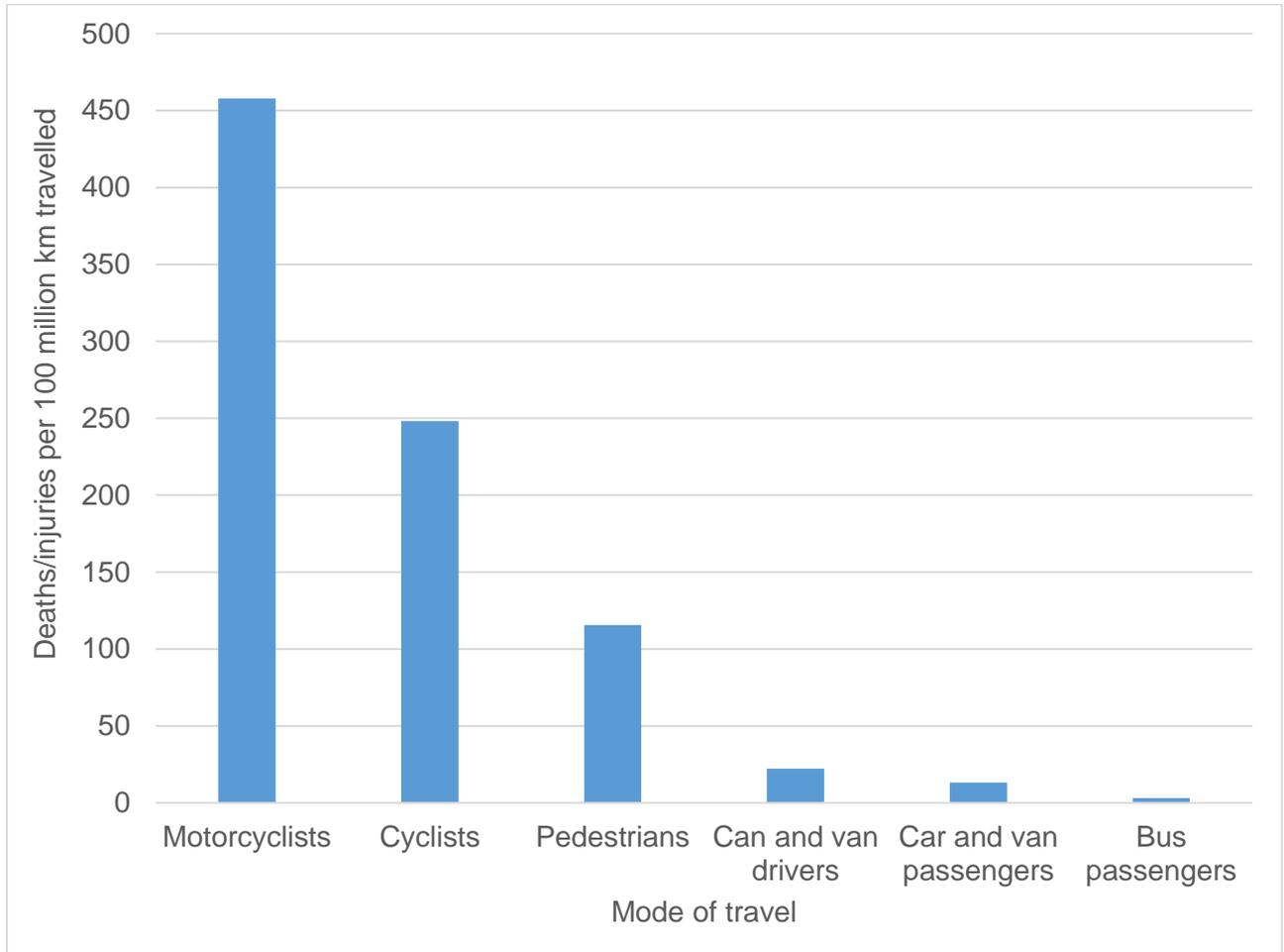
Safety of passengers travelling by bus

- 33. Between 2010 and 2014 travelling as a bus passenger was the safest mode of road transport on the basis of both per kilometre travelled and per hour spent travelling. Figure 3 shows that during 2010 to 2014 travel as a bus passenger was significantly safer than travel as either a car passenger or car driver.

