



**GOVERNMENT OF
WESTERN AUSTRALIA**

Western Australian Government response to the
Bus Fair: The Report of the Inquiry Into The Student Transport Assistance Policy

December 2022

Introduction

The State Government acknowledges the contributions of all those families, community members, organisations, and bus drivers to this inquiry.

Since 1918, School Bus Services have been helping thousands of students all around Western Australia get to and from school.

Importantly, this is the first review of School Bus Services to be initiated since 1998-1999 and will ensure the Public Transport Authority's Student Transport Assistance Policy Framework is current.

It is important to ensure regional school bus services continue to meet the needs of Western Australian families, as well as ensure students in all parts of the State have access to quality education.

On 18 August 2021, the Minister for Transport asked the Legislative Assembly to refer the current Student Transport Assistance Policy (STAP) framework to the Public Accounts Committee for review, which received bi-partisan support.

The Committee tabled their report 'Bus Fair' on 18 August 2022 following an extensive consultation period which involved more than 200 written submissions, 25 hearings and regional visits to Wagin, Narrogin, Dumbleyung and Jarrahdale.

The report contained 40 recommendations covering the overarching principles of STAP, student eligibility criteria, forms of transport assistance, processes and response times, local engagement, contractual matters and student behaviour management roles and responsibilities.

The State Government welcomes the Committee's report and will continue to work across government, with families and industry to implement its recommendations.

Government Response

Recommendation 1

The Minister for Transport and Minister for Education should ensure the Public Transport Authority and Department of Education work together so that the recommended changes to the Student Transport Assistance Policy and Operational Guidelines are implemented with due regard to education policy, to ensure transport assistance is provided effectively and efficiently.

Government Response

The State Government supports this recommendation in principle. The Minister for Transport and Minister for Education will continue to work together to ensure the Student Transport Assistance Policy and Operations Guidelines meet these objectives.

Recommendation 2

The Minister for Transport and Minister for Education should consider the cost and educational impacts of the Public Transport Authority updating the Student Transport Assistance Policy and Operational Guidelines' Nearest Appropriate School eligibility criterion for rural students attending mainstream schools so that students who complete Year 6 in a primary school that is not part of a district high school are eligible to receive transport assistance to attend their local district high school or their nearest senior high school for years 7 to 12.

Government Response

The State Government notes this recommendation and acknowledges that implementing this recommendation will affect the number of families that choose to send their children to district high schools. In turn, this will impact the number of enrolments and have a possible flow on effect to the relevant local town – for example, if fewer teachers are required at the district high school.

The Minister for Education and the Minister for Transport will undertake further work to understand the budget and educational impacts of this recommendation.

Recommendation 3

Subject to the outcome of the consideration in Recommendation 2, the Minister for Transport should ensure the Public Transport Authority implement the changes to Student Transport Assistance Policy and Operational Guidelines' Nearest Appropriate School eligibility criterion for rural students attending mainstream schools so that students who complete Year 6 in a primary school that is not part of a district high school are eligible to receive transport assistance to attend their local district high school or their nearest senior high school for years 7 to 12 for the commencement of the 2024 school year if possible.

Government Response

The State Government notes this recommendation. The Minister for Education and the Minister for Transport will undertake further work to understand the budget and educational impacts of this recommendation.

Recommendation 4

The Minister for Transport and Minister for Education should ensure the Public Transport Authority and Department of Education work together to regularly review the list of Approved Specialist Programs and Gifted and Talented Education Programs in the Student Transport Assistance Policy and Operational Guidelines so that it accurately reflects all schools offering these programs.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 5

The Minister for Transport should ensure the Public Transport Authority consider how the Student Transport Assistance Policy and Operational Guidelines' Nearest Appropriate School eligibility criterion for rural students attending mainstream schools can take into account social, economic, financial and community factors where a family resides a similar distance from two or more schools.

Government Response

The State Government notes this recommendation and the feedback from the inquiry requesting greater flexibility for rural students attending mainstream schools.

