

2000

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Urban Services)

**Road Transport (Public Passenger Services)  
Bill 2000**

---

CONTENTS

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Name of Act.....	2
2	Commencement .....	2
3	Objects (NSW s 4).....	2
4	Dictionary .....	3
5	Notes.....	3
6	Functions of road transport authority.....	3
7	What is a <i>public passenger service</i> ? .....	4
<b>PART 2—BUS SERVICES</b>		
<i>Division 2.1—Basic concepts</i>		
8	Meaning of <i>bus service</i> (NSW s 3, def of <i>regular passenger service</i> ).....	5

---

34435 (1999/001) (T54/2000)

CONTENTS—continued

Section		Page
9	What is a <i>regular route service</i> ? (NSW s 3, def of <i>regular passenger service</i> ).....	5
10	What is a <i>tour and charter service</i> ? .....	5
11	What is a <i>long-distance service</i> ? (NSW s 3, def of <i>long-distance service</i> ) .....	5
	<i>Division 2.2—Accreditation of bus service operators</i>	
12	Purposes of accreditation (NSW s 7 (2)) .....	5
13	Keeping of register.....	6
14	Security of information in register .....	6
15	Regulations about accreditation system .....	6
16	Accreditation standards (NSW s 7 (3)).....	7
	<i>Division 2.3—Service contracts for regular route services</i>	
17	Service contracts (NSW s 16 (1), s 17, s 21 (3), (5)) .....	8
	<i>Division 2.4—Entitlement to operate certain bus services</i>	
18	Entitlement to operate regular route services.....	10
19	Entitlement to operate tour and charter services .....	10
20	Unaccredited operators not to operate certain bus services (NSW s 7 (1)).....	10
21	Pretending to be accredited .....	10
22	Operators of regular route services to hold service contracts (NSW s 16 (3)).....	11
	<i>Division 2.5—Regulation of bus services</i>	
23	Regular route services—power to determine maximum fares .....	11
24	Regulations about operation of public buses.....	11
25	Regulations about bus drivers .....	12
26	Regulations about conduct of passengers .....	12
27	Regulations about enforcement.....	12
	<b>PART 3—MISCELLANEOUS</b>	
28	Regulation-making power (NSW s 63 (1), (4)) .....	13
29	Regulations may apply certain documents etc .....	13
30	Minister may exclude vehicles and people from Act.....	13
31	Regulations may exclude vehicles and people from Act (NSW s 63 (3)).....	13
	<b>PART 4—TRANSITIONAL PROVISIONS</b>	
	<i>Division 4.1—General</i>	
32	Definitions for pt 4.....	15
33	Transitional regulations .....	15
34	Modification of pt 4's operation .....	15
35	Expiry of div 4.1 .....	16

CONTENTS—continued

Section		Page
	<i>Division 4.2—Bus services under Motor Omnibus Act</i>	
36	Existing bus services operated under the Motor Omnibus Act .....	16
37	Fares, concession cards and refunds under Motor Omnibus Act .....	16
38	Expiry of div 4.2 .....	17
	<i>Division 4.3—Infringement notices under Motor Omnibus Act</i>	
39	Existing infringement notices .....	17
40	Existing final notices .....	17
41	Existing notices disputing liability under infringement notices .....	17
42	Existing applications for extension of time .....	17
43	Suspension of concession card in force under Motor Omnibus Act .....	17
44	Expiry of div 4.3 .....	18
	<i>Division 4.4—Bus operator's licences</i>	
45	Existing bus operator's licences .....	18
46	Expiry of div 4.4 .....	18
	<i>Division 4.5—Bus service licences</i>	
47	Existing bus service licences .....	19
48	Expiry of div 4.5 .....	19
	<i>Division 4.6—Small buses</i>	
49	Existing small buses .....	20
50	Expiry of div 4.6 .....	20
	DICTIONARY .....	21



2000

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Urban Services)

**Road Transport (Public Passenger Services)  
Bill 2000**

---

**A BILL**

FOR

**An Act to regulate public transport services, and for other  
purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

## PART 1—PRELIMINARY

*Note* This Act, and the regulations made under it, form part of the road transport legislation. Other road transport legislation includes the *Road Transport (Alcohol and Drugs) Act 1977*, the *Road Transport (Dimensions and Mass) Act 1990*, the *Road Transport (Driver Licensing) Act 1999*,  
5 the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Vehicle Registration) Act 1999* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* about the administration and enforcement of the road transport legislation generally.

