



Australian Capital Territory

Road Transport (Public Passenger Services) Regulations 2001

Subordinate Law 2001 No 45

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Public Passenger Services) Act 2001*.

Dated 10 October 2001.

BRENDAN SMYTH
Minister

BILL STEFANIAK
Minister



Australian Capital Territory

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Contents

	Page
Chapter 1	
Preliminary	
1 Name of regulations	1
2 Commencement	1
3 Dictionary	1
4 Notes	1

	Page
Chapter 2 Accreditation of public passenger service operators	
Part 2.1 Kinds of accreditation	
5 Kinds of accreditations that may be issued	3
Part 2.2 Accreditation procedure	
6 Meaning of <i>relevant person</i>	4
7 Application procedure for accreditation (NSW Act s 8)	4
8 Mandatory refusal of accreditation	5
9 Discretionary refusal of accreditation	7
10 Issue or amendment of accreditation subject to conditions (NSW Act s 9B)	7
11 Accredited people—procedure for imposition etc of conditions on authority’s initiative	8
12 Accreditation and certificates of accreditation	9
13 Amendment of accepted service standards	10
14 Notification of change in details of accreditation or operation of public passenger service	10
15 Holder of conditional accreditation to comply with conditions	11
16 Replacement of certificate of accreditation	12
17 Production of certificate of accreditation	12
18 Surrender of accreditation	12
Part 2.3 Other matters relating to accreditation	
19 Approval of educational qualifications	14
 Chapter 3 Bus services	
Part 3.1 Operation of bus services	
Division 3.1.1 Bus services generally	
20 Maintenance of buses	15
21 Fleet and maintenance records for buses to be made	15
22 Notification of changes to bus fleet	16

	Page
23	Notifiable incidents involving buses 16
24	Condition of buses (ACT Bus reg 5, NSW Bus cl 7 (2)) 17
25	Bus drivers to hold appropriate driver licence or authority (ACT Bus reg 6, NSW Bus cl 10 (1)) 18
26	Records of bus drivers to be made (ACT Bus reg 7, NSW Bus cl 10 (2)) 18
27	Retention and inspection etc of records about buses (ACT Bus reg 8, NSW Bus cl 11) 19
28	Display of notice on bus about maximum number of passengers (NSW Bus cl 15 (4)) 20
29	Other information to be displayed on buses (NSW Bus cl 6) 20
30	Bus operator to comply with service standard for lost property 21
31	Effect of noncompliance notices—bus operators (ACT Bus reg 9) 21
Division 3.1.2 Bus drivers	
32	Requirements about bus drivers stopping for passengers (ACT Bus reg 10, NSW Bus cl 14 (1), (5)) 21
33	Where bus drivers must stop on a road (ACT Bus reg 11, NSW Bus cl 14 (2)) 22
34	Maximum number of passengers in buses (NSW Bus cl 15 (1)-(3), (5)) 22
35	Carriage of goods in buses (ACT Bus reg 12, NSW Bus cl 16 (1)) 24
36	Responsibilities of bus drivers for lost property 24
37	Behaviour of bus drivers generally (ACT Bus reg 14, NSW Bus cl 19) 25
38	Dress and conduct of bus drivers (ACT Bus reg 15, NSW Bus cl 20) 25
39	Drivers to remain in bus (ACT Bus reg 16, NSW Bus cl 21) 25
40	Passengers not to be carried on certain parts of a bus (ACT Bus reg 13, NSW Bus cl 17) 25
41	Effect of noncompliance notices—bus drivers (ACT Bus reg 17) 26