¹ This data records whether a bus was involved in a crash regardless of whether there was any fault with the bus or from its driver that contributed to the crash.

34. For every 100 million kilometres travelled 22 car drivers were killed or injured, 13 car passengers were killed or injured. This compares to three bus passengers for every 100 million kilometres travelled.

Figure 3: Deaths and injuries in motor vehicle crashes per 100 million km travelled (July 2010 - June 2014)



Vehicle safety standards

Vehicle entry standards

35. Before being used on the road, all buses must be checked and certified to ensure they meet all the vehicle requirements in Land Transport Rule: Passenger Service Vehicles 1999 (the PSV Rule). The safety requirements for buses under the PSV Rule are greater than those for other vehicles. The PSV Rule covers:
- 35.1. entrances and exits (doors and doorways)
 - 35.2. aisles (space, steps and ramps)
 - 35.3. seating (passenger and drivers' seats, access and vision)
 - 35.4. emergency exits (location, signs and design)
 - 35.5. safety features (vehicle body, fire-fighting, baggage, signage and more)

- 35.6. stability and structural strength (including roof-racks)
 - 35.7. special equipment for people with disabilities (including wheelchair hoists and ramps)
 - 35.8. certificate of loading (CoL) (maximum number of passengers and maximum loaded weight).
36. The standards referenced in the PSV Rule reflect international practice as issued by the jurisdiction from which the vehicle is sourced at the time of manufacture. The European Regulations, European Directives, Japanese domestic standards, Australian Design Rules and Australian and New Zealand standards are all referenced as the required standards for buses used in New Zealand.
37. The NZTA is currently reviewing the policy settings behind the PSV Rule. For details see page 16.

Certificates of loading (CoL)

38. The PSV Rule sets out the requirements for vehicle loading. These include the number of seated and standing passengers, and the weight limit of the vehicle – its gross vehicle mass (GVM). The CoL must be displayed in a vehicle and be clearly visible to the driver and passengers.
39. The CoL specifies the maximum number of seated and standing passengers (excluding the driver) in age categories of ‘adult’, ‘secondary’, ‘intermediate’ and ‘primary’. The maximum number of passengers is calculated by a NZTA-approved inspector, such as Vehicle Testing New Zealand.
40. When determining the maximum number of seated passengers for a particular bus the PSV Rule allows three primary or intermediate school children to sit in the same space as two adults or secondary school students. This requirement was made when buses generally had bench seats, and it recognised the seating capacity (the width of a bench seat and the size of a child) of buses of that time. The requirement still applies today, even when individual seats are provided. This means some buses, particularly those on school runs, can have three children seated across two formed seats. While less than ideal, the approach has meant there are approximately 30 percent fewer buses needed nationally in school service than would otherwise be the case. In safety terms, the risk of travelling by school bus is still significantly lower than travelling by car, bicycle, or on foot.

Seatbelt requirements

41. Seatbelts are not mandatory for buses, although increasingly new buses used for tour and long distance services are equipped with seatbelts. Wearing seatbelts in these vehicles is logical as the vehicles are usually travelling long distances at high speeds where the risks are greater.
42. The situation is different for urban buses. Shorter distances, lower speeds and protection provided by the size and mass of a bus, reduce the benefits of seatbelts. Recognising the nature of the transport task and the relatively lower risk to passengers, urban buses typically do not have seatbelts and allow standing passengers. This is a trend observed in many international jurisdictions, including Australia, the United Kingdom, and the United States of America.

43. New Zealand bus fleet data shows that the majority of passenger injuries are minor and would not have been prevented by wearing seatbelts.
44. Where buses are fitted with seatbelts, the seatbelts must meet all legal requirements of the PSV Rule and Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002. Seatbelts are inspected at entry and in-service as part of a CoF.
45. As part of the development of the new road safety strategy, we are giving consideration to whether seatbelts should be made mandatory on some or all buses entering New Zealand. Given the age of buses in New Zealand, retrofitting seatbelts would be difficult and costly with floor and superstructure strengthening required. For more information on the road safety strategy, see page 15.