### 10 1 Name of Act

This Act is the *Road Transport (Public Passenger Services) Act 2000*.

### 2 Commencement

15 This Act commences on a day fixed by the Minister by notice in the *Gazette*.

*Note 1* The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).

20 *Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Interpretation Act 1967*, s 10C (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the date of notification of the Act, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2)).

### 3 Objects (NSW s 4)

25 The objects of this Act include—

- (a) to provide for the accreditation of the operators of public passenger services that operate within or partly within the ACT; and
- 30 (b) to provide for the operation of regular route services under service contracts; and
- (c) to encourage public passenger services that meet the reasonable expectations of the community for safe, reliable and efficient public passenger services.

#### 4 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in the road transport legislation.

For example, the signpost definition '*bus service*—see section 8 (Meaning of *bus service*).' means that the expression 'bus service' is defined in section 8 of this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

#### 5 Notes

(1) A note included in this Act is explanatory and is not part of this Act.

*Note* See *Interpretation Act 1967*, s 12 (1), (4) and (5) for the legal status of notes.

(2) In this Act:

*note* includes material enclosed in brackets in section headings.

*Note* For comparison, a number of sections contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviation:

- NSW: *Passenger Transport Act 1990* (NSW).

#### 6 Functions of road transport authority

The functions of the road transport authority under this Act are—

- to administer the accreditation scheme established under this Act for the accreditation of operators of public passenger services; and
- to keep an accredited bus operators register under this Act; and
- to provide information about accredited people in accordance with this Act and other laws in force in the Territory; and
- to administer service contracts for regular route services entered into under this Act; and
- to exercise any other functions given to the authority under this Act.

**7 What is a *public passenger service*?**

A *public passenger service* is a service for the transport of passengers for a fare or other consideration by public passenger vehicles along a road or road related area.



## PART 2—BUS SERVICES

### Division 2.1—Basic concepts

**8**     **Meaning of *bus service***  
(NSW s 3, def of *regular passenger service*)

5           A *bus service* is a service for the transport of passengers for a fare or other consideration by a bus along a road or road related area.

**9**     **What is a *regular route service*?**  
(NSW s 3, def of *regular passenger service*)

10          A bus service is a *regular route service* if it is conducted according to regular routes and timetables, but does not include—

- (a) a bus service designed mainly to transport tourists; or
- (b) a long-distance service.

**10**    **What is a *tour and charter service*?**

15          A bus service is a *tour and charter service* if the bus service is not a regular route service or a long-distance service.

**11**    **What is a *long-distance service*?**  
(NSW s 3, def of long-distance service)

A bus service is a *long-distance service* if—

- (a) it is conducted according to regular routes and timetables; and
- 20       (b) each passenger travels at least 40km.

### Division 2.2—Accreditation of bus service operators

**12**    **Purposes of accreditation (NSW s 7 (2))**

The purpose of accreditation under the regulations is to ensure that—

- 25       (a) accredited people are suitable people to operate bus services and, if an accredited person is a corporation, each director and executive officer of the corporation is a suitable person; and

(b) people accredited to operate a particular kind of bus service have demonstrated the capacity to comply with the relevant standards and, in particular, standards about—

(i) financial viability; and

5 (ii) the safety of passengers and the public; and

(iii) the maintenance of public buses.

### **13 Keeping of register**

(1) The accredited bus operators register may include information given to the road transport authority under this Act and any other information the  
10 authority considers appropriate.

(2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.

(3) The road transport authority may correct any mistake, error or  
15 omission in the register subject to the requirements (if any) of the regulations.

(4) This section does not limit the functions of the road transport authority in relation to the register.

### **14 Security of information in register**

20 The road transport authority must ensure that information in the accredited bus operators register that is of a personal nature or has commercial sensitivity for the person about whom it is kept is released only in accordance with this Act or another law in force in the Territory.

### **15 Regulations about accreditation system**

25 (1) The regulations are to provide a system for the accreditation of operators of bus services, including, for example—

(a) the kinds of accreditations; and

(b) the bus services that a person who holds a kind of accreditation is entitled to operate; and

30 (c) the conditions of accreditations; and

(d) matters relating to the giving, refusal, suspension, cancellation or surrender of accreditation; and

(e) the disclosure of personal information in the accredited bus operators register.

5 (2) For paragraph (1) (a), the regulations must provide for the accreditation of people to operate the following kinds of bus services:

(a) regular route services;

(b) tour and charter services.

10 (3) However, this section does not require the regulations to provide an accreditation system for all kinds of bus services.