	Page
Part 3.2	Bus tickets
42	Validity of bus tickets (ACT Bus reg 18, NSW Bus cl 18) 27
43	Valid bus ticket required for travel (ACT Bus reg 21, 24, NSW Bus cl 26, 29) 27
44	Bus tickets not transferable (ACT Bus reg 19, NSW Bus cl 24) 28
45	Damaged or changed bus tickets not to be used (ACT Bus reg 20, NSW Bus cl 25) 28
46	Concession tickets for buses (ACT Bus reg 22, NSW Bus cl 27) 29
47	Inspection and processing of bus tickets (ACT Bus reg 23, NSW Bus cl 28) 30
Part 3.3	Conduct of bus passengers
48	Conduct of people in buses generally (ACT Bus reg 25, NSW Bus cl 30) 31
49	Bus seats for older people and people with disabilities (ACT Bus reg 26, NSW Bus cl 31) 31
50	Drinking of liquor in buses generally prohibited (ACT Bus reg 27, NSW Bus cl 32) 32
51	Eating and drinking in buses (ACT Bus reg 28, NSW Bus cl 33) 32
52	Getting on and getting off buses (ACT Bus reg 29, NSW Bus cl 35) 33
53	No interference with bus equipment (ACT Bus reg 31, NSW Bus cl 37) 33
54	Throwing objects in or from buses (ACT Bus reg 32, NSW Bus cl 45) 33
55	Travel not allowed on certain parts of bus (ACT Bus reg 33, NSW Bus cl 38, cl 39) 33
56	Property not to be removed from buses (ACT Bus reg 34, NSW Bus cl 40) 34
57	No littering in buses (ACT Bus reg 35, NSW Bus cl 41) 34
58	Carriage of animals in buses (ACT Bus reg 36, NSW Bus cl 42) 35
59	Bus passengers—soiled clothing etc (ACT Bus reg 37, NSW Bus cl 43) 35

	Page
60 Intoxicated bus passengers (ACT Bus reg 38, NSW Bus cl 44)	36
61 Offender to get off bus when directed (ACT Bus reg 39, NSW Bus cl 46)	36
62 Removal of people from buses (ACT Bus reg 40)	36
63 Lost property found by bus passengers (ACT Bus reg 41, NSW Bus cl 47)	37
 Part 3.4	
Other matters relating to bus services	
64 Appointment of bus stops (ACT Bus reg 46, NSW Bus cl 51)	38
 Chapter 4 Disciplinary action in relation to accreditations	
65 When authority may take action in relation to accreditations (ACT Act s 112)	39
66 Action that may be taken in relation to accreditations (NSW Act s 10 (1))	40
67 Procedure for authority taking disciplinary action	41
68 Immediate suspension of accreditation	43
69 Effect of suspension of accreditation	44
70 Return of certificate of accreditation	44
 Chapter 5 Enforcement	
71 Purpose of powers under ch 5 (NSW Act s 55A (1))	46
72 Power to require records or information (NSW Act s 55A (2), sch 1 cl 1)	46
73 Power to inspect maintenance facilities (NSW Act s 55A (5) (a), sch 1 cl 3)	47
74 Power to inspect and test vehicles (NSW Act s 55A (5) (a), sch 1 cl 4, cl 5)	48

Contents

	Page	
75	Power to require vehicles or equipment to be inspected and tested (NSW Act s 55A (5) (b), sch 1 cl 6)	49
76	Attachment and removal of noncompliance notices	50
77	Police officer or authorised person may require name and address (NSW Act s 55 (1), (2))	51
Schedule 1	Bus service standards	53
Dictionary		55

Chapter 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport (Public Passenger Services) Regulations 2001*.

2 Commencement

These regulations commence when the *Road Transport (Public Passenger Services) Act 2001*, section 3 commences.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation.

For example, the signpost definition '*road transport legislation*—see the *Road Transport (General) Act 1999*, section 6.' means the expression 'road transport legislation' is defined in section 6 of that Act and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

- (1) A note included in these regulations is explanatory and is not part of these regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

(2) In these regulations:

note includes material enclosed in brackets in regulation headings.

Note For comparison, a number of regulations 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 abbreviations:

- ACT Act: *Road Transport (General) Act 1999*
- ACT Bus: *Road Transport (Bus Services) Regulations 2000*
- NSW Act: *Passenger Transport Act 1990 (NSW)*
- NSW Bus: *Passenger Transport (Bus Services) Regulation 2000 (NSW)*.

Chapter 2 Accreditation of public passenger service operators

Part 2.1 Kinds of accreditation

5 Kinds of accreditations that may be issued

The road transport authority may accredit people to operate the following kinds of bus services:

- (a) regular route services;
- (b) tour and charter services.

Part 2.2 Accreditation procedure

6 Meaning of *relevant person*

For these regulations:

relevant person, for an application for accreditation (including for renewal of an accreditation) by a person or in relation to an accreditation held by the person, means—

- (a) if the person is an individual—the person and any employee of the person who is concerned with, or takes part in, the management of the public passenger service to which the application relates; or
- (b) if the person is a corporation—an executive officer of the corporation; or
- (c) if the person is any other kind of entity—a person who is concerned with, or takes part in, the entity's management.

