

Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)

Subordinate Law SL2006-32

made under the

Road Transport (Driver Licensing) Act 1999, the Road Transport (General) Act 1999, the Road Transport (Public Passenger Services) Act 2001 and the Road Transport (Safety and Traffic Management) Act 1999

EXPLANATORY STATEMENT

Overview

The Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1) (the Amendment Regulation) amends the *Road Transport (Public Passenger Services) Regulation 2002* (the Public Passenger Services Regulation), the *Road Transport (Driver Licensing) Regulation 2000*, the *Road Transport (General) Regulation 2000*, the *Road Transport (Offences) Regulation 2005* and the *Road Transport (Safety and Traffic Management) Regulation 2000*.

The main features of the Amendment Regulation are:

- the introduction of demand responsive service (DRS) authorisations;
- the introduction of DRS accreditations and minimum service standards;
- the introduction of a suite of provisions applying to:
 - DRS operators,
 - DRS drivers,
 - DRS tickets, and
 - DRS passengers;
- a requirement for people driving DRS vehicles to hold a public vehicle driver licence;
- the inclusion of several new provisions relating to bus services providing greater consistency with the requirements for other public passenger services
- the revision of several existing provisions relating to bus, taxi or hire cars services to reflect current drafting practice or provide greater accuracy and/or consistency across parallel provisions.

Strict liability offences

A number of offences contained in the Amendment Regulation applying to DRS authorisation holders, DRS vehicle drivers, bus service operators, bus drivers and taxi networks are strict liability offences.

The offences are regulatory in nature and are applied in the interests of public and industry safety. A fault element is not considered to be necessary for these offences as a defendant could be reasonably expected, because of his or her professional involvement, to know what the requirements of the law are. Public passenger service operators, public vehicle drivers and taxi networks are expected to be aware of the requirements placed on them by the regulatory regime for their profession.

Some strict liability offences are applied to passengers in relation to the basic rules that apply to using public transport. However, reasonable excuse provisions apply to:

- s281 Valid DRS ticket required for travel
- s284(3) Concession tickets for DRS vehicles
- s289 Getting on and off DRS vehicles
- s290 No interference with DRS vehicle equipment

The defence of mistake of fact is available for strict liability offences where the person considered whether or not facts existed and was under a mistaken but reasonable belief about the facts. Other defences, such as intervening conduct or event are also available.

Detail

Part 1 Preliminary

1 Name of regulation

Clause 1 provides the name of the Act, the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)*.

2 Commencement

Clause 2 specifies that amendments 1.40, 1.42 and 1.44 of Schedule 1 commence immediately after the commencement of the *Road Transport (Offences) Amendment Regulation 2006 (No 1)* section 3. The remaining provisions commence on 3 July 2006.

3 Legislation amended

Clause 3 notes that the regulation amends the Public Passenger Services Regulation, the *Road Transport (Driver Licensing) Regulation 2000*, the *Road Transport (General) Regulation 2000*, the *Road Transport (Offences) Regulation 2005* and the *Road Transport (Safety and Traffic Management) Regulation 2000*.

4 New section 5(5)

Clause 4 amends section 5 of the Public Passenger Services Regulation dealing with the kinds of accreditation that may be approved. Subsection (5) is inserted to provide that the road transport authority (the authority) may accredit people to operate a DRS.

5 Section 6, definition of *regulated service*, new paragraph (g)

Clause 5 amends Section 6 of the Public Passenger Services Regulation which provides the definitions for part 2.2. The definition of 'regulated service' is amended to include a DRS as a regulated service.

6 Section 8(2)(b)

Clause 6 amends section 8 which provides for the mandatory refusal of accreditation. Section 8(2)(b) is amended to provide that financial capacity is a matter the authority may consider in assessing an applicant's suitability for accreditation as a DRS operator.

7 New section 12(4)(e)

Clause 7 amends section 12 dealing with accreditation and certificates of accreditation. New section 12(4)(e) provides that a DRS accreditation is for 6 years.

8 New section 222(d)

Clause 8 amends section 222 which gives the meaning of 'service authority' for chapter 6. A DRS authorisation is inserted at subsection (d) to include a DRS authorisation as a service authority. This allows the road transport authority to exercise the disciplinary action provisions of the Public Passenger Services Regulation in relation to a DRS authorisation.