**16 Accreditation standards (NSW s 7 (3))**

(1) The Minister may approve standards for this Division.

15 (2) A standard may make provision for or with respect to the accreditation of people to operate bus services and the operation of bus services by accredited people, including, for example—

(a) the requirements to be met by an applicant for accreditation, including, for example—

20 (i) requirements about an applicant's suitability to hold an accreditation (and, if the applicant is a corporation, the suitability of the applicant's directors and executive officers); and

(ii) capacity to meet service standards; and

(iii) financial viability; and

(b) the conduct of bus services, including, for example—

25 (i) the safety of passengers and the public; and

(ii) the qualifications, training and experience of drivers and other people providing services on behalf of operators of bus services; and

30 (iii) maximum driving times and minimum rest times of drivers; and

(iv) insurance; and

- (v) customer complaints and inquiries; and
  - (c) the preparation and publication of, and compliance with, timetables for regular route services; and
  - (d) the obligations of drivers of public buses and other people providing services on behalf of operators of bus services; and
  - (e) the requirements that public buses, and their equipment and fittings (internal and external), must comply with; and
  - (f) the maintenance and cleaning of public buses; and
  - (g) maintenance, parking and other facilities for public buses; and
  - (h) the making and keeping of records and their inspection; and
  - (i) the auditing of records and systems; and
  - (j) the provision of information and reports to the road transport authority.
- (3) A standard may apply, adopt or incorporate, entirely or in part and with or without changes, a publication (including an Act or regulation of another jurisdiction), as in force at a particular time or as in force from time to time.
- (4) A standard is a disallowable instrument.

*Division 2.3—Service contracts for regular route services*

17 **Service contracts (NSW s 16 (1), s 17, s 21 (3), (5))**

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a *service contract*) for the operation of a regular route service with a person accredited to operate regular route services.
- (2) A service contract must state whether the right given under the contract to operate a route is an exclusive right to operate the route or a stated part of the route.
- (3) For the *Trade Practices Act 1974* (Cwlth) and the Competition Code of the Australian Capital Territory, the following are authorised by this Act:
- (a) everything done under this Act;
  - (b) all service contracts made under this Act;

- (c) everything done under a service contract, or a provision of a service contract, authorised by this Act.

*Note* For the Competition Code of the Australian Capital Territory, see the *Competition Policy Reform Act 1996*, ss 5 and 10.

- 5 (4) A service contract may make provision for or with respect to the operation of a regular route service and the administration of the contract, including, for example—

- (a) service requirements under the contract; and
- 10 (b) the transfer, suspension, cancellation and surrender of the contract; and
- (c) the fees (if any) payable under the contract; and
- (d) the adjustment of payments and refunds in relation to any contract fees; and
- (e) financial or other penalties for breaches of the contract; and
- 15 (f) the records (including accounts) to be made and kept by the holder of the contract, how they are to be made and kept, and their inspection; and
- (g) the provision by the holder of the contract of information and reports about the regular route service and the verification of the information and reports; and
- 20 (h) the publication and the collection of fares payable by passengers; and
- (i) the sale of tickets and the conditions under which tickets must be sold; and
- 25 (j) free or reduced fares for travel; and
- (k) the issue and acceptance of free or concession passes.

- (5) Subsection (4) does not limit the matters about which a service contract may make provision.

***Division 2.4—Entitlement to operate certain bus services***

**18 Entitlement to operate regular route services**

A person is entitled to operate a regular route service, within or partly within the ACT, if—

- 5 (a) the person is accredited under the regulations to operate regular route services; and
- (b) the person holds a service contract for the service.

**19 Entitlement to operate tour and charter services**

10 A person is entitled to operate a tour and charter service, within or partly within the ACT, if the person is accredited under the regulations to operate tour and charter services.

**20 Unaccredited operators not to operate certain bus services**  
(NSW s 7 (1))

15 (1) A person must not operate, within or partly within the ACT, a regular route service unless the person is accredited under the regulations to operate regular route services.

Maximum penalty: 50 penalty units.

(2) A person must not operate, within or partly within the ACT, a tour and charter service unless the person is accredited under the regulations to operate tour and charter services.

20 Maximum penalty: 50 penalty units.

**21 Pretending to be accredited**

A person must not pretend to be accredited.

Maximum penalty: 30 penalty units.

**22 Operators of regular route services to hold service contracts**  
(NSW s 16 (3))

5 (1) A person must not operate, within or partly within the ACT, a regular route service unless the person holds a service contract for the service.