7 Application procedure for accreditation (NSW Act s 8)

- (1) A person (the *applicant*) who applies to the road transport authority for an accreditation of a particular kind (including for the renewal of an accreditation) must give the authority—
 - (a) a completed application form for accreditation of that kind; and
 - (b) the proposed service standards for the public passenger service to which the application relates; and
 - (c) a consent signed by each relevant person for a police officer to make inquiries about any criminal record of the person.

Note A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The road transport authority may require the applicant to give the authority any additional documents or other information that the authority reasonably needs to decide the application.
- (3) The applicant may, with the agreement of the road transport authority, give the authority amended service standards for the public passenger service to which the application relates.

8 Mandatory refusal of accreditation

- (1) The road transport authority must refuse to accredit a person to operate a public passenger service (including for the renewal of an accreditation) if the authority believes, on reasonable grounds, that—
 - (a) the applicant is not a suitable person to operate the kind and size of public passenger service to which the application relates; or
 - (b) compliance with the service standards proposed by the applicant for the public passenger service will not ensure that the applicant provides a safe, reliable and efficient public passenger service; or
 - (c) the applicant does not have the capacity to meet the service standards proposed by the applicant for the public passenger service to which the application relates.

Note For the service standards, see sch 1.

- (2) The matters to which the road transport authority may have regard to in deciding whether an applicant is a suitable person include the following:
 - (a) the financial capacity of the applicant to operate the kind and size of public passenger service to which the application relates;

- (b) the knowledge and experience of the relevant people for the application in relation to the operation of a public passenger service of the size and kind to which the application relates;
 - (c) a relevant person for the application is or has been a director of a corporation that is or has been wound-up under the Corporations Act, part 5.4 (Winding up in insolvency).
- (3) However, an applicant is not a suitable person to operate a public passenger service if—
- (a) the applicant is disqualified under chapter 4 (Disciplinary action in relation to accreditations) from holding or applying for an accreditation of the kind to which the application relates; or
 - (b) for an application for a kind of accreditation for which educational qualifications have been approved by the road transport authority—at least 1 relevant person for the application does not hold the approved educational qualifications; or
 - (c) a relevant person for the application—
 - (i) has been found guilty of a mandatory disqualifying offence; or
 - (ii) is disqualified from managing corporations under the Corporations Act, part 2D.6 (Disqualification from managing corporations); or
 - (d) a relevant person for the application has been found guilty of an offence against any of the following provisions of the Corporations Act:
 - (i) section 209 (3) (which is about a public company giving financial benefits to a related party);

- (ii) part 5.8 (which relates to the winding-up etc of companies).

9 Discretionary refusal of accreditation

The road transport authority may refuse to accredit a person to operate a public passenger service (including for the renewal of an accreditation) if the authority believes, on reasonable grounds, that—

- (a) the applicant, or a relevant person for the application, has failed to comply with a requirement made by the authority in relation to the application or a requirement of the Act relating to the application; or
- (b) the applicant has contravened an accepted service standard; or
- (c) the applicant has contravened a condition of the person's accreditation; or
- (d) the applicant, or a relevant person for the application, has contravened any other provision of the Act in relation to the accreditation; or
- (e) the applicant has not maintained a public vehicle policy in accordance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory) for a public passenger vehicle operated by the person.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

10 Issue or amendment of accreditation subject to conditions (NSW Act s 9B)

- (1) An accreditation may be issued or renewed subject to a condition imposed by the road transport authority.

- (2) An accreditation may be amended by the road transport authority to impose a condition to which the accreditation is to be subject or to amend or revoke a condition to which the accreditation is already subject.
- (3) A condition mentioned in subregulation (1) or (2) may be imposed, revoked or amended by the road transport authority—
 - (a) on the authority's own initiative or on the application of the applicant for, or the holder of, an accreditation; and
 - (b) for a stated period or indefinitely.