The State Government notes that granting eligibility to students in these situations may also impact the 90-minute travel rule and the overall efficiency of the bus service. The State Government also notes that it may not always be possible to extend a bus service, so the payment of a conveyance allowance may be required to enable a student to meet the service enroute.

Whether additional services are required will only be clearly understood over a period of time based on a case-by-case assessment of applications. Further work needs to be undertaken by the Public Transport Authority and the Department of Treasury to understand the budget implications of this recommendation.

Recommendation 6

The Minister for Transport and Minister for Education should ensure the Public Transport Authority and Department of Education work together to provide transport assistance under the Student Transport Assistance Policy and Operational Guidelines to students attending a school when they reside in the local intake area for that school, where one exists.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 7

The Minister for Transport should ensure the Public Transport Authority update the administration of the Student Transport Assistance Policy and Operational Guidelines so students who alight at a central point in a town centre, and are required to make their own way to school, are eligible to receive transport assistance whether they go to their Nearest Appropriate School or another school in that town.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 8

The Minister for Transport should ensure the Public Transport Authority provide families and bus contractors who may be affected by the termination of a school bus service due to the expansion of a Public Transport Area with at least one years' notice of the proposed expansion of the Public Transport Area, and at least six months' notice of a decision to expand a Public Transport Area that will result in the termination of bus services. Changes should only take effect at the start of a school year.

Government Response

The State Government accepts this recommendation in principle.

The State Government proposes to resume expanding the Public Transport Area boundary into Jarrahdale for the start of school term 1, 2024.

Recommendation 9

The Minister for Transport should ensure the Public Transport Authority work towards ensuring school buses with appropriate modifications are available for students attending Education Support Facilities.

Government Response

The State Government notes this recommendation. Further consultation between the Public Transport Authority and Department of Treasury is required to understand budget implications.

The State Government also notes that the Public Transport Authority is currently reviewing its school bus vehicle replacement program to provide more wheelchair capacity for students attending education support facilities.

Recommendation 10

The Minister for Transport should ensure the Public Transport Authority update the Student Transport Assistance and Operational Guidelines to remove the eligibility criterion of 'not be able or competent to make their own way to their facility safely' for students attending Education Support Facilities.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 11

The Minister for Transport should ensure the Public Transport Authority updates Section 6 of the Student Transport Assistance Policy and Operation Guidelines to capture the additional eligibility criteria as listed on the School Bus Services webpage, and improve the explanation of what each criterion is and how it is assessed.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 12

The Minister for Disability Services should ensure the Department of Communities notes the concerns stakeholders raised during this inquiry about how the transition to the National Disability Insurance Scheme will affect the provision of transport assistance.

Government Response

The State Government accepts this recommendation in principle.

The State Government notes the approach to Specialist School Transport (SST) under the NDIS is currently under review at the national level to determine how such programs can operate within an individualised service system. The State Government will continue to work with the Commonwealth Government as part of this process and will monitor any potential impacts of the review on transport assistance.

Recommendation 13

The Minister for Transport should ensure the Public Transport Authority updates how it administers the Student Transport Assistance Policy and Operation Guidelines so families can receive a Conveyance Allowance and keep their child on a waitlist to receive transport assistance by way of a seat on a bus.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 14

The Minister for Transport should ensure the Public Transport Authority review the Conveyance Allowance to ensure it is based on a contemporary benchmark, adjusted in line with the Consumer Price Index, and the basis for adjustments is transparent.

Government Response

The State Government notes this recommendation. Further consultation between the Public Transport Authority and the Department of Treasury is required to understand budget implications.

The last review of the Conveyance Allowance rate occurred in June 2002 by the School Bus Task Force, which supported a rate of 16.08 cents per kilometre based on the RAC (WA) private running costs for a Ford Falcon 4 Lt GLI Auto Sedan. This rate was linked to the Transport CPI (Perth) index to allow for inflation.

The current rate of conveyance allowance is 25.24 cents per kilometre and is adjusted annually in line with Transport Group CPI. Further work will be undertaken by the Public Transport Authority in consultation with Department of Treasury to investigate whether the conveyance allowance appropriately relates to the cost of running a vehicle.

