

Consumer Council of Fiji



Submission to

Minister for Works, Transport and Public Utilities

Review of Bus Safety Issues

On the

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The Consumer Council of Fiji exists to safeguard the interest of consumers in the market place and aims to build a conscious and assertive consumer movement in Fiji.

1.0 Introduction

The Consumer Council of Fiji is a statutory body established under the Consumer Council of Fiji Act 1976. The Act mandates it to uphold and protect the rights of consumers in Fiji and ensure a safe, fair marketplace by acting on issues that affect the interests and welfare of consumers in the country. Therefore, the Consumer Council of Fiji is pleased to make this submission to the Review Committee in respect to the issue of public safety in regards to the Fiji Bus Industry. Traveling on a bus is one of the safest ways to travel and hence should not be seen to compromise safety as safety is not an option. The question that needs to be asked is, is there a safety culture in the bus industry? Can industry demonstrate that there is an effective safety culture in the delivery of bus services and can governments be satisfied that this safety culture demonstrably exists?

Buses carry members of the public including commuters, school children, holiday makers and tourists, and people in sporting or social groups. Therefore it is important that anyone who operates, and is involved in the provision of, a bus service is able to do so to the **highest standard** to engender public confidence in this important public transport. The bus operator needs to be able to demonstrate that they can run a bus service that will meet any minimum legal requirements, including safety requirements, in order to be able to provide a good service to the public. To do this they need to be able to demonstrate management skills to ensure that they will have correct procedures in place, that their staff (particularly drivers) is appropriately trained and that their vehicle fleet meets design standards and is well maintained.

Over the past few decades, Fiji's bus industry has evolved from a small industry to a larger one; however, the problem of poor infrastructure prevents the industry from thriving. Although the industry has received various subsidies from the government it still has failed to act on its part as being a quality service provider. Instead the quality of its services has deteriorated severely over the past few years. The Council on several occasions has raised concerns about the deplorable conditions of some buses, the mechanical problems and the poor quality services provided amid the various government concessions that the industry enjoys.

Bus safety has always been an ongoing concern for the Consumer Council of Fiji, particularly on occasions where the Fiji Bus Operators Association (FBOA) have sought increases in bus fares when reacting to fuel price hikes. In every public submission forwarded to the Land Transport Authority (LTA) by the Council in its capacity as the watchdog and consumer advocate, the Council has strongly maintained that rising fuel cost is an issue that should not be considered in

isolation to warrant an increase in bus fares. Rather, the entire service delivery of the bus industry needs to be scrutinized before awarding any increase in bus fares.

Bus safety depends on roads conditions, vehicles and drivers much as for any other vehicle. In the Council’s perspective, buses are safe compared with other modes of transport and very safe compared with other road vehicles. However, as can be gathered from the recent spate of incomprehensible accidents involving bus fires and loss of innocent lives, the surety that buses provide the best possible safety, not just comparatively very safe travel makes the review of bus safety and current policies absolutely necessary. Such incidents have a high profile and elicit public concern.

The Council is carefully monitoring the call made by the Ministry of Transport to review bus safety issues in order to protect its people. The Council would like to see the interim government negotiate a better deal for its people rather than succumb to the pressure placed by FBOA using its intimidating tactics.

2.0 Bus Accident Data and Analysis

The following are the total number of road accident in Fiji with comparison to the number of bus accidents within the past five years. This research has been conducted by the Consumer Council of Fiji and the source of this data has been acknowledged.

As indicated in the table 1 below that in the past eight years there were 279 accidents involving the buses in Fiji with 10 fatalities caused during this period? (There would have been more but due to the unavailability of data for the years 1999 and 2004 we have estimated the total number of accident without incorporating these figures in the sum).

Table 1: Accidents caused by the bus operators for the years 1997 – 2006.