Maximum penalty: 50 penalty units.

10 (2) However, if a regular route service is discontinued because of a variation or termination of a service contract, the road transport authority may make arrangements with an appropriately accredited person to operate a temporary regular route service to replace the discontinued service even though the person does not hold a service contract for the replacement service.

*Division 2.5—Regulation of bus services*

**23 Regular route services—power to determine maximum fares**

15 (1) The Minister may determine maximum fares, and ways of calculating maximum fares, payable by passengers on regular route services.

(2) A determination is a disallowable instrument.

**24 Regulations about operation of public buses**

20 The regulations may make provision for or with respect to the operation of public buses, including, for example—

- (a) the regulation or prohibition of the use of public buses on certain roads or road related areas; and
- 25 (b) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (c) the records to be made and kept by drivers, how they are to be made and kept, and their inspection; and
- (d) the transport of passengers' luggage or other goods, and animals; and
- 30 (e) the regulation or prohibition of the transportation of passengers standing in or on any part of a public bus; and

- (f) the maximum speed of public buses; and
- (g) the prohibition of anyone from soliciting for passengers or for a hiring; and
- 5 (h) the design, equipment and fittings (internal or external) of public buses; and
- (i) the sections, terminal points and bus stops on bus routes; and
- (j) the regulation or prohibition of notices, signs and advertisements inside or on the outside of public buses.

**25 Regulations about bus drivers**

10 The regulations may make provision for or with respect to drivers of public buses, including, for example—

- (a) the powers, duties and conduct of drivers; and
- (b) how drivers must dress.

**26 Regulations about conduct of passengers**

15 The regulations may make provision for or with respect to the conduct of passengers on public buses, including, for example—

- (a) the regulation or prohibition of eating and drinking; and
  - (b) the authority of public bus drivers, police officers and authorised people to direct people contravening a regulation to leave a bus and to remove them if they fail to leave.
- 20

**27 Regulations about enforcement**

The regulations may make provision for or with respect to the powers and duties of police officers and authorised officers in relation to bus services, including, for example, in relation to buses, drivers of public buses and passengers.

25



**PART 3—MISCELLANEOUS**

**28 Regulation-making power (NSW s 63 (1), (4))**

- (1) The Executive may make regulations for this Act.
- (2) The regulations may create offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

**29 Regulations may apply certain documents etc**

The regulations may apply, adopt or incorporate, entirely or in part and with or without changes, a publication (including an Act or regulation of another jurisdiction), as in force at a particular time or as in force from time to time.

**30 Minister may exclude vehicles and people from Act**

- (1) The Minister may exempt a vehicle or person from this Act (or a stated provision of this Act).
- (2) The Minister must notify the giving of an exemption under this section in the Gazette.

**31 Regulations may exclude vehicles and people from Act (NSW s 63 (3))**

- (1) The regulations may—
- (a) exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act); or
- (b) authorise the road transport authority to exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act).
- (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.

*Road Transport (Public Passenger Services) No , 2000*

**(3) The regulations may provide for the road transport authority to—**

- (a) suspend the operation of a regulation mentioned in paragraph (1) (a) in the way and circumstances prescribed under the regulations; or**
- 5 (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.**

## PART 4—TRANSITIONAL PROVISIONS

### Division 4.1—General

#### 32 Definitions for pt 4

In this Part—

- 5 *bus operator's licence*—see the General Act, subsection 138 (1).  
*bus service licence*—see the General Act, subsection 142 (1).  
*commencement* means the commencement of this Part.  
*General Act* means the *Road Transport (General) Act 1999*.  
*Motor Omnibus Act* means the *Motor Omnibus Services Act 1955*.  
10 *motor omnibus service* means a motor omnibus service conducted  
under the Motor Omnibus Act.

#### 33 Transitional regulations

- (1) The regulations may prescribe savings or transitional matters  
15 necessary or convenient to be prescribed because of the enactment of this  
Act.  
(2) Without limiting the scope of subsection (1), the regulations may  
prescribe matters necessary or convenient to be prescribed for carrying out  
or giving effect to the provisions of this Act.  
(3) Regulations made for this section must not be taken to be  
20 inconsistent with—  
(a) this Act as far as they can operate concurrently with this Act; or  
(b) any other provision of the road transport legislation as far as they  
can operate concurrently with the provision.  
(4) This section is additional to, and does not limit, section 34.

#### 25 34 Modification of pt 4's operation

The regulations may modify the operation of this Part to make  
provision with respect to any matter that is not, or not adequately, dealt  
with in this Part.