Recommendation 15

The Minister for Transport should ensure the Public Transport Authority establishes a formal appeals process to enable parents and carers to appeal a decision made by School Bus Services in administering the Student Transport Assistance Policy and Operational Guidelines. The Public Transport Authority should ensure the appeals process is transparent and independent of the original decision maker. Where appropriate, representatives of the Department of Education should be consulted. The Public Transport Authority should provide all applicants with information about the availability of an appeal and the appeals process. All appeals should be finalised within defined timeframes.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 16

The Minister for Transport should ensure the Public Transport Authority improves its school bus service advertising campaign by liaising with the Department of Education to provide all relevant information regarding the school bus service and the application process to local schools who can forward the information to families enrolled at the school.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 17

The Minister for Transport should ensure the Public Transport Authority updates the application and its guidance for student transport assistance, making it more accessible to families by:

- having information available in languages other than English
- developing a Plain English application
- allowing applicants to save their application and complete it later.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 18

The Minister for Transport should ensure the Public Transport Authority establishes a process to provide students' Integrated Care Plans to the appropriate bus contractor at the earliest possible time.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 19

The Minister for Transport should ensure the Public Transport Authority establishes a complaints management process specific to School Bus Services. This process should include information about the types of complaints that can be resolved by School Bus Services staff, and when complaints should be escalated to management or a dedicated complaints management team.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 20

The Minister for Transport should ensure the Public Transport Authority consults and communicates with School Bus Advisory Committees, where they exist or are established by local communities in the future.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 21

The Minister for Transport should ensure the Public Transport Authority improves the short term and long term planning for School Bus Services to better anticipate the number of students who will require transport assistance in the forward years. Better planning will inform whether a new bus service is required or if an existing bus service should be terminated, amalgamated, or continue to run with fewer than minimum numbers for a short time.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 22

The Minister for Transport should ensure the Public Transport Authority seeks legal advice from the State Solicitor's Office to determine any insurance implications that may arise if school buses drive onto private property for the purposes of transporting students to school. Depending on the legal advice received, the Public Transport Authority should consider allowing school buses to be driven on to private property when all parties agree and the bus route is more efficient.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 23

The Minister for Transport should ensure the Public Transport Authority provides all local government authorities with relevant guidance on the safety requirements of bus stops and the roles and responsibilities for assessing them.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 24

The Minister for Transport should ensure the Public Transport Authority clarifies with local governments their obligations for bus stop construction and maintenance.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 25

The Minister for Transport should ensure the Public Transport Authority, in consultation with BusWA, determines the amount of charter work school bus contractors engage in, and who the charter work is being done for, by surveying a representative sample of school bus contractors. If school bus contractors are generating a material amount of revenue from non-school and non-community organisations charter work, the Public Transport Authority should investigate options to apportion the amount of fixed costs it pays to school bus contractors, in consultation with BusWA.

Government Response

The State Government notes this recommendation and will undertake further work to investigate options for apportioning the amount of fix costs it pays to school bus contractors.

The State Government notes that school bus contractors are remunerated by the Public Transport Authority for all the fixed and variable cost components associated with operating their school bus run. Where contracts are tendered, the quantum of these costs is determined by the tenderer. In the case of Evergreen contracts, these costs are pre-determined, linked to an appropriate annual index and then renegotiated at each 5-year review period. Evergreen contract payment arrangements currently allow for 100 per cent of the fixed costs to be recouped through the contract, with no sharing of these costs against other revenue that might be generated by the school bus asset.

Recommendation 26

The Minister for Transport should ensure the Public Transport Authority reviews the practice of 'blending' wages across contract types and if and how this may distort the transparency and competitiveness of a tendered contract. The Public Transport Authority should also clarify with school bus contractors and drivers how the 'pass through' wages requirement of some contracts operates in practice.

Government Response

The State Government notes this recommendation and will undertake further work to investigate available options.