Year	Accident type			Division				Total
	Fatal	Hospital	Not. Hospitalized	South	East	West	North	
2006	2	6	56	3	5	56	0	64
2005	0	13	13	3	3	16	4	26
2004	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a
2003	0	9	15	7	3	19	3	32
2002	0	8	21	14	6	8	7	35
2001	4	8	23	14	6	8	7	35

2000	1	9	28	11	5	16	6	38
1999	n.a	n.a	n.a	n.a	n.a	n.a	n.a	n.a
1998	1	21	29	9	16	25	1	51
1997	2	4	27	8	0	24	1	33

Source: Bureau of Statistics, Road Traffic Accidents Report 2006 – 1997.

Table 2: Accidents occurring for the year 2008 till date

Year	Date	Accident type	Bus Company	Brief Description
Fiji Times	August 30 th , 2008	Fatal	Raiwaqa Bus	Bus caught fire and went off the road killing 12 people and injuring 36 others near Navuevu village in Sigatoka on Thursday night (28 th August).
Fiji Times	August 3 rd , 2008	Minor	Parmod Enterprises	Bus ran off the road and into a drain in Seaqaqa – Savusavu highway on Friday afternoon (1 st August)
Fiji Sun	June 20 th , 2008	Minor	Unknown	Victim (Ishwaar Chand) hit by a bus in Nadi bus stand in 2007
Fiji Times	May 21 st , 2008	Fatal	Unknown	Bus carrying 40 passengers collided with a truck in Veisari near Montfort Boys Town outside Lami on Tuesday night (20 th May).
Fiji Times	September 17 th , 2008	Fatal	Maharaj Bus	School bus catches fire as it passed Volivoli village town around 3.45pm. More than 70 Students of Cuvu College were Traveling towards Sigatoka town. Bus was carrying 108 students in a 60 seater bus.
Fiji Times	September 17 th , 2008	Minor	Valley Bus	Bus while heading towards Sigatoka Town, rolled down the hill in Nacoclevu.

Source: Fiji Times 2008 (January till date)

For the year 2008, 6 separate incidents have occurred and well described in the above table 2. However it was the bus accident that occurred on 30 August 2008 (causing loss of 12 lives) led the Ministry of Transport to act and not other incidents that occurred during the year. If Ministry of Transport had acted earlier perhaps these lives would not have been lost. Currently the bus industry is at the centre of attention from the public and we encourage Ministry of Transport to use this opportunity to obtain maximum benefits for the consumers.

3.0 Safety Measures within Current Legislations

The revised 2005 LTA legislation Cap 131A, Section 52 (33) makes the provision for 'any material used in the construction of the body, floor and seats of an omnibus must be of fire resistant quality approved by the Authority.' As such, the Council views this as an important provision which needs to be realized and acted upon by bus companies. Failure to do so should carry a harsh penalty by way of fine or non-issuance of a Certificate of Fitness or even a bus licence to operate. Why these provisions in the Act were not taken seriously?

4.0 Terms of Reference

■ Realistic revocation age limit on all omnibuses in Fiji, in consultation with the FBOA and international benchmarking.

The Council concurs with the government's intention to place an age limit on the importation of buses, as has already been legislated for second hand cars. There is some concern that if older buses are involved in a crash, the consequences may be greater because the bus will have less safety features than a newer vehicle.

Essentially, there was already an announcement on the age limit in the 2008 National budget on imports of motor vehicles (motor cars, trucks, and buses) of more than 4 years of age will be banned. This policy could perhaps be revisited by the Bus Safety Review Committee. In addition, the 2008 National Budget had announced a reduction in the fiscal duty on new buses for public transport from 27 percent to 5 percent imported by registered bus operators on or before 31 December 2010. There was also a reduction in import excise rate on new buses for public transport from 15 percent to 5 percent for the same duration. The reduction in the duties on importation of new buses is a form of government assistance to enable bus operators to import new buses instead of second hand. The bus operators should be encouraged to take advantage of this policy, whereby new buses would mean improved designs with necessary safety features. The Council also encourages LTA to analyse and act on the reasons used by the bus industry not to take advantage of duty reduction. Is it because the use of truck chassis allows the industry to maximize profits at the expense of consumers live?