**35 Expiry of div 4.1**

This Division expires on 1 April 2002.

***Division 4.2—Bus services under Motor Omnibus Act***

**36 Existing bus services operated under the Motor Omnibus Act**

5 (1) The section applies to motor omnibus services conducted under the Motor Omnibus Act immediately before the commencement.

(2) The Minister is taken, after the commencement—

(a) to be accredited under the regulations to operate regular route services; and

10 (b) to hold a service contract with the road transport authority for the operation of the motor omnibus services mentioned in subsection (1) as regular route services.

(3) The contract the Minister is taken to hold under paragraph (2) (b) may be varied or ended by the road transport authority.

15 (4) Without limiting subsection (3), the contract may be varied to give the Minister an exclusive right to operate a route or a stated part of a route.

(5) The accreditation and, if the contract has not been ended under subsection (3), the contract expire on 30 June 2001.

20 (6) For paragraph (2) (b), subsection 17 (2) (Service contracts) does not apply to the contract.

**37 Fares, concession cards and refunds under Motor Omnibus Act**

(1) A determination under section 4 of the Motor Omnibus Act in force immediately before the commencement continues to apply, after the commencement, in relation to the bus services mentioned in section 36 despite the repeal of the Act.

25 (2) A notification of a class of concession cards or documents under paragraph 4BA (2) (a) of the Motor Omnibus Act in force immediately before the commencement continues to apply, after the commencement, in relation to the bus services mentioned in section 36 despite the repeal of the Act.

30 (3) The Minister may make arrangements for the refund of tickets sold for travel on a bus service mentioned in section 36.

**38 Expiry of div 4.2**

This Division expires on 30 June 2001.

***Division 4.3—Infringement notices under  
Motor Omnibus Act***

5 **39 Existing infringement notices**

An infringement notice served on a person in accordance with section 12 (Infringement notices) of the Motor Omnibus Act is taken, after the commencement, to be an infringement notice served on the person in accordance with section 24 (Service of infringement notices generally) of the General Act.

**40 Existing final notices**

A final notice served on a person in accordance with section 13 (Final infringement notices) of the Motor Omnibus Act is taken, after the commencement, to be a reminder notice served on a person in accordance with section 33 (Reminder notices) of the General Act.

**41 Existing notices disputing liability under infringement notices**

An application lodged by a person in accordance with section 16 of the Motor Omnibus Act is taken, after the commencement, to be a notice given by the person in accordance with section 51 (Disputing liability for an infringement notice offence) of the General Act.

**42 Existing applications for extension of time**

An application lodged by a person in accordance with section 18 of the Motor Omnibus Act is taken, after the commencement, to be an application given by the person in accordance with section 52 (Extension of time to dispute liability) of the General Act.

**43 Suspension of concession card in force under Motor Omnibus Act**

(1) The suspension of a concession card under section 4BB of the Motor Omnibus Act continues, after the commencement, in relation to the bus services mentioned in section 36 (Existing bus services operated under the Motor Omnibus Act), despite the repeal of the Act, until—

- (a) the amounts payable under the infringement notice are paid; or
- (b) the institution of a proceeding to prosecute the person for the offence.

5 (2) A person whose concession card was suspended under section 4BB of the Motor Omnibus Act is not entitled to apply for the issue of another concession card while the suspension is in force.

**44 Expiry of div 4.3**

This Division expires on 30 June 2001.

***Division 4.4—Bus operator's licences***

10 **45 Existing bus operator's licences**

(1) This section applies to a person who, immediately before the commencement, was the holder of—

- (a) a bus operator's licence (including a licence that is taken under section 271 of the General Act to be a bus operator's licence); or
- 15 (b) if the person operates a bus service designed mainly to transport tourists—a bus service licence.

(2) The person is taken, after the commencement, to be accredited under the regulations to operate a tour and charter service.

20 (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.

(4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires on 31 December 2001.

25 **46 Expiry of div 4.4**

This Division expires on 31 December 2001.

**Division 4.5—Bus service licences**

**47 Existing bus service licences**

(1) This section applies to a person (other than a person who operates a bus service designed mainly to transport tourists) who, immediately before the commencement, was the holder of a bus service licence (including a licence that is taken under section 274 of the General Act to be a bus service licence).

(2) The person is taken, after the commencement—

(a) to be accredited under the regulations to operate a regular route service; and

(b) to hold a service contract for the operation of the service as a regular route service.