The State Government notes that the current Evergreen contract contains a clause designed to ensure that operators do not make a windfall gain or profit on the wages amount paid under their contract with the Public Transport Authority.

The State Government notes that the Public Transport Authority currently produces an information guidance sheet for contractors that explains how the remuneration paid to contractors is calculated.

Recommendation 27

The Minister for Transport should ensure the Public Transport Authority implement the Western Australian Social Procurement Rules, including the Buy Local Policy 2022, in procuring school bus services. This includes focusing on value for money, emphasising the importance of taking social, economic and environmental factors into account when awarding school bus contracts.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 28

The Minister for Transport should ensure the Public Transport Authority seek legal advice regarding transitioning from the Evergreen Contract Model to a Tendered Contract Model. Depending on the outcome of the legal advice, the Public Transport Authority should work with the school bus industry to provide a lengthy period of transition.

Government Response

The State Government accepts this recommendation in principle and is currently seeking legal advice.

Recommendation 29

The Minister for Transport should ensure the Public Transport Authority provides the opportunity for Tendered Contract Model contracts to be relocated if viable.

Government Response

The State Government notes this recommendation and will further investigate options, subject to legal advice.

The State Government notes that contracts provide a 'loss on sale' provision if the contract is terminated early and the vehicle is sold for less than its depreciated value. Noting that tendered rates are calculated based on specific operating conditions, relocating a contract may lead to a renegotiation of the contract rate.

Recommendation 30

The Minister for Transport should ensure the Public Transport Authority makes the Temporary Distance Variation calculation available to bus contractors, and consults with BusWA to determine if improvements could be made or the calculation and reporting simplified.

Government Response

The State Government accepts this recommendation in principle.

The State Government notes the feedback from industry that the requirement for operators to submit a Temporary Distance Variation (TDV) each term can be onerous.

The State Government will investigate options to automate the TDV process to remove the need to fill out TDVs.

Recommendation 31

The Minister for Transport should ensure the Public Transport Authority completes a review to determine the major causes of distance variations captured by the Temporary Distance Variation calculation. If a majority of variations can be correlated with the number of days a bus does not run, consideration should be given to removing the requirement to complete the Temporary Distance Variation, and simply adjusting contractor payments on the basis of days when the bus does not run.

Government Response

The State Government accepts this recommendation in principle, as per above.

Recommendation 32

The Minister for Transport should ensure the Public Transport Authority updates its contractual arrangements to ensure consistency in processes for monitoring contractual compliance for school bus services.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 33

The Minister for Transport should ensure the Public Transport Authority conducts regular safety and compliance audits for school bus services. The Public Transport Authority should report these findings to the Minister for Transport regularly.

Government Response

The State Government accepts this recommendation in principle.

The State Government notes that under the current contract regime, safety audits are required every two years. The audits cover 869 contracts and over 100 depots across the State and are conducted by 13 Contract Officers. The task of managing safety audits rests with the branch's Compliance Coordinator.

The State Government acknowledges that improvements can be made in this area and proposes a branch restructure (pursuant to Recommendation 35) to ensure more time is spent in the regions undertaking onsite compliance audits and meeting community stakeholders.

Recommendation 34

The Minister for Transport should ensure the Public Transport Authority reviews its emergency and safety management documentation, in consultation with the Department of Education, to ensure that those involved in providing school bus services are clear about their roles and responsibilities in the event of an incident or emergency.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 35

The Minister for Transport should ensure the Public Transport Authority supports School Bus Services staff to improve their communication with school bus contractors through the development of a communications protocol with clear response and resolution guidelines. School Bus Services should be sufficiently resourced to ensure staff have the time to consult and communicate well.

Government Response

The State Government notes this recommendation. Further consultation between the Public Transport Authority and Department of Treasury is required to understand budget implications.

The State Government notes that the School Bus Services unit is responsible for managing 869 school bus contracts delivering 967 separate services. With a network carrying over 25,000 students per day, the branch processes over 10,000 applications for transport assistance per annum and will field over 65,000 calls each year. This function is performed by a team of 16 personnel headed by the Operations Manager.