Requirements for urban buses (RUB)

46. In addition to the PSV Rule, buses used for regional council contracted public transport services must comply with the Requirements for urban buses (RUB). The RUB is New Zealand's national standard for urban bus quality. It has been developed by the NZTA, the Bus and Coach Association NZ (BCA), public transport operators, bus builders and suppliers, Auckland Transport, Greater Wellington Regional Council and Environment Canterbury. Regional councils and Auckland Transport use the RUB in their urban bus contracts so that they can access NZTA investment in these services.
47. The RUB has comfort and access requirements (e.g. wheelchair access) over and above those in the PSV Rule. The RUB also establishes vehicle age requirements. See the *Contractual safety obligations* section below for details.

Certificate of fitness (CoF) inspections

48. In general, all buses must have a CoF issued every six months. However, the NZTA can require a CoF every three months for operators that consistently fail to maintain acceptable levels of safety compliance. The increase in frequency of CoF inspections for these operators is accompanied with guidance and mentoring from NZTA officers to encourage improved performance. They can also offer 12 monthly CoF inspections to operators with a consistently high level of vehicle safety compliance. A CoF is a regular check to ensure that the vehicle meets safety standards in the following areas:
 - 48.1. brake condition and performance²
 - 48.2. tyre condition (including tread depth)
 - 48.3. structural condition (rust is not allowed in certain areas)
 - 48.4. certificate of loading (display and validity)
 - 48.5. lights (all bulbs working and compliant lights)
 - 48.6. glazing (a safe windscreen and emergency exit windows with correct glass)
 - 48.7. fire extinguisher (one is in place and in the required condition)

² New Zealand applies a very thorough semi-laden brake test to heavy vehicles (including buses) that means heavy vehicle brakes are periodically performance-tested to a high standard.

- 48.8. windscreen washers and wipers
- 48.9. doors (open and close safely)
- 48.10. emergency exits (accessible and operational)
- 48.11. seatbelts (if fitted, not faded or damaged, and buckles that work properly)
- 48.12. airbags (if fitted)
- 48.13. steering and suspension (must be safe and secure).

Police and NZTA inspections

- 49. In addition to CoF requirements, a bus must also pass 'walk-around' condition checks that the NZTA or Police carry out during random roadside inspections. Any defects identified during these checks can result in an instruction to proceed to the nearest place of repair. If the fault is safety critical, a non-operation order may be issued.
- 50. Roadside inspections can be conducted by a sworn NZ Police Officer, a NZ Police Commercial Vehicle Safety Team (CVST) Vehicle Safety Officer or a NZTA Vehicle Specialist.
- 51. All CVST Vehicle Safety Officers and Vehicle Specialists are "A" Grade automotive engineers or have a similar qualification.
- 52. Inspections can vary from level 1 to 7, depending on the location of the inspection, the risk profile of the vehicle and the experience/qualifications of the inspector. Depending on the level of inspection, checks may include:
 - 52.1. obvious visual vehicle defects
 - 52.2. driver compliance checks
 - 52.3. various mechanical checks
 - 52.4. break testing
 - 52.5. a vehicle emission check for excessive exhaust smoke and/or noise.

Operator safety standards

Transport service licence

- 53. A transport service licence (TSL) is required before an individual or business can operate a bus as a passenger service. This requirement is intended to provide consumer protection and safety by ensuring passenger service operators are fit and proper in their behaviour and conduct. Passenger service operators are held to a higher standard than private vehicle operators in part as they generally drive more frequently and therefore pose a greater road safety risk.
- 54. As part of the application process for a TSL to operate a bus service, the TSL holder, or a nominated person in control of the service, must complete an exam to test their knowledge of the laws and practices that relate to operating a bus service.