9 Sections 222 to 228

Clause 9 renumbers sections 222 to 228 as 320 to 326 to make way for new chapter 6.

10 New chapter 6

Clause 10 provides new **Chapter 6 Demand responsive services**.

Part 6.1 - DRS authorisations

New section 230 sets out the application process for DRS authorisations. A person may apply to the Minister for an authorisation using the application form.

New section 231 provides the grounds on which the Minister may and must refuse to issue a DRS authorisation. An application may be refused if the person has contravened a condition of a DRS authorisation or not complied with an application requirement. An application must be refused if the application does not comply with the approved DRS guidelines, or if the applicant is disqualified for holding or applying for a DRS authorisation or is not accredited to operate a DRS. Also, if a motorbike or doubledecker bus is to be used in the DRS, the application must be refused.

A DRS authorisation must be issued for a period of 1 to 6 years.

Section 232 provides that an authorisation may be issued subject to conditions or may be amended by the Minister to impose a condition.

Section 233 sets out the procedure for the imposition of conditions, including giving a written notice of the proposed condition, why the condition is being imposed, and the date the condition takes effect (ie no earlier than 14 days after the notice is given).

Section 234 clarifies that a DRS authorisation is subject to any conditions stated in the authorisation.

Section 235 provides for the form of DRS authorisations. Authorisations must include the authorisation number, the person's name and address, a description of the service, the kinds of vehicles that may be used in the service and the expiry date of the authorisation.

Section 236 deals with authorisation labels. An authorisation label for a vehicle may be issued with a DRS authorisation. The label must show the authorisation number, the registration number of the vehicle, the DRS hours of operation and the expiry date of the authorisation.

If a DRS label is issued for a vehicle, the label must be displayed on the left side of the windscreen. Offences apply if a person operates a DRS vehicle that does not display a DRS label issued for it, or if the authorised operator of the vehicle fails to take reasonable precautions to prevent a person operating a DRS vehicle without a DRS label.

The offences in section 236 are strict liability offences.

Section 237 deals with replacement authorisation labels. A replacement label may be given by the Minister if satisfied the label has been lost, stolen or destroyed.

Section 238 requires authorisation holders to notify the Minister about a change in name or address and return the authorisation which is then amended to reflect the change.

Section 239 provides that an authorisation holder must not contravene a condition on an authorisation.

This is a strict liability offence.

Section 240, section 241 and section 242 deal with replacement authorisations, production of authorisations and surrender of authorisation respectively. These are standard provisions.

Section 243 provides that a DRS authorisation is not transferable.

Part 6.2 Demand responsive services

Division 6.2.1 Preliminary

Section 244 gives the definitions of ‘authorised operator’ and ‘DRS vehicle driver’ for the part.

Division 6.2.2 Demand responsive service operators

Sections 245-257, 259, and 264-266 deal with the condition and maintenance of DRS vehicles, recording vehicle details, driver licence requirements and records, notices about maximum numbers of passengers, notifiable incidents, accreditation numbers on vehicles and in advertisements, security cameras, lost property and non-compliance notices. They are based on, and consistent with, existing provisions applying to bus services.

Sections 258, 261 and 262 deal with displaying information about fares, fitting vehicle livery and not displaying offensive material. These sections are based on existing provisions applying to taxi services.

Section 260 and 263, about airconditioning of DRS vehicles and compliance with any dress code of practice, are consistent with provisions applying to hire car services.

The following provisions include strict liability offences applied to an authorised DRS operator:

- s245 Maintenance of DRS vehicles
- s246 Fleet and maintenance records of DRS vehicles to be made
- s247 Notification of changes to DRS vehicle fleet
- s248(1) and (2) Notifiable incidents involving DRS vehicles
- s249 Condition of DRS vehicles
- s250 DRS vehicle drivers to hold appropriate driver licence or authority
- s521(2) Records of DRS vehicle drivers to be maintained by authorised operator
- s252 Authorised operator to tell road transport authority about records of DRS vehicle drivers
- s254 Keeping and inspection of records about DRS vehicles
- s255 Display of notice about maximum number of passengers
- s256 Accreditation details to be displayed on DRS vehicles
- s257 Advertisements for DRS to display accreditation number
- s258 Information about fares to be displayed in DRS vehicle
- s259 Presence of security camera in DRS vehicle to be indicated
- s260 Airconditioning of DRS vehicles
- s261 DRS vehicle livery
- s262 Offensive material in or on DRS vehicles
- s263 Compliance with dress code of practice
- s264 Authorised operator’s responsibilities for security camera recordings