The State Government acknowledges the evidence from communities and parents that highlights poor response times, particularly at the start of each new school year. While the number of personnel in the School Bus Services unit has been the same for over 10 years, the nature of work has become more complex, with legislative changes requiring more auditing and verification of compliance.

Subject to further consultation between the Public Transport Authority and Department of Treasury, the State Government will investigate a restructure of the School Bus Services unit to remove some of the administrative functions from Contract Officers, so that they have more time to respond to parents and contractors. This would also provide for more community visits, which was also identified as a challenge. The area of safety compliance audits processing could also be strengthened to ensure timely correspondence of compliance notices and closing out audits.

Recommendation 36

The Minister for Transport should ensure the Public Transport Authority engages with a broad range of stakeholders, in particular bus contractors and drivers, to ensure the Behaviour Management Guidelines are appropriate.

Government Response

The State Government accepts this recommendation in principle.

Recommendation 37

The Minister for Transport should ensure the Public Transport Authority clarifies with bus contractors their responsibilities for providing bus staff with training in how to manage student behaviour. The Public Transport Authority should develop comprehensive training materials for managing student behaviour and ensure bus contractors are providing bus staff with consistent information and appropriate training.

Government Response

The State Government notes this recommendation. Further consultation between the Public Transport Authority and Department of Treasury is required to understand budget implications.

The State Government notes that some stakeholders are unsure about where the responsibility lies for providing bus staff with instruction, information and training relating to student behaviour management principles.

Behaviour management has been the contractual responsibility of the operator since 2010, however the State Government notes that the Public Transport Authority has developed behaviour management guidelines, in conjunction with a training video and information pamphlets to assist operators. While the guidelines focus on behaviour standards and administrative procedures, including when to escalate an issue to the Public Transport Authority, the video provides practical guidance on communicating with students and how to address behavioural issues.

The State Government notes that a review of current content and training materials, as well as the provision of an updated training package will be subject to further consultation between the Public Transport Authority the Department of Treasury.

Recommendation 38

The Minister for Transport should ensure the Public Transport Authority consults with school bus contractors, bus aides and Education Support Facility representatives to determine if and how the roles and responsibilities of bus aides need to change, and if additional training is required.

Government Response

The State Government notes this recommendation. Further consultation between the Public Transport Authority, Department of Communities and Department of Treasury is required to understand budget implications.

The State Government notes that the Public Transport Authority currently operates 160 Education Support Services and employs 160 bus aides. These aides work collaboratively

with schools and families on a case-by-case basis to implement individual care plans to help meet the needs of children with disabilities. The State Government notes the need for services to respond to challenging behaviours relating to a child's disability and will consider opportunities to improve in this area, subject to further consultation between the Public Transport Authority, Department of Communities and Department of Treasury.

The State Government notes that submissions received from the Western Australian Education Support Principals and Administrators' Association raised concerns bus aides may not have the appropriate skills to support the Education Support students. As outlined at Recommendation 14 the transition of in-kind funding for specialist transport services for NDIS participants, not currently supported under the Student Transport Assistance Policy, may impact on the future role of bus aides. A conclusion to the NDIS negotiations is required before this recommendation can progress.

Recommendation 39

The Minister for Transport should ensure the Public Transport Authority clarifies the role of school bus monitors and when they may be used.

Government Response

The State Government accepts this recommendation in principle.

The State Government acknowledges that industry submissions outlined concerns regarding the lack of supervision of students on school buses, citing that this compromises their ability to provide a safe service.

The State Government supports providing further guidance on when it might be appropriate to use a bus monitor, noting that this would normally only apply in extreme circumstances and for a limited duration.

Recommendation 40

The Minister for Transport should ensure the Public Transport Authority updates the Student Transport Assistance Policy and Operational Guidelines to include information regarding the conduct of school bus contractors and drivers and what avenues are available to stakeholders if these requirements are not being met.

Government Response

The State Government accepts this recommendation in principle.