■ **Regulatory amendment for inclusion of emergency exit doors and windows on all omnibuses, including omnibuses that have sealed glass doors and windows.**

The Council agrees that emergency exit doors and windows should be ensured on all buses irrespective of whether they are open window buses or 'closed' with sealed glass doors and windows. Passengers would undoubtedly prefer to travel in closed buses to protect themselves from the harsh weather elements. However, it is imperative that the safety features are affixed to enable easy exit of passengers when problems surface. The Council therefore makes four suggestions:

- Glass doors and windows to have detachable features and not be permanently screwed, as they are at present;
- Make compulsory for all buses to have two doors, one for entry and one exit;
- Ban the assembling of buses in Fiji similar to the ban placed on the assembling of other motor vehicles. The assembling of buses in Fiji has been an exception all this while and should not be allowed to continue; and/or
- Allow assembling of buses locally but have a strict check and balance criteria in place to ensure due attention has been given to the overall safety of buses. In case of non-compliance the company should be heavily fined.

■ **Regulation to ban carriage of all dangerous goods on all omnibus, particularly gas, kerosene, benzene and flammable items.**

The Council strongly agrees with the placing of a ban on the carriage of all flammable items. The traveling passengers whether on a routine travel or travel to attend special functions such as funerals would require much education and awareness on the dangers of carrying such items on board a bus.

■ **Regulation to reduce from 12 months to 6 months for all omnibus to require LTA Certificate of Fitness and LTA Certificate of Road Worthiness, with the exception of omnibuses ten years or less in construction age.**

The Council supports the intention for LTA to conduct 6-monthly safety checks on buses instead of the 12 months. **However, the Council holds that the safety checks should apply across the board and include all buses irrespective of their age.**

The Council has always voiced the concerns of consumers regarding the condition of some buses on the road. The condition of the large majority of buses currently on Fiji's roads can safely be said to be in dilapidated state. The Council is of the view that all buses should undergo stringent safety tests before being allowed on the road. A large number of buses from respective companies have been observed to produce black smoke, drivers find difficulty in changing gear, there are holes on the floor of buses etc. All these need to be checked by the LTA before being allowed on the road. Further, operating licenses should only be awarded to those bus operators who are able to change their fleet and meet the safety requirements of LTA.

- **Regulation to impose mandatory certificate from accredited firm in respect to compliance of fire fighting equipment, standards etc, as a condition for issuance of Certificate of Fitness for all omnibuses by LTA.**

The Council strongly agrees to make the placement of fire fighting equipment on buses mandatory. Equipment such as the installation of fire extinguishers on **every** bus is necessary and would definitely prevent fire accidents on buses. However, LTA must check to see that bus owners do not remove and place the fire equipment from one bus to another, depending on which bus is doing the run. LTA should consider charging on-the-spot fine for non-compliance of having fire fighting equipment on board a bus.

- **Regulation to impose mandatory First Aid Training and certification of all omnibus PSV drivers licensed by LTA, appropriate First Aid kits to be placed on all omnibuses and OHS legislation compliance.**

At present the LTA is known to conduct background checks on the medical fitness of drivers. Acceptable medical status renders a person fit to drive a PSV vehicle. It is important that the drivers are medically fit but it is just as important to have them medically trained as well, similar to the requirement for when people desire to become air hostess. In addition, all buses should carry first aid kits on board, as in the case of any accident that injuries can be attended to immediately, especially minor cuts and bruises.

- **Regulation to impose regular safety audits on the bus companies conducted by LTA with appropriate powers and by independent Safety Auditors to ensure regular and preventative maintenance and repair is conducted on all omnibuses in adherence to compliance standards and best interest of public safety.**

The Council agrees with regular safety audits on bus companies and those found to fail the safety audits should face harsh penalties.

■ **Ban on use of truck chassis for construction of omnibuses and subsequent registration of such omnibuses.**

The Council agrees for a ban on the use of truck chassis for construction of omnibuses, which compromise passenger safety. Hence, as earlier stated buses should arrive in the country in an assembled form or if assembling is to be done locally than stringent criteria should be put in place for construction of buses.

