

Policy L – Managing Passenger Behaviour

POLICY L001 MANAGING PASSENGER BEHAVIOUR

1.0 INTRODUCTION

This policy has been put in place as prescribed by the requirements of the Passenger Transport Operator Accreditation Scheme.

This policy is not intended to provide a definitive process. The Manager of Nominee will use their discretion in handling passenger behaviour issues. The policy should not be relied upon to constitute a defence under any common law action.

These standards have been developed in conjunction with the Tasmanian Bus Association, The Passenger Transport Services Branch of DIER and Tasmania Police. The policy can be applied to all general passengers who use public passenger transport for travel (excluding students unless specifically stated).

The specific requirements of passengers with disabilities mean that the application of the policy may not be appropriate for this group of passengers. Liaison between bus operators and the passenger/ carer should occur on an individual basis.

2.0 PASSENGERS

The behaviour of passengers is primarily the responsibility of the passengers. Accordingly, the operator should take reasonable steps to ensure the passengers are aware of the "*Passenger Transport Regulations 2000, Section 20 & 21 for travel*". It is recommended that all buses have a copy of these regulations on board.

Regulations state the following;

Offences by Travellers

20.1 A person on a public passenger vehicle must not -

- (a) smoke; or
- (b) litter.

20.2 A person on a public passenger vehicle must not –

- (a) do anything to endanger the safety of the vehicle or another person; or
- (b) threaten, harass or attempt to intimidate another person; or
- (c) unreasonably obstruct or hinder another person; or
- (d) unreasonably disturb the comfort or convenience of another person; or
- (e) throw anything inside, or from, the vehicle.
- (f) damage/make worse any part of the vehicle or bus

20.3 A person who is a passenger on a public vehicle providing a regular passenger transport service must not, without the permission of the driver or authorised person;

- (a) travel without a valid ticket for the journey being undertaken; or
- (b) eat or drink; or
- (c) occupy more than one seat; or
- (d) sell or distribute, or attempt to sell or distribute, anything; or
- (e) display, or attempt to display, any sign; or
- (f) fix or attempt to fix, anything to the vehicle; or

(g) have an animal on board the vehicle^{20.4} It is a defence in proceedings under *sub regulation 3 (b)* for the defendant to show that, at the relevant time, he or she was merely chewing, sucking or otherwise consuming an item of medication.

20.5 It is a defence in proceedings under *sub regulation 3 (g)* for the defendant to show that, at the relevant time, he or she had a disability an animal on board that was trained to assist the person on account of that disability.

Travel causing nuisance or danger

21.1 The driver of, or an authorised person on a public passenger vehicle may stop the vehicle and direct any person to leave the vehicle if the driver or authorised person believes that the person is only at an authorised location such as a Police station

- (a) doing anything to endanger the safety of the vehicle of another person; or
- (b) threatening, harassing or attempting to intimidate another person; or
- (c) unreasonably disturbing the comfort or convenience of another person; or
- (d) unreasonably obstructing or hindering another person; or
- (e) damaging or defacing any part of the vehicle or any of the vehicle's fittings or the property of another person; or

21.2 A person must comply with the direction under *sub regulation (1)* immediately

21.3 A police officer, using only such force as may reasonably be necessary in the circumstances, may remove a person from a public passenger vehicle if the police officer is satisfied that;

- (a) the person has been given a direction under *sub regulation (1)*
- (b) there were apparently proper grounds for issuing the direction
- (c) the person failed to comply with the direction

21.4 Notwithstanding *sub regulation 1*, a driver or authorised person may direct a person to leave a vehicle pursuant to that *sub regulation* if the circumstances;

- (a) the person's safety is likely to be put at unreasonable risk; or
- (b) if the person is a school child – the direction would be inconsistent with any directions of the Commissioner concerning the transport of schoolchildren on regular passenger transport services.

Operators

An operator is a person (including a company, local authority or other organization) carrying on the business providing their drivers with training in managing behaviour of passengers in line with a Passenger Transport Behaviour Policy developed by the company (ensuring consistency with Passenger Transport Regulations 2000 Sections 20 and 21) and for ensuring they know the procedures to be followed when a passenger breaches company policy.

Where a driver reports a breach of the Passenger Transport Behaviour Policy, any responsibility for the follow-up lies with the operator. Operators have the authority to delegate to drivers the refusal of passenger travel when this is done in accordance with the company Passenger Transport Behaviour Policy.

Drivers

Drivers of vehicles have the important role of driving the vehicle in a safe manner as well as ensuring the safety and security of all passengers. Drivers are also required to issue directions to ensure the safety of all passengers. Consequently, it is important that all passengers respect the authority of drivers whilst they are in control of a vehicle.

Drivers are responsible for the day to day management of the behaviour of passengers travelling on the vehicle. In cases where a passenger breaches the Company Passenger Transport Behaviour Policy the driver will be responsible for following procedures. Depending on the nature of the breach, this may involve simply cautioning the passenger, recording the breach as part of the driver's own record, or reporting the incident to the operator for follow up.