- s265 Authorised operators to comply with service standard for lost property
- s266(2) and (3) Effect of non-compliance notices – authorised operators

Division 6.2.3 Demand responsive service vehicle drivers

Section 267 deals with where a DRS vehicle driver must stop for a passenger. A driver must stop at a place requested by a passenger unless stopping at the place would:

- be at a bus stop the vehicle is not authorised to use;
- be unlawful, or unsafe in the driver's opinion;
- not be within the scope of the operation of the services;
- contravene section 269 (about maximum numbers of passengers);
- contravene section 272 (about the carriage of goods);
- contravene section 297 (about soiled clothing on passengers); or
- contravene section 298 (about intoxicated passengers).

The section also includes a provision similar to existing provisions for taxi and hire car drivers dealing with dropping of or picking up a person with significant mobility disabilities in a place that would otherwise be considered unlawful. The prohibition on stopping in a place that would otherwise be unlawful does not apply to a DRS driver if there is no other place close to the passenger's preferred place where the driver can lawfully stop the vehicle and stopping the vehicle in the preferred place is safe in the driver's opinion.

Sections 268, 269, 271-275 and 277 -279 deal with DRS drivers' responsibilities for, respectively, stopping on the side of the road, carrying no more than the maximum number of passengers, checking security cameras, not carrying goods that cause danger or inconvenience, giving lost property, behaving in certain ways, being clean and tidy, remaining in the vehicle, not carrying passengers in certain parts of the vehicle and not driving a vehicle with a non-compliance notice attached. These sections are based on the existing corresponding provisions for bus drivers.

Section 270 refers to the carriage of wheelchair passengers in DRS vehicles where seatbelts are provided for other passengers and reflects existing provisions for taxis. A person in a wheelchair must be wearing a seatbelt, and the wheelchair must be safety and securely attached to the vehicle. The driver must provide reasonable assistance loading and unloading the wheelchair and must not carry a person seated in a motorised scooter.

Section 276 deals with drivers' responsibilities for the condition of DRS vehicle (vehicles must be clean and tidy) and reflects existing section 113 for taxi drivers.

The following provisions include strict liability offences applied to a DRS vehicle driver:

- s267 Requirements about DRS vehicle drivers stopping for passengers

- s268 Where DRS vehicle drivers must stop on a road
- s269 Maximum number of passengers in a DRS vehicle
- s270 Wheelchair passengers in DRS vehicle
- s271 Responsibilities of DRS vehicle drivers for security camera
- s272 Restrictions on carriage of goods in DRS vehicles
- s273 Responsibility of DRS vehicle drivers for lost property
- s274 Behaviour of DRS vehicle drivers generally
- s275 Dress and conduct of DRS vehicle drivers
- s276 Responsibility of drivers for condition of DRS vehicle
- s277 Drivers to remain in vehicle
- s278 Passengers not to be carried on certain parts of a DRS
- s279(2) and (3) Effect of noncompliance notices – DRS vehicle drivers

Division 6.2.4 Demand responsive service tickets

Sections 280 – 285 deal with tickets for DRS journeys. Valid DRS tickets must be held for each journey, tickets are not transferable, and damaged or altered tickets may not be used. Concession tickets may only be used by people entitled to use them and such people must produce evidence of their eligibility if required. DRS tickets must be available for inspection when required by an authorised person. The provisions replicate corresponding provisions relating to bus tickets.

The following strict liability offence provisions apply:

- s281 Valid DRS ticket required for travel
- s282 DRS tickets not transferable
- s283 Damaged or changed DRS tickets not to be used
- s284 Concession tickets for DRS vehicles
- s285 Inspection and processing of DRS tickets.

Division 6.2.5 Conduct of demand responsive service vehicle passengers

Sections 286 – 301 deal with the requirements for passengers travelling on DRS vehicles. The provisions replicate corresponding provisions relating to bus passengers.

The provisions prohibit certain behaviour (eg using offensive language), occupying seats for older people or people with disabilities, drinking liquor, and eating and drinking on DRS vehicles. Passengers must not get on or off a moving vehicle or through a window, interfere with equipment or automatically operated doors on the vehicle, throw anything from the vehicle, nor enter the driver's compartment or certain other areas of the vehicle. Property is not to be removed from a DRS vehicle and littering is not permitted on a DRS vehicle.