11 Accredited people—procedure for imposition etc of conditions on authority's initiative

- (1) This regulation applies to a person if the road transport authority proposes, on its own initiative, to take action under regulation 10 (2) to amend an accreditation held by the person to impose, amend or revoke a condition (the *proposed action*).
- (2) The road transport authority must give the accredited person a written notice stating—
 - (a) the proposed action; and
 - (b) if the proposed action is to impose a condition to which the accreditation is to be subject—the proposed condition; and
 - (c) if the proposed action is to amend a condition to which the accreditation is subject—the proposed condition as amended; and
 - (d) if the proposed action is to impose or amend a condition—the grounds for the proposed action; and
 - (e) if appropriate, any action that must be taken by the person to avoid or reverse the proposed action; and

- (f) the date when the proposed imposition, amendment or revocation of the condition takes effect (the *date of effect*); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the authority before that date.
- (3) The notice may, but need not, provide an opportunity for the person to make representations about why the proposed action should not be taken.
 - (4) The date of effect must not be earlier than 14 days after the notice is given to the person.
 - (5) This regulation does not affect the taking of action under chapter 4 (Disciplinary action in relation to accreditations).

12 Accreditation and certificates of accreditation

- (1) If the road transport authority accredits a person to operate a public passenger service, the authority must give the person—
 - (a) a certificate of accreditation for that kind of accreditation; and
 - (b) a copy of the service standards in relation to which the accreditation was given.
- (2) The certificate of accreditation must show—
 - (a) the accreditation number allocated to the person; and
 - (b) the person's full name; and
 - (c) the kind of accreditation; and
 - (d) the expiry date of the accreditation; and
 - (e) any additional information that the authority considers appropriate.
- (3) The maximum period the road transport authority may accredit a person (including renew an accreditation) to operate a particular kind of public passenger service is 3 years.

- (4) An accreditation is not transferable.

13 Amendment of accepted service standards

- (1) An accredited person may apply to the road transport authority for the amendment of an accepted service standard.
- (2) The road transport authority may, in writing, approve the amendment of the service standard if satisfied, on reasonable grounds, that compliance with the service standard, as amended, will ensure that the applicant provides a safe, reliable and efficient public passenger service.

14 Notification of change in details of accreditation or operation of public passenger service

- (1) This regulation applies if—
- (a) particulars set out in an application for accreditation (including for the renewal of an accreditation) or other documents given to the road transport authority for the application, or the particulars shown in the certificate of accreditation, become (or are about to become) inaccurate or inapplicable because of a change in circumstances; or
- (b) the operation of a public passenger service is changed in a way that may have an adverse effect on the provision of a safe, reliable and efficient public passenger service by the accredited person; or
- (c) the financial circumstances of an accredited person change in a way that affects the person's ability to provide a safe, reliable and efficient public passenger service.

Examples for par (a)—changes of circumstances

- 1 A change in a relevant person for an accredited person.
- 2 A relevant person for an accredited person is found guilty of a mandatory disqualifying offence or disqualified from managing a corporation under the Corporations Act, part 2D.6.

- 3 An entity no longer has a relevant person who has the relevant educational qualifications.
 - 4 A change of business address.
- (2) The accredited person must give the road transport authority written notice of the change as soon as practicable (but within 7 days) after the change and, if the change relates to the certificate of accreditation, return the certificate to the authority.

Maximum penalty (for subregulation (2)): 20 penalty units.

- (3) If the change relates to the certificate of accreditation and the certificate is returned to the road transport authority, the authority must amend the certificate or issue another certificate for the remainder of the period of the certificate that it replaces.
- (4) The road transport authority may require a person who becomes a relevant person for an accredited person after the authority gives the accreditation to—
- (a) comply with regulation 7 (1) (c) (which is about a criminal records check); and
 - (b) provide any other information that the authority reasonably requires to decide whether, because of the change of circumstances, the accredited person ceases to be a suitable person to be accredited.
- (5) A person must not fail to comply with a requirement under subregulation (4).

Maximum penalty (for subregulation (5)): 20 penalty units.

15 Holder of conditional accreditation to comply with conditions

The holder of an accreditation must not, without reasonable excuse, contravene a condition to which the accreditation is subject.

Maximum penalty: 20 penalty units.

16 Replacement of certificate of accreditation

- (1) The road transport authority may issue a replacement certificate of accreditation to the holder of the accreditation if satisfied that the certificate of accreditation has been lost, stolen or destroyed.
- (2) For subregulation (1), the road transport authority may require the holder of the accreditation to give the authority a statement, verified by a statutory declaration signed by the person, that the certificate has been stolen, lost or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

17 Production of certificate of accreditation

An accredited person must not, without reasonable excuse, fail to produce a certificate of accreditation for a particular kind of public passenger service for inspection when required to do so by a police officer or authorised person.