Department of Infrastructure Energy and Resources (DIER)

DIER has the overall administrative responsibility for public transport in Tasmania. DIER has responsibility for developing the board framework and regulations for managing instances of misbehaviour on public transport.

DIER is also responsible for monitoring and reviewing bus operator's compliance with the requirement to have a policy for managing passenger behaviour as part of the operator accreditation process.

3.0 CATEGORIES OF UNACCEPTABLE BEHAVIOUR

To assist operator in managing behaviour issues and promote consistency in responding to incidents of unacceptable behaviour, behavioural problems have been divided into four categories;

1. *Nuisance and Offensive Behaviour* - This includes behaviours which may be irritating, unpleasant but not physically dangerous, such as (but not limited to);
 - Failure to show a ticket where required
 - Eating on the vehicle where not permitted
 - Using offensive language
2. *Dangerous Behaviour* – This category includes behaviours where there may be some physical danger to individuals, such as (but not limited to);
 - Distracting the driver by persistent noise
 - Allowing any part of their body to protrude from the vehicle
 - Harassing and bullying other passengers
 - Verbally threatening the driver
 - Standing on the steps and refusing to move
 - Pressing stop buttons continually
 - Spitting on the floor
 - Swinging on handrails
3. *Very Destructive and Dangerous Behaviour* – This category includes behaviours which are very dangerous to individuals, or very destructive, such as (but not limited to);
 - Throwing objects that have the potential to cause harm or damage
 - Fighting
 - Stopping others from disembarking at their stop (Tasmania Police consider this an assault, as it is a deprivation of a person's liberty)
 - Marking or damaging vehicle property (breaking windows, slashing seats etc)
 - Repeated occurrences of *Dangerous Behaviours*
4. *Highly Dangerous or Potentially Life Threatening Behaviour* – This includes highly dangerous behaviours, such as (but not limited to);
 - Physically attacking the driver or other passengers
 - Spitting at a person (Tasmania Police consider this an assault and potentially life threatening diseases such as Hepatitis can be contracted from spitting)
 - Pushing other passengers out through windows or doors
 - Lighting a on the vehicle
 - Interfering with the safe mechanical operation of the vehicle
 - Threatening physical harm with a dangerous weapon

4.0 CODE OF BEHAVIOUR FOR PASSENGERS

Fundamental Principal	Standards	Specifics (site specific - locally defined)
As a passenger you must not do anything that could contribute to loss, harm or	Respect other people and their property	Respect bus property and the property of other by not marking or damaging it

injury by yourself or any other person		Do not physically or verbally harass other passengers or the driver
		Behave safely at all times
	Behave in an orderly and disciplined manner at all times	Board and leave the bus in an orderly manner
		Do not throw any objects either inside or outside of the bus
		Do not create unnecessary noise
		Behave safely at all times
		No using aerosol cans whilst on the bus
		Do not distract the driver for his or her duties
		Sit facing forward
		Place bags under the seat or in storage areas provided
		Show bus pass or ticket to the driver on boarding where required
		Do not move about the bus whilst in motion
		Do not extend any part of the body out of the windows
		So not smoke on the bus
		Do not carry any illegal, oversize and/or dangerous objects on the bus
		Do not obstruct the aisle, door or emergency exits
		Do not stand on, or put feet on the seats
		No swearing or uncouth language
		Do not distract the driver unless in an emergency
		Wait until the bus stops before disembarking
		Do not stop others from disembarking at their stop
		Do not press the stop button continually
		Do not alter, misuse or fraudulently obtain a bus pass
		No interference with the safe mechanical operation of the bus
	Obey any instruction given to you by the authorised person	If directed by the driver, occupy a particular seat
		Accept the driver is in charge and obey their instructions

		Always follow instructions about safety on the bus
		In case of an emergency breakdown, follow drivers directions
	Observe the rules posted for your bus	Do not eat or drink on the bus without permission of the driver
		Do not give, lend or transfer a bus pass or ticket to another student
		Observe safety rules when leaving the bus
		Do not stand on the steps

5.0 RESPONDING TO BREACHES OF REGULATIONS

The decision by a driver regarding punishment for a behaviour will finally depend on the driver determining that such action is required to ensure the ongoing safe operation of the bus and the well being and security of other passengers. This may mean, for example, that repeated attempts by the driver to control the behaviour have been unsuccessful or that the nature of the single incident has been severe enough to warrant further action.

Operators should ensure that they retain a record of actions taken when a breach of regulation or an incident has occurred and action taken by the driver (*refer to Driver actions re: breach of regulations register*).

A passenger may be refused travel from the individual service on which the passenger was at the time of the misbehaviour or indeed any other vehicle operated by the company.