Animals, other than those accompanying a person with a disability, may not be taken onto DRS vehicles and a person may be directed to get out of a DRS vehicle by a police officer, a DRS driver or an authorised person, if the person, the person's clothes or goods may soil or damage the vehicle or would be

dangerous or inconvenient to another person. Similarly a person may be directed to get out of a DRS vehicle, and must get out of the vehicle, if the person is under the influence of liquor, causing a nuisance to someone else, or has not complied with the requirements for DRS tickets. A police officer may remove a person who fails to comply with a direction to get out of a DRS vehicle.

Passengers are to give any lost property on a DRS vehicle to the driver, the DRS authorised operator, a police officer or an authorised person.

The following strict liability offence provisions apply to passengers on DRS vehicles:

- s286 Conduct of people in DRS vehicles generally
- s287 DRS vehicle seats for older people and people with disabilities
- s288 Drinking of liquor in DRS vehicles generally prohibited
- s289 Eating and drinking in DRS vehicles
- s290 Getting on and off DRS vehicles
- s291 No interference with DRS vehicle equipment
- s292 Throwing objects in or from DRS vehicles
- s293 Travel not allowed on certain parts of DRS vehicle
- s294 Property not to be removed from DRS vehicles
- s295 No littering in DRS vehicles
- s296 Carriage of animals in DRS vehicles
- s297 DRS vehicle passengers – soiled clothing
- s298 Intoxicated DRS vehicle passengers
- s299 Offender to get out of DRS vehicle when directed
- s300 Removal of people from DRS vehicles

Division 6.2.6 Other matters relating to demand responsive services

Sections 302 – 304 deal with approvals for a code of practice for the dress of DRS drivers, standards about security cameras in DRS vehicles, and interference with DRS vehicle security cameras and recordings. The provisions replicate corresponding provisions relating to bus services.

The offences in section 302 and 303 are strict liability offences.

Section 305 provides that the authority may authorise DRS vehicles to use certain bus stops or bus zones.

11 Chapters 6 and 8

Clause 11 renumbers chapters 6 and 8 as chapters 8 and 9. A gap has been left for chapter 7 for other proposed amendments.

12 Part 8.1 and 8.4 to 8.7

Clause 12 rennumbers parts 8.1 and 8.4 to 8.7 as parts 9.1 and 9.4 to 9.7.

13 Schedule 1, new part 1.6

This clause inserts new part 1.6 to Schedule 1 providing the matters that may be referred to in Minimum Service Standards (MSS) for DRS. The matters are broadly consistent with the matters that may be included in MSS for bus services with the addition of the operation of booking services.

14 Dictionary, note 3, new dot points

Note 3 indicates the terms in the Public Passenger Services Regulation that have the same meaning as in the Public Passenger Services Act and gives examples of terms that are defined in the Act. This clause adds three DRS terms 'authorisation', 'demand responsive service' and 'demand responsive service vehicle' to the note.

15 Dictionary, new definitions

Clause 15 inserts new DRS terminology, including 'DRS', 'DRS ticket' and 'DRS vehicle driver', in the Dictionary.

Schedule 1 Other amendments

Part 1.1 Road Transport (Driver Licensing) Regulation 2000

1.1 New section 11(3) and (4)

Section 11, dealing with public vehicle licence codes, is amended to provide that a person holding a public vehicle licence with an "O" code is authorised to drive a DRS vehicle if the DRS vehicle is a bus. If a DRS vehicle is not a bus, the driver must hold a public vehicle licence with either a "T", "H" or "W" code. The amendment also provides a definition of 'demand responsive service vehicle' by referring to the Public Passenger Service Regulation dictionary.

Part 1.2 Road Transport (General) Regulation 2000

1.2 Schedule 1, part 1.7, item 1

Part 1.7 provides the reviewable decisions for the Public Passenger Services Act. This amendment deletes item 1 - the reviewable decision in previous section 84 'Minister – refuse to exempt vehicle or person from the Act' and is consequential to the *Road Transport (Public Passenger Services) Amendment Act 2006* in which this provision is relocated in section 127

1.3 Schedule 1, part 1.7, new item 4

This amendment provides new item 4 - the reviewable decision section 127 'Minister – refuse to exempt vehicle or person from the Act' and is consequential to the *Road Transport (Public Passenger Services) Amendment Act 2006*.