Operator Rating System

55. To further protect consumers and ensure road safety, the Operator Rating System (ORS) was introduced in 2008 for all heavy goods and large passenger service (bus) operators. The ORS was designed to encourage transport operators to make their vehicles and driving practices as safe as possible by giving each operator an 'Operator Safety Rating'. Operator Safety Ratings describe an operator's level of regulatory compliance that contributes to their safety risk.
56. ORS scores range from between one and five stars, based on how an operator has been assessed in safety-related events over a given 24-month period. The ratings are based on compliance with the following safety-related events:
 - 56.1. CoF inspections
 - 56.2. roadside inspections
 - 56.3. relevant traffic offences and infringements.

Driver safety standards

Heavy vehicle driver licensing

57. To operate a bus the driver must have at least a full class 2 driver licence. This is based on the requirement that the bus has a gross laden weight of between 6,000kgs and 18,000kgs. The class 2 licence has two stages 'learner' and 'full'. A learner class 2 licence is obtained when:
 - 57.1. a full class 1 licence has been held for at least six months
 - 57.2. a medical certificate has been provided within five years
 - 57.3. a theory test is passed that covers work time limits, vehicle weight restrictions, and speed limits.
58. A full class 2 licence is obtained when:
 - 58.1. a medical certificate has been provided within five years
 - 58.2. a learner class 2 licence has been held for at least six months and then a practical driving test in a class 2 vehicle is passed, or
 - 58.3. a learner class 2 licence is held and an approved training course for progression to a full class 2 licence is passed.
59. The rationale behind the current heavy vehicle licence regime is based on the principle of progression. A driver must have sufficient experience of driving a light vehicle before they can obtain a class 2 licence. Progression to class 4 (larger single vehicles) and class 5 (larger combination vehicles) requires the driver to first hold a full class 2 licence.
60. There are changes proposed to heavy vehicle driver licensing. See page 16 for details.

Passenger (P) endorsement requirements

61. In addition to driver licensing requirements, anyone driving a bus for gain or reward is required to hold a P endorsement. The P endorsement requirement is designed to ensure the safety of passengers by checking the criminal history, traffic offences, and medical health of drivers. More specifically, to be eligible for a P endorsement drivers must:
 - 61.1. have held a full New Zealand licence for two years³
 - 61.2. complete a fit and proper person check, which is carried out by the NZTA and incorporates a vetting process to identify transport offences, criminal convictions, and any history of behavioural problems
 - 61.3. provide a medical certificate and meet eyesight requirements.
62. Drivers can choose to get a P endorsement that lasts for one year or five years.

Work time and logbook requirements

63. The Land Transport Rule: Work Time and Logbooks 2007 (the Work Time and Logbooks Rule) sets requirements that are designed to manage fatigue for drivers of heavy and commercial transport service vehicles. Bus drivers are subject to the following work time limits:
 - 63.1. A driver must have a break of at least half an hour after 5.5 hours of work.
 - 63.2. A driver can work a maximum of 13 hours in any cumulative 24 hour period and then they must take a continuous break of at least 10 hours (as well as the standard half-hour breaks every 5.5 hours).
 - 63.3. A cumulative work day is a period during which work occurs, and that:
 - 63.3.1. does not exceed 24 hours, and
 - 63.3.2. begins after a continuous period of rest time of at least 10 hours.
 - 63.4. Drivers can accumulate a total of 70 hours work time (known as a 'cumulative work period') before they must take a continuous break of at least 24 hours.
64. Tour bus operators may seek a variation to these work time limits from the NZTA for drivers of multi-day tours.
65. Compliance with the work time limits set out above is supported by a requirement to keep a logbook. Drivers of heavy vehicles and vehicles used for a transport service are required to keep logbooks. Logbooks must:
 - 65.1. show the extent of the cumulative work day and the cumulative work period
 - 65.2. record when the most recent 10-hour break was taken
 - 65.3. record the period back to (and including) the last 24-hour break

³ Drivers with overseas licenses do not meet this requirement. However, it is possible for drivers with overseas driving experience to apply for an exemption.