6.0 AGREEMENT IN SUPPORT OF SAFER TRAVEL

The Agreement in Support of Safer Travel located at the end of this policy, must not be issued by a driver. The agreement may be issued following discussion between schools and Managing Director or Delegate of BMC P/L.

POLICY L002 MANAGING STUDENT BEHAVIOUR

7.0 PROCEDURE FOR STUDENT BEHAVIOUR

Category 1

Offensive Behaviour By a Student

Involves distracting driver, annoying or irritating other passengers, littering or otherwise increasing the task of cleaning the vehicle, reducing the amenity of the trip. This includes issues of teasing, verbal bullying, victimisation, inappropriate language, courtesy and politeness, refusal to obey an instruction, pushing or shoving while boarding or exiting the bus, or failure to observe any vehicle specific rules (such as occupancy of a specific seat), a warning notice is for inappropriate behaviour and will not be issued for each item (i.e. not be issued for irritating other passenger & another for verbal bullying) a warning notice is for Offensive Behaviour and the next step is an exclusion.

Procedure

Bus Driver gives verbal warning. One or more verbal warnings may be given at the discretion of the driver. Warning should be specific and not limited to one type of bad behaviour.

If the offensive behaviour continues bus driver issues a warning as per student warning notices, with a copy to Student, copy to Depot, copy remains in vehicle. Depot will send copy to school concerned and will notify parents/guardians if warning notice is not signed & returned within two school days.

The student is required to sit in a designated seat (although this may have already occurred). No further action unless offensive behaviour continues.

If the student continues to display any of the above behavioural problems, the bus driver will contact the office where an exclusion notice will be issued. A copy will be sent to the School and the Department or their nominee.

Exclusion from the vehicle will be for a maximum of 5 school days on the first occasion, maximum 10 days on the second occasion, 15 days on third occasion, one month on fourth, one term on fifth and from travelling on sixth.

Category 2

Dangerous And/Or Destructive Behaviour By A Student

Involves direct risk of injury or destruction of property. This includes fighting or wrestling, physical bullying or harassment, throwing objects inside or from the vehicle, obstructing doors, emergency exits, extending any part of the body from the vehicle, vandalising or damaging any part of the vehicle or the property of any other passenger. Can be any of the above, but not limited to these actions

Procedure: Incident where there is some physical danger to individual

Bus driver records student's name, address and other details including a detailed report of incident and action taken. This should be recorded on the reverse of a warning notice.

The bus driver immediately on the completion of journey reports to the depot manager as to the details of the incident and gives a copy of the incident to the Manager or nominee. The Manager or nominee will immediately issue an exclusion notice, inform the school Principal or nominated person, Department of Infrastructure, Energy & Resources and the student's parents/guardian either by facsimile or phone.

Suspension to be 10 school days on first offence, 20 school days on second offence and a full term on third offence.

Inappropriate Behaviour by a Driver

Incident reported by either student/ parent / guardian and notified to depot Manager or nominee in writing.

The Manager or his nominee is to within 24 hours make an initial assessment by asking for a full report from the driver.

If within 24 hours the manager or nominee determines that the charge is frivolous/vexatious then the complaint is dismissed and notifies the student/ parent/ guardian of the alternatives.

If the manager or nominee decides there is a case to be heard will within 48 hours.

- (1) Accept the complaint and notify the driver and complainant
- (2) Inform the School Principal concerned and send a copy of any report.
- (3) Take such action as required and expected as stated in this policy and procedures booklet



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SCHOOL BUS WARNING

Date ___/___/20___

Dear _____

The behaviour of _____ on the school bus has been unsatisfactory in the following way;

- failing to board or alight the vehicle safely
- distracting the bus driver
- failing to remain seated at all times
- harassing other passengers
- excessive noise
- unsafe behaviour
- other _____

Unless he shows a big improvement, it will be necessary to suspend him from the use of the bus for a period of time.

We request that you ensure your child complies with the rules of conduct:

Yours sincerely

Bus Driver

Please detach and return to the bus driver

I have received a School Bus Warning Form, dated ___/___/20___

relating to the behaviour of _____

SIGNED _____ (Parent/ Guardian)

A copy of this warning will be sent to the school and DIER Hobart and keep on file



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SCHOOL BUS EXCLUSION

Date ___/___/20___

Dear _____

Unfortunately it has become necessary to exclude _____
from the use of the school bus/buses for a period of time.

The reasons for this is the misconduct of the following nature;

- failing to board or alight the vehicle safely
- distracting the bus driver
- failing to remain seated at all times
- harassing other passengers
- excessive noise
- unsafe behaviour
- other _____

He/she is suspended from the school bus for the period

___/___/20___ Until ___/___/20___

We request that you ensure your child complies to the rules of conduct when they are once again permitted to travel on the service

Yours sincerely

Bus Driver

A copy of this letter is sent to the Transport department and the school involved