1.4 Schedule 1, part 1.7

The items in part 1.7 are to be renumbered when the regulation is next republished.

1.5 Schedule 1, part 1.8, new items 33A & 33B

Part 1.8 provides the reviewable decisions for the Public Passenger Services Regulation. Two new reviewable decisions are inserted in the Schedule in relation to DRS services. The reviewable decisions are those for refusing to issue a replacement DRS authorisation (Minister) and determining the number of seated/standing passengers in a DRS vehicle (road transport authority).

1.6 Schedule 1, part 1.8

The items are to be renumbered on next republication.

1.7 Schedule 1, part 1.8, item 34, column 2

The amendment changes the reference to section 225(4) (to section 323(4)) as a consequence of clause 9 of the Amendment Regulation.

1.8 Schedule 1, part 1.8, item 35, column 2

The amendment changes the reference to section 226(3) (to section 324(3)) as a consequence of clause 9.

1.9 Dictionary, definition of 'bus service'

This term is omitted as it is not used in the regulation.

1.10 Dictionary, definition of 'service authority'

The reference to section 222 is changed to section 320 and is consequential to clause 9 of the Amendment Regulation.

Part 1.3 Road Transport (Offences) Regulation 2005

1.11 Section 8(1)(a)

Section 8(1) provides the infringement notice offences for which the road transport authority is 'the administering authority'. Item 253 is not an infringement notice offence and therefore 'items 207 to 261' is replaced with 'items 207 to 252 and 254 to 261'.

1.12 Section 8(1)(f)

Item 44 is also deleted from section 8(1) as it is not an infringement notice offence. Existing items 46 and 47 (renumbered as items 45 and 46 under amendment 1.41) are infringement notice offences and are to be included in the items at section 8(1)(f).

1.13 Schedule 1, part 1.10, item 24

Part 1.10 provides the offence descriptions and penalty amounts for offences in the Public Passenger Services Act. The amendment provides the offence descriptions and penalty units for the new DRS offences in the *Road Transport (Public Passenger Services) Amendment Act 2006*.

1.14 Schedule 1, part 1.10, new item 31

The amendment provides the offence information for previous s80(1) now s125(1), relocated under the *Road Transport (Public Passenger Services) Amendment Act 2006*.

1.15 Schedule 1, part 1.10

The items in part 1.10 are to be renumbered on next republication.

1.16 Schedule 1, part 1.11, items 8.9 and 8.10, column 3

Part 1.11 provides the offence descriptions and penalty amounts for offences in the Public Passenger Services Regulation. The word 'details' is removed from the offence descriptions as it is redundant.

1.17 Schedule 1, part 1.11, item 8.10

The infringement penalty is changed from \$20 to \$200 to rectify a typographical error.

1.18 Schedule 1, part 1.11, item 9, column 2

The amendment to the reference to section 23 (to section 23(2)) is consequential to amendment 1.49.

1.19 Schedule 1, part 1.11, item 12, column 2

The amendment to the reference to section 24(3) (to section 24(4)) is consequential to amendment 1.49.

1.20 Schedule 1, part 1.11, item 14, column 2

The reference to section 26 is changed to section 26(1) for greater accuracy.

1.21 Schedule 1, part 1.11, new items 15A to 15C

This amendment provides offence descriptions and penalty amounts for offences under *Road Transport (Public Passenger Services) Amendment Regulation 2005* which were unintentionally not included in Schedule 1 at the time the Amendment was made.

1.22 Schedule 1, part 1.11, new items 20A to 20E

This amendment provides new offence information consequential to amendment 1.52.

1.23 Schedule 1, part 1.11, item 39, column 2

The amendment to the section reference is consequential to amendment 1.57.

1.24 Schedule 1, part 1.11, items 43 and 44

This amendment provides new offence information consequential to amendment 1.58.

1.25 Schedule 1, part 1.11, items 59

Existing item 59 is separated into two items (59 and 59A) for greater clarity.

1.26 Schedule 1, part 1.11, item 64, column 2

The reference to section 53(2) is changed to section 53(1) as a consequence of amendment 1.59.

1.27 Schedule 1, part 1.11, item 83

Item 83 is divided into two sub items for greater clarity.

1.28 Schedule 1, part 1.11, item 86

The item is revised as a consequence of amendment 1.60.