- 65.4. be maintained until the next 24-hour break is taken at the end of that cumulative work period.
66. However, there are several exemptions from these logbook requirements that apply to bus and coach drivers, including:
- 66.1. drivers of scheduled urban services provided the routes do not exceed 100km and are registered with the relevant regional council. This exemption extends to urban bus drivers doing off-peak charter work between 8am and 6pm, within 50km of the depot.
- 66.2. drivers of school buses do not have to keep a logbook.
67. The logbook exemptions for urban and school bus drivers reflect the nature of these services. Urban bus drivers are required to carry a document that shows the routes and times allocated to that driver. School bus drivers typically have two relatively short periods (1-2 hours) of work time in a day, with a substantial break in between.
68. Logbook compliance checks are carried out by either the NZTA or Police during audits and roadside weigh station inspections. Chain of responsibility requirements for operators came into force on 1 October 2007. These requirements mean anyone who employs or controls drivers will need to be aware of these provisions and breaches could incur a fine of up to \$25,000 if convicted. Logbook entries can be compared to GPS records for the bus and wage records for drivers, to assist with NZTA investigations. Logbook omissions and work time breaches identified during checks by the NZTA or Police can result in fines and demerit points.
69. A comparison of international driver safety standards is provided in Appendix 1.

Contractual safety obligations

Ministry of Education (MoE) contracted school buses

70. The MoE provides school transport services through service contracts with operators, and through a funding agreement with schools to provide their own transport (referred to as Direct Resourcing). The information outlined below describes services contracted by the MoE, rather than through Direct Resourcing.
71. Under current MoE service contracts the maximum age of individual school buses cannot exceed 26 years. This age limit is a proxy for emissions standards. The older age limit for school buses than for urban services (20 years) has allowed some operators to transition vehicles from typically high usage urban services to typically low usage school transport services. The current school bus fleet includes a mixture of purpose-built school buses and repurposed urban buses.
72. In addition to general health and safety obligations under the Health and Safety at Work Act 2015 and legal obligations under land transport rules, school transport operators are required to undertake Police vetting of new and existing drivers under the Vulnerable Children Act 2014. The MoE school bus service contracts also provide further checks and balances to ensure the safety of operators and drivers, which are summarised below:
- 72.1. all school buses are required to have telematics systems installed, which allow the MoE to monitor vehicle location, excess speed, harsh breaking, and sharp cornering

- 72.2. all operators are required to have a drug and alcohol policy
 - 72.3. all drivers are required to undertake an annual medical to ensure they are fit to drive school transport services
 - 72.4. all drivers are required to complete unit standards for the National Certificate in Passenger Service, including hazard identification and risk reduction for safe driving, first aid, rigid vehicle handling and dynamics, and fatigue management
 - 72.5. service contracts can be terminated if any vehicle from in the service fleet is placed on 3-month CoF checks or if a vehicle is ordered off the road by the NZTA
 - 72.6. operators can be required to stand-down drivers indefinitely, if the MoE considers that the drivers “may pose a risk to the health and safety of students or to the Ministry’s reputation as an operator of a safe service”.
73. Since 1 July 2017, the MoE has also taken direct responsibility for contract management and safety audit of operators, a function that had previously been outsourced.

Regional council contracted urban bus services

- 74. The RUB requires that urban buses contracted by regional councils must be less than 20 years old. The RUB suggests it is ‘good practice’ to have an average age of the urban bus fleet of no more than 10 years by 1 January 2017. This policy has been adopted by Auckland Transport and Greater Wellington Regional Council, which require each operator’s fleet to have an average age of less than 10 years on an ongoing basis.
- 75. Some regions, including Auckland and Wellington, have set their own vehicle quality standards, which often differ or go beyond what is required in the RUB. Auckland’s vehicle quality standards include safety features such as braking requirements, air suspension requirements, and door safety requirements.
- 76. In addition to meeting the requirements of the Health and Safety at Work Act and land transport rules, Auckland Transport has the following contractual checks and balances to ensure the safety of urban bus services:
 - 76.1. Drivers are trained to comply with the National Certificate in Passenger Service (see paragraph 72.4 above for more details) or equivalent standard.
 - 76.2. Bus operators are required to notify Auckland Transport of all health and safety incidents or accidents resulting in serious harm to employees or harm to a member of the public. Non reporting of accidents triggers a Cure Plan, which details the actions to be taken by the operator to prevent a re-occurrence.
 - 76.3. Buses are required to have multiple closed circuit television (CCTV) cameras installed, including cameras to monitor the entrance area and driver interface and forward facing cameras to monitor the road ahead of the vehicle.

