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## Roads and Traffic Authority

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### ROAD TRANSPORT (GENERAL) ACT 2005

### ROAD SAFETY AND TRAFFIC MANAGEMENT ACT 1999

### Ministerial Exemption (Rail Replacement Bus Services) Order 2010

I, David Borger, Minister for Roads, pursuant to section 16 of the Road Transport (General) Act 2005, make the following Order.

Dated this 12 day of August 2010.

DAVID BORGER, M.P.,  
Minister for Roads

#### 1. Citation

This Order may be cited as the Ministerial Exemption (Rail Replacement Bus Service) Order 2010.

#### 2. Commencement

This Order takes effect on the day that it is published in the New South Wales Government Gazette.

#### 3. Effect

This Order remains in force until it is amended or repealed.

#### 4. Interpretation

4.1 In this Order:

*disrupted railway passenger services* means the unplanned disruption of railway passenger services operated by the Rail Corporation of NSW which are sufficiently serious to require the provision of rail replacement bus services.

*rail replacement bus services* means buses operated by an accredited service operator within the meaning of Passenger Transport Act 1990 for the purpose of carrying passengers, and persons who were proposing to be passengers, of disrupted railway passenger services.

4.2 Unless otherwise stated, words and expressions used in this Order have the same meaning as those defined in the Road Transport (Safety and Traffic Management) Act 1999 and the Road Transport (General) Regulation 2005.

#### 5. Exemption from vehicle monitoring device requirements

Without limiting any exemption in any Regulation or Order, Division 2 (Monitoring of heavy vehicles and heavy vehicles carrying dangerous goods) of Part 5 of the Road Transport (Safety and Traffic Management) Act 1999 is declared not to apply to a bus or to the drivers and responsible persons for a bus to which that Division would otherwise apply, in circumstances where the bus is being used to provide rail replacement bus services.

#### 6. Exemption from driver work diary requirements

Without limiting any exemption in any other Order, Subdivision 2 (Work diary requirements) of Division 4 of Part 6 of Road Transport (General) Regulation 2005 is declared not to apply to the driver of a bus to which that Subdivision would otherwise apply, in circumstances where:

6.1 The driver is engaged in providing rail replacement bus services; and

6.2 The record keeper for the driver:

(a) records the following information as soon as possible after receiving it:

- (i) the driver's name, driver licence number and contact details; and
- (ii) the dates on which the driver drives a bus on a road; and
- (iii) the registration number shown on the numberplate of each bus the driver drives; and
- (iv) the total of the driver's work and rest times on each day when the driver drives a bus; and
- (v) the total of the driver's work and rest times for each week when the driver drives a bus; and
- (vi) the driver's rosters and trip schedules, including details of driver changeovers; and

(b) keeps a copy of payment records relating to the driver, including timesheet records if the driver is paid according to time at work; and

(c) keeps the records required under subclauses (a) and (b) for 3 years after they are created; and

(d) keeps the records at the record location so that they are reasonably accessible to an authorised officer or police officer; and

(e) keeps the records in way that ensures:

- (i) they are readable and reasonably capable of being understood; and
- (ii) are capable of being used as evidence.

**Explanatory Notes**

This Order applies to buses which are providing passenger services to persons affected by unplanned disruptions of RailCorp rail services. It does not apply to bus services replacing rail services due to scheduled track maintenance.

The Order exempts unplanned rail replacement bus services from compliance with requirements under road transport laws for:

- buses which operate more than 80kms from their depots to be fitted with vehicle monitoring devices; and
- bus drivers working more than 100km from their base to carry and record their work and rest time in a work diary.

These exemptions are intended to ensure that accredited bus operators are not prevented from providing services to persons affected by unplanned disruptions to RailCorp rail services because their buses are not fitted with vehicles monitoring devices or their drivers do not own work diaries.

Operators and drivers of unplanned rail replacement bus services must still comply with driver work and rest time limits set out in Division 3 of Part 6 of the Road Transport (General) Regulation 2005.

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