1.29 Schedule 1, part 1.11, new items 98A to 98C

This amendment provides offence descriptions and penalty amounts for offences under *Road Transport (Public Passenger Services) Amendment Regulation 2005* which were unintentionally not included in Schedule 1 at the time the Amendment was made.

1.30 Schedule 1, part 1.11, item 113, column 2

The reference to section 97 is changed to section 97(1) for greater accuracy.

1.31 Schedule 1, part 1.11, new items 115A and 115B

This amendment provides offence descriptions and penalty amounts for offences under *Road Transport (Public Passenger Services) Amendment Regulation 2005* which were unintentionally not included in Schedule 1 at the time the Amendment was made.

1.32 Schedule 1, part 1.11, items 125 and 126

The items are revised as a consequence of amendment 1.68.

1.33 Schedule 1, part 1.11, item 213

Item 213 is divided into 2 sub items for greater clarity.

1.34 Schedule 1, part 1.11, item 224 to 224.3

Existing items 224 and 224.1 to 224.3 are expanded for greater clarity and renumbered.

1.35 Schedule 1, part 1.11, new items 233A to 233C

This amendment provides offence descriptions and penalty amounts for offences under *Road Transport (Public Passenger Services) Amendment Regulation 2005* which were unintentionally not included in Schedule 1 at the time the Amendment was made.

1.36 Schedule 1, part 1.11, items 239 to 241

The wording of the short descriptions is amended for greater accuracy.

1.37 Schedule 1, part 1.11, item 281

Item 281 is divided into 3 sub items for greater clarity.

1.38 Schedule 1, part 1.11, item 288

New items 288 to 391 provide the offence descriptions and penalty amounts for the new DRS offences. Existing items 288 to 294 are then renumbered as items 392 to 398.

1.39 Schedule 1, part 1.11

Items numbers in part 1.11 are to be renumbered on next republication.

1.40 Schedule 1, part 1.13, item 45

Part 1.13 provides the offence descriptions and penalty amounts for offences in the *Road Transport (Safety and Traffic Management) Regulation 2000*.

Item number 45 is deleted as it refers to an offence that was removed from the legislation some time ago.

1.41 Schedule 1, part 1.13

Items are to be renumbered on next republication.

1.42 Schedule 1, part 1.14, new item 1A

Part 1.14 provides the offence descriptions and penalty amounts for offences in the *Road Transport (Vehicle Registration) Act 1999*. This amendment duplicates an amendment in the *Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No 2)* to take account of other amendments to the *Road Transport (Offences) Regulation 2005* commencing on 3 July 2006.

1.43 Schedule 1, part 1.14

Items numbers in part 1.14 are to be renumbered on next republication.

1.44 Schedule 1.15, item 100

Part 1.15 provides the offence descriptions and penalty amounts for offences in the *Road Transport (Vehicle Registration) Regulation 2000*. This amendment duplicates an amendment in the *Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No 2)* to take account of other amendments to the *Road Transport (Offences) Regulation 2005* commencing on 3 July 2006.

1.45 Schedule 1, part 1.15

Items numbers in part 1.15 are to be renumbered on next republication.

1.46 Dictionary, new definition of DRS

Attention is drawn to the definition of 'DRS' in the Public Passenger Services Regulation dictionary.

Part 1.4 Road Transport (Public Passenger Services) Regulation 2002

1.47 Section 4A, note 1, new dot points

Note 1 to section 4A gives the list of offences to which chapter 2 of the Criminal Code applies. The offences added to the list are those effected by amendments 1.49 to 1.70.

1.48 Section 4A, note 1

A provision of chapter 6 (Disciplinary action) is deleted in relation to offences to which the Criminal Code applies. Chapter 6 is renumbered as chapter 8 under clause 11 of the Amendment Regulation, and 'a provision of chapter 8 (Disciplinary action)' and 'a provision of chapter 6 (Demand responsive services)' are included as offences to which the Criminal Code applies.

1.49 Sections 23 and 24

Sections 23 and 24 deal with the notification of changes to a bus fleet and the notification of incidents involving buses. Minor technical modifications are made to the sections and it is noted that the offences in section 23 and section 24(1) and (2) are strict liability offences.

1.50 Section 27(4)(f)

Section 27 deals with records of bus drivers being maintained by accredited operators. For completeness, a operator is now required to note, on the record of a driver whose public vehicle driver licence has been suspended, the date the suspension ends.