- 76.4. Auckland Transport can cancel service contracts when there are repeated contract breaches, including safety related breaches.

Current strategic work underway

Road safety strategy

77. The development of a new road safety strategy provides an opportunity to assess many aspects of bus safety. The Ministry has worked through a reference group process with key stakeholders and other government agencies to discuss issues and potential initiatives to improve road safety. There were five reference groups covering various aspects of road safety, including speed, users, infrastructure, vehicles, and workplace related matters.
78. The Vehicles, Vehicle Standards and Certification reference group discussed options to improve the safety of vehicles, including buses. The Vehicles as a Workplace reference group also discussed fatigue management, including work time and logbooks, for commercial and heavy vehicle transport operators.
79. The Ministry is in the process of finalising outcomes reports for the reference groups, which will be published in early 2019.

Response to concerns about the NZTA's regulatory performance

80. The NZTA Board recently advised the Minister of concerns about how the NZTA's regulatory function has been performing. The concerns relate primarily to regulatory non-compliance cases the NZTA has not managed in a timely or responsive way. The non-compliance cases are across a range of the NZTA's regulatory functions, and relate to the certification and assurance of third party delivery agents, including vehicle certifiers, training course providers, licensing agents, road transport operators and drivers. The NZTA is working to address the backlog as quickly as possible and to understand the underlying factors that have contributed to the regulatory performance issues.
81. The Ministry, as the NZTA's monitor, is also reviewing the performance of the NZTA's regulatory functions. The Review will undertake an assessment of all components of the NZTA's regulatory capability and delivery. The Terms of Reference for the Review can be found here: <https://www.beehive.govt.nz/release/review-nzta-regulatory-performance>
82. Separate to the Review, the Ministry is developing a regulatory stewardship programme to ensure the regulatory framework for the transport system is modern, fit for purpose and delivers the intended policy outcomes. As part of this work, the Ministry is progressing a project to ensure that the three transport regulators have the appropriate tools, systems and resources to give effect to their regulatory functions and responsibilities.

Heavy Vehicle Entry Certification (HVEC) review

83. In response to some new buses imported in late 2017 potentially not meeting certain New Zealand vehicle requirements, the NZTA began a review of the Heavy Vehicle Entry Certification (HVEC) system.
84. This review is in progress and includes both new and used heavy vehicles. The purpose of the review is to identify opportunities to improve the entry certification system and to provide increased assurance in the standard of heavy vehicles

entering New Zealand with a robust, risk-based approach, which treats all providers fairly. To do this, the NZTA commissioned an internal step-by-step documentation of the process, and consulted with industry to develop a series of recommendations to improve the HVEC process.

85. Following the completion of NZ Police and NZTA investigations into the three crashes, the learnings will be considered alongside the wider HVEC recommendations.
86. The recommendations from the HVEC review will be considered in the context of the broader NZTA work on regulatory performance, which seeks to ensure that all compliance functions (including heavy vehicles) are performing to the standard required.

Review of the PSV Rule

87. The NZTA is currently reviewing the policy settings behind the PSV Rule. The PSV Rule has not been substantially reviewed since it was introduced in 1999, and many of the provisions in the PSV Rule were carried over from earlier regulations dating back decades. Some of the requirements in the PSV Rule are covered in other rules and other parts are out of date and incompatible with current technology. This project is a fundamental review of the PSV Rule, and will consider what rules are required for a vehicle based solely on the nature of how it is used (i.e. as a passenger service vehicle).