(3) If the bus service licence held by the person was issued subject to conditions, the accreditation the person is taken to hold under paragraph (2) (a) is taken to be subject to the conditions.

(4) The accreditation the person is taken to hold under paragraph (2) (a) may be varied or ended by the road transport authority in accordance with the regulations.

(5) If the accreditation the person is taken to hold under paragraph (2) (a) has not been ended in accordance with the regulations, the accreditation expires on 30 June 2001.

(6) The contract the person is taken to hold under paragraph (2) (b) may be varied or ended by agreement between the road transport authority and the person.

(7) If the contract the person is taken to hold under paragraph (2) (b) has not been ended in accordance with subsection (6), the contract expires on 30 June 2001.

**48 Expiry of div 4.5**

This Division expires on 30 June 2001.

**Division 4.6—Small buses**

**49 Existing small buses**

(1) This section applies to a person who, immediately before the commencement, operated a registered vehicle built mainly to carry people  
5 that seated up to 9 adults (including the driver) and had a distinguishing registration number with the letters 'MO' followed by 1 to 3 numerals.

(2) The person is taken, after the commencement, to be accredited under the regulations to operate a tour and charter service.

(3) The accreditation the person is taken to hold under subsection (2)  
10 may be varied or ended by the road transport authority in accordance with the regulations.

(4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires on 31 December 2002.

**15 50 Expiry of div 4.6**

This Division expires on 31 December 2002.

---



DICTIONARY

(See s 4)

**accredited**, in relation to a person, means accredited under these regulations to operate a bus service.

5 **accredited bus operators register** means the register required to be kept under paragraph 6 (b) (Functions of road transport authority).

**another jurisdiction** means a jurisdiction other than the ACT.

**authority**—see *road transport authority*.

**bus** means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

10 **bus service**—see section 8 (Meaning of *bus service*).

**director**—see Corporations Law, section 60.

*Note* Section 9 of the Corporations Law (Cwlth) defines **director**, of a company or other body, as the following:

- 15 (a) a person who:
- (i) is appointed to the position of a director; or
  - (ii) is appointed to the position of an alternate director and is acting in that capacity;
- regardless of the name that is given to their position; and
- 20 (b) unless the contrary intention appears, a person who is not validly appointed as a director if:
- (i) they act in the position of a director; or
  - (ii) the director of the company or body are accustomed to act in accordance with the person's instructions or wishes.

25 Under the Corporations Law, subparagraph (b) (ii) does not apply merely because the directors act on advice given by the person in the proper performance of functions attaching to the person's professional capacity, or the person's business relationship with the director or the company or body.

30 **executive officer**, of a corporation, means the person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

**fare** means the amount payable by passengers for transport, or for the transport of passengers' luggage or other goods, on public passenger vehicles.

35 **function** includes power.

**DICTIONARY—continued**

**holder**, of a service contract, means the person who (apart from the road transport authority) is a party to the contract.

**jurisdiction** means a State, the Commonwealth or an internal Territory, including the ACT.

5 **long-distance service**—see section 11 (What is a *long-distance service*?)

**motor vehicle** means a vehicle built to be propelled by a motor that forms part of the vehicle.

**public bus** means a bus used to provide a bus service.

10 **public passenger service**—see section 7 (What is a *public passenger service*?)

**public passenger vehicle** means a bus.

**regular route service**—see section 9 (What is a *regular route service*?).

15 **road** means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as an order under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act does not apply to the  
20 area.

**road related area** means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- 25 (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or

DICTIONARY—continued

(f) any other area that is open to or used by the public so far as an order under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act applies to the area;

5

but does not include an area that would otherwise be a road related area so far as an order under that section declares that this Act does not apply to the area.

**road transport authority** (or **authority**) means the Australian Capital Territory Road Transport Authority.

10

*Note* The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

**service contract**—see section 17 (Service contracts).

15

**standard** means a standard made under section 16 (Accreditation standards), and includes any publication applied, adopted or incorporated under a standard, whether entirely or in part and with or without changes.

20

**the regulations** made under this Act include any publication applied, adopted or incorporated under the regulations, whether entirely or in part and with or without changes.

**this Act** (or **the Act**) includes the regulations and the standards.

**tour and charter service**—see section 10 (What is a *tour and charter service*?)

25

**vehicle** means—

(a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or

(b) any other vehicle prescribed under the regulations;

30

and includes anything else that, under the regulations, is to be treated as a vehicle.

**Endnote**

**Penalty units**

Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.