1.51 Section 28(1)(a)

A minor technical amendment is made to Section 28, Keeping and inspection of records about buses. The phrase 'after the making of the last entry' is changed to 'after the day the last entry was made'.

1.52 New sections 30B to 30E

This amendment introduces new sections 30B to 30E relating to bus service operators. The provisions relate to the air-conditioning of buses, vehicle livery, offensive material and compliance with any dress codes of practice. They replicate provisions for DRS operators and existing provisions for other public passenger service operators.

The offences in section 30B to 30E are strict liability offences.

1.53 Section 31, note 2

The wording in note 2, about the accredited operator complying with the National Privacy Principles, is simplified.

1.54 Section 32(5), note

The wording in the note, about the accredited operator complying with the National Privacy Principles, is simplified.

1.55 Section 37(2)

This is a formal amendment ('for this section' is added.)

1.56 Section 37(3)

This is a formal amendment ('in this regulation' is substituted by 'in this section').

1.57 Section 40

Existing section 40 deals with bus drivers' responsibilities for lost property and is amended to add the owner of the property as a person to whom drivers may also give lost property. Previously the driver was required to give the property to the bus service operator.

The offence in section 40 is a strict liability offence.

1.58 Section 42

Existing section 42 deals with the dress and conduct of bus drivers. Redundant wording is deleted and a reference is made to compliance with any dress code of practice under new section 6B.

The offence in section 42 is a strict liability offence.

1.59 Section 53

Existing section 53, Bus seats for older people and people with disabilities, is reworded to provide greater clarity.

The offence in section 53 is a strict liability offence.

1.60 Section 67

Existing section 67 deals with lost property found by bus passengers and is amended to add the accredited bus operator as a person to whom a passenger may also give lost property. Previously the passenger was required to give the property to the driver, a police officer or authorised person.

The offence in section 67 is a strict liability offence.

1.61 New section 67B

This new section deals with an approval of a code of practice for the dress of bus drivers and is consistent with similar provisions for DRS drivers and hire car drivers.

1.62 Section 77 (4)(f)

Existing section 77 requires records of taxi drivers to be maintained by accredited network providers. For completeness, a network provider is now required to note, on the record of a driver whose public vehicle driver licence has been suspended, the date the suspension ends.

1.63 Section 78(1)(a)(i) and (ii)

Minor technical amendments are made to Section 78, Keeping and inspection of records of taxi networks. In both section 78(1)(a)(i) and (ii), the phrase 'after the making of the last entry' is changed to 'after the day the last entry was made'.

1.64 Section 79, note

The wording in the note about the possible application of the *Privacy Act 1988 (Cwlth)* in section 79 is simplified.

1.65 Section 99(4)(f)

Existing section 77 requires records of taxi drivers to be maintained by accredited operators. For completeness, an accredited operator of a taxi is now required to note, on the record of a driver whose public vehicle driver licence has been suspended, the date the suspension ends.

1.66 Section 100(1)(a)

A minor technical amendment is made to Section 100, Keeping and inspection of records about taxis. The phrase ‘after the making of the last entry’ is changed to ‘after the day the last entry was made’.

1.67 Section 103 note

The wording in the note about the possible application of the *Privacy Act 1988 (Cwlth)* is amended and is consistent with similar notes in other provisions.

1.68 Section 107

The section deals with taxi network livery and is simplified by removing references to decals.

The offence provided in section 107 is a strict liability offence.

1.69 Section 109(3), example 1

The example wording is amended as a consequence of amendment 1.68.

1.70 Section 154

Section 154 sets out the rules for lost property found by taxi passengers. ‘The network provider’ is added as a person to whom lost property may be given if found by a passenger in a taxi.

The offence in section 154 is a strict liability offence.

1.71 Section 182(3)(f)

Section 182 requires hire car operators to maintain records of hire car drivers. For completeness, the operator of a hire car service is now required to note, on the record of a driver whose public vehicle driver licence has been suspended, the date the suspension ends.

1.72 Section 183(2)(a)

Section 183 deals with the keeping and inspection of records about hire cars. The phrase ‘after the making of the last entry’ is changed to ‘after the day the last entry was made’.

1.73 Section 189(1), note

The wording in the note about the possible application of the *Privacy Act 1988 (Cwlth)* is amended and is consistent with similar notes in other provisions.