Proposed changes to driver licensing

88. Early in 2016, the Ministry and the NZTA consulted the public on proposed amendments to the Land Transport (Driver Licensing) Rule 1999 (the Driver Licensing Rule). The proposed changes would improve the efficiency of the driver licensing system and support a more productive commercial driving sector, while maintaining road safety.
89. The proposed amendments included streamlining progression through heavy vehicle licence classes. This proposal would allow potential bus drivers to obtain the required licences in the same timeframe whether they choose to undertake a practical test or to complete an approved course. Currently drivers that undertake approved courses can progress in a shorter timeframe. Drivers over 25 would also not need to wait for 3 months before obtaining a learner licence in the next licence class. The implications would be most significant for potential drivers of larger buses (over 18 tonnes gross laden weight), which require a class 4 licence to drive.

Employment Relations Amendment Bill

90. The Employment Relations Amendment Bill received Royal Assent on 11 December 2018 and will change minimum entitlements for employees. When the changes commence on 6 May 2019 bus drivers will be entitled to additional breaks over the course of typical driving shifts. These breaks will supplement the worktime and rest break requirements in the Work Time and Logbooks Rule.

2021 school bus tender

91. All MoE school bus contracts expire on 31 December 2020. The MoE is currently preparing to tender for school bus services in 2019, providing enough lead-time to commence services for the first school term in 2021.

The Bus and Coach Association NZ (BCA) Alpine Code of Practice

92. The BCA is developing a voluntary Code of Practice (COP) to encourage and embed best practice in alpine bus operations. The COP will be developed by both BCA and non-BCA members that frequently operate in alpine areas. It will cover all aspects of operations in these areas, including vehicle quality standards, maintenance requirements and driver training.
93. The BCA regularly reviews and refreshes guidelines for members. As a non-government organisation they cannot mandate adherence to or adoption of any guidelines they develop, hence the COP will be voluntary. In recognition of the multitude of players in the alpine travel industry, non-BCA member organisations are able to participate in the development and adoption of the COP.

Appendix 1: International comparison of driver safety standards

Driver safety standards in Australia

94. Some requirements to drive a bus for gain or reward in Australia differ between states. However, in general the standards are comparable to those in New Zealand.
95. Drivers must have the relevant class of driver licence and have some form of driver accreditation or endorsement. To be eligible for the accreditation/endorsement they typically need to:
 - 95.1. hold a full Australian licence for a minimum period (varies from six months to one year)
 - 95.2. meet minimum age requirements (e.g. 20 years of age in New South Wales)
 - 95.3. undergo a criminal history check and be medically fit.
96. The National Heavy Vehicle Regulator sets national work time limits for bus drivers. These limits are quite similar to New Zealand's work time limits, with relatively small variations in the timing and duration of breaks. In New Zealand rest time cannot be taken in a moving work vehicle, where as in Australia 'stationary rest time' is only required for longer rest breaks. The work time limits in Australia are as follows:
 - 96.1. after 5.25 hours drivers are required to take a 15 minute break
 - 96.2. must take at least 30 minutes rest time in a work period of 8 hours, in blocks of at least 15 minutes
 - 96.3. 10 hours work time in 11 hours, 60 minutes rest in blocks of at least 15 minutes
 - 96.4. 12 hours work time in 24 hours, required to have 7 continuous hours stationary rest time
 - 96.5. over the course of 7 days bus and coach drivers are required to have 6 night rest breaks with at least 7 hours stationary rest time.
97. All bus drivers who drive 100km or more from their home base are required to keep a logbook (referred to as a 'work diary'). Drivers of contracted bus services in New South Wales are not required to keep a logbook under a state based exemption from Heavy Vehicle National Law.

Work time limits in the European Union

98. The work time limits in the European Union differ significantly from the limits in New Zealand, with shorter durations of work between rest breaks and longer periods of rest between periods of driving. The following limits apply:
 - 98.1. after 4.5 hours drivers are required to take at least a 45 minute break, separable into 15 minutes followed by 30 minutes
 - 98.2. daily driving periods must not exceed 9 hours, except for twice a week when it can be extended to 10 hours

- 98.3. 11 hours of daily rest, with an exemption of going down to 9 hours rest three times a week
- 98.4. total weekly driving time may not exceed 56 hours and total fortnightly driving time must not exceed 90 hours.