■ **Any other measures, regulation, compliance and standards to ensure improvement in public safety in accordance with Section 8 of the Act in respect to LTA's road safety mandatory role and obligation.**

The Council would like the proposed policies/regulation to take such a form that makes the service provider, who is the bus companies, hold greater responsibility. LTA need not be seen to employ taxpayer's funds to keep a constant check and balance on bus companies in regards to bus safety. All this while bus operators have been able to get away with having much responsibility that any other service provider is expected display. **FBOA and its members need to be held accountable for their irresponsible attitude and providing of poor quality service to the consumers of Fiji while being subsidized by the consumers through their taxes for the delivery of poor services. Such cannot and should not be allowed to continue.**

Buses differ from other road vehicles in their specific role of commercially mass transporting passengers. This brings special operator responsibility towards passenger safety.

Not surprisingly protection of drivers and passengers in light vehicles in the event of crashes with large vehicles has been and remains a key road safety issue. It is currently addressed with seat belts, air bags and other complex crash deployment devices. However, bus passenger protection is a separate issue with different perspectives which the Council hopes the proposed policies will adequately address.

5.0 Further Suggestions

The CCF provides the following recommendations for remedial action so that fewer lives are put to risk and therefore, high standards are demanded. The Council suggests the following:

- Audit requirements – both external by the regulator or third party auditors and internal or self assessments. FBOA should keep self assessment records for each bus so that they can be audited by external auditors to avoid serious mechanical faults. Systems should be in place to ensure safety inspections are done on a regular basis.
- Introducing a dual- circuit braking system on all buses or an anti-braking system (ABS) so that the bus driver is in control of the bus and also steer the bus when applying brakes. The situation that currently exists shows that the measures in place to assess the roadworthiness and safety of omni buses are of definitely low standards or maybe the lack of expertise by the vehicle examiners who do the necessary checks. The council is concerned that safety standards and road worthiness of all buses lies in LTA's specifications and if the whole range of systems are in place such as vehicle examination, road worthiness test, these should be able to detect faults before they become a safety issue.
- Introduce accreditation system. The purpose of accreditation is to ensure that the accredited bus operator is responsible (fit and proper/of good repute) and has the demonstrated capacity to provide a service that meets the government standards, including they are:
 - Financially viable;
 - can ensure safety of passengers and the public; and
 - can undertake appropriate vehicle maintenance.

This approach will require all bus operators, once accreditation to undertake a risk analysis of their operation and prepare a document of policies and procedures (a safety management system) to deal with identified risks. Accredited bus operators will have in place written documentation (eg. procedures, inspection forms) to cover the safety management aspects of their business.

- Code of Practice for Buses which lays out prescriptive measures to ensure that operators will meet their legislative requirements.

- In considering the licence application, the Minister should consider whether the service is in public interest (i.e. necessary/affordable/meets demand), the capability of the bus operator (financial stability, character and qualifications, etc). The Minister should not issue licence for more than 6 years. Current licencing system has made the industry lethargic.
- Regulatory requirements should be periodically reviewed to ensure that they are continually effective. Current fines for carrying more than the stipulated number of passengers is not an effective deterrent. A minimum fine of \$50 to a max of \$200 and 1 demerit point is not sufficient for a live lost.
- Lastly, the Council strongly objects the current amount of third party claim and suggests that it should be raised as human lives are far more valuable and of worth than a mere \$4,000 per person or \$40,000 for all passengers collectively. Let's take Maharaj Transport incident where the bus was carrying 108 passengers, 48 more than the stipulated number of 60 passengers. If 108 passengers had lost their lives, each dead passenger's family would have received \$370. Is that the cost of a persons live? Is that an effective deterrent for the bus companies to take safety issues seriously? Why bus industry is getting away with this.

6.0 Conclusion

The Ministry of Transport must ensure strict safety policies and standards pertaining to public transport are developed/reviewed and strictly complied with. Bus operators are crying for an increase in bus fares and yet they can't take their death-trap buses off the road. Therefore government, LTA & bus owners must act now. It is about time that all mode of public transport should be inspected regularly and all old and risky vehicles are to be discarded. Only then can we reduce risk and steer Fiji safely.

Yours sincerely

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Premila Kumar
Chief Executive Officer