1.74 Section 194(5), note

The note, about the possible application of the *Privacy Act 1988 (Cwlth)*, is deleted from this subsection.

1.75 Section 194(6)

The note, about the possible application of the *Privacy Act 1988 (Cwlth)* is relocated in subsection (6) and the wording in the note is made consistent with similar notes in other provisions.

1.76 Section 217(1)

Section 217 sets out the rules for lost property found by hire car passengers. 'The accredited operator of the hire car' and 'an authorised person' are added as persons to whom lost property may be given if found by a passenger in a hire car.

1.77 Section 222 heading

The change in the reference to 'ch 6' (to 'ch 8') in the section 222 heading is consequential to clause 11 of the Amendment Regulation.

1.78 Section 224(1)(c)

The change in the reference to section 223(2)(f) (to section 321(2)(f)) is consequential to clause 9 of the Amendment Regulation.

1.79 Section 225(2)(a)

The change in the reference to section 226 (to section 324) is consequential to clause 9 of the Amendment Regulation.

1.80 Section 513 heading

The Section 513 heading is changed from 'Expiry – pt 8.4' to 'Expiry – pt 9.4' as a consequence of clause 12.

1.81 Section 514 heading

The Section 514 heading is changed from 'Application - pt 8.5' to 'Application – pt 9.5' as a consequence of clause 12.

1.82 Section 518 heading

The Section 518 heading is changed from 'Expiry – pt 8.5' to 'Expiry – pt 9.5' as a consequence of clause 12.

1.83 Section 520 heading

The Section 520 heading is changed from 'Expiry – pt 8.6' to 'Expiry – pt 9.6' as a consequence of clause 12.

1.84 Section 522 heading

The Section 522 heading is changed from 'Expiry – pt 8.7' to 'Expiry – pt 9.7' as a consequence of clause 12.

1.85 Dictionary, definition of ‘immediate suspension notice’

The reference to section 226(3) is changed to a reference to section 324(3) as a consequence of clause 9 of the Amendment Regulation.

1.86 Dictionary, definition of ‘service authority’

The reference to section 222 is changed to a reference to section 320 as a consequence of clause 9.

1.87 Further amendments, references to ‘section 225’

The changes to the references to section 225 are consequential to clause 9.

1.88 Further amendments, references to ‘chapter 6’

The changes to ‘chapter 6’ references are consequential to clause 11 of the Amendment Regulation.

1.89 Further amendments, reference to ‘in writing’

The omission of ‘in writing’ from a number of sections reflects current drafting practice.

1.90 Further amendments, references to ‘other than’

The change from ‘other than’ to ‘otherwise than’ reflects current drafting practice.

1.91 Further amendments, new note

A new note ‘Prescribed driver authority information – see the dictionary’ is added to a number of relevant sections as a guide.

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1.92 Division 2.2.1, note 2, table, new items 8A and 8B

The table in Note 2 provides a list of the sections of the Australian Road Rules for which provision is made by the part. New items 8A and 8B are included in as a consequence of amendment 1.94.

1.93 Section 12(c) and note

Section 12 specifies the types of vehicles that are permitted to travel in bus lanes. A DRS vehicle is included as a vehicle that may travel in bus lanes, and the note referring to B traffic lights is also amended to include a reference to DRS vehicles.

1.94 New sections 13B and 13C

New section 13B is added to provide that a DRS vehicle may be stopped in a bus zone if authorised to stop in the bus zone and the driver is dropping off or picking up a passenger. Similarly, new section 13C provides that DRS vehicles may stop at or near bus stops where they are authorised to stop.

1.95 Section 23B(2)(c)

Section 23B(2)(c) deals with the carriage of children at least 1 year but under 16 years old in a taxi or hire car and provides that these vehicles are exempt from the prohibition on carrying such passengers without child restraints if a seating position with a child restraint is not available. This exemption is now extended to DRS vehicles. The exemption does not apply to front seats.

1.96 Section 27A

Section 27A deals with vehicles to which B light rules apply. The rules now apply to DRS vehicles in addition to taxis, buses, hire cars and motorbikes.

1.97 Dictionary, new definition of ‘demand responsive service vehicle’

Reference is made in the Dictionary to the definition of ‘demand responsive service vehicle’ in the *Road Transport (Public Passenger Services) Act 2001* dictionary.