Maximum penalty: 5 penalty units.

18 Surrender of accreditation

- (1) An accredited person may apply to the road transport authority to surrender an accreditation held by the person.
- (2) The application may be made personally by the person or by an agent who produces written evidence of the person's appointment as agent.
- (3) The person must, with the application—
 - (a) return the person's certificate of accreditation to the road transport authority; or
 - (b) if the certificate has been stolen, lost or destroyed—give the authority a statement, verified by a statutory declaration signed

by the person or agent, that the certificate has been stolen, lost or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (4) If the person complies with this regulation, the road transport authority must approve the application unless the authority is taking action to suspend or cancel the person's accreditation.
- (5) However, if the person is accredited to operate regular route services, the road transport authority may approve the application only if each service contract held by the person has expired or been terminated in accordance with the contract.

Part 2.3 **Other matters relating to accreditation**

19 **Approval of educational qualifications**

- (1) The road transport authority may approve education qualifications for a kind of accreditation.
- (2) An approval of educational qualifications is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

Chapter 3 Bus services

Part 3.1 Operation of bus services

Division 3.1.1 Bus services generally

20 Maintenance of buses

The accredited operator of a bus service must ensure that a bus used to operate the bus service—

- (a) is serviced and maintained in accordance with the bus manufacturer's maintenance standards (however described) relating to the bus; and
- (b) complies with the requirements of the vehicle standards that apply to the bus.

Maximum penalty: 20 penalty units.

Note 1 For other provisions about the maintenance of vehicles and compliance with the vehicle standards, see *Road Transport (Vehicle Registration) Regulations 2000*, ch 6.

Note 2 For additional insurance requirements for buses, see *Road Transport (General) Act 1999*, pt 10.12.

21 Fleet and maintenance records for buses to be made

The accredited operator of a bus service must make a written record of the following particulars for each bus used to operate the service:

- (a) the make, model and year of manufacture of the bus;
- (b) the registration number of the bus;
- (c) the insurance policies, and the expiry date of the policies, that apply in relation to the operation of the bus;

- (d) the maximum number of seated and standing passengers that may be carried on the bus in accordance with regulation 34 (Maximum number of passengers in buses);
- (e) the date the bus was first used by the operator to operate the bus service and (if applicable) the date the bus ceased to be used by the operator to operate the bus service;
- (f) the inspections of the bus for compliance with regulation 20 (Maintenance of buses);
- (g) any defects that affect the roadworthiness or safe operation of the bus;
- (h) the cleaning, servicing, maintenance and repair of the bus and any other work done to the bus;
- (i) accidents or other incidents in which—
 - (i) the death of, or bodily injury to, a person is caused by, or arises out of the use of, the bus; or
 - (ii) damage to property is caused by, or arises out of the use of, the bus.

22 Notification of changes to bus fleet

The accredited operator of a bus service must, as soon as practicable (but within 5 day) after acquiring (including under a lease) a bus to operate the bus service, give the road transport authority written notice of the matters mentioned in regulation 21 (a) to (d).

Maximum penalty: 20 penalty units.

23 Notifiable incidents involving buses

- (1) The accredited operator of a bus service must, as soon as practicable (but within 24 hours) after a notifiable accident, give the road transport authority written notice of the time and date when, and the place where, the accident happened.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a bus service must, as soon as practicable (but within 5 days) after a notifiable accident, give the road transport authority written notice of the following information:
- (a) the make, model and registration number of the bus involved in the accident;
 - (b) the name and home address of the driver of the bus when the accident happened;
 - (c) the circumstances of the accident;
 - (d) the name and address of anyone killed or injured in the accident;
 - (e) for an injured person—the kind of injuries received by the person.

Maximum penalty: 20 penalty units.

- (3) The accredited operator of the bus service must also give the road transport authority written notice of any other incident relating to a bus that significantly affects the operation of the bus service.

Maximum penalty: 20 penalty units.

- (4) In this regulation:

notifiable accident means an accident or other incident in which the death of, or bodily injury to, a person is caused by, or arises out of the use of, a bus used to operate the bus service.

24 Condition of buses (ACT Bus reg 5, NSW Bus cl 7 (2))

- (1) The accredited operator of a bus service must ensure that, while a bus is being used to operate the service, its interior, exterior and fittings are clean and undamaged and that its fittings are properly fitted and securely in place.

Maximum penalty: 10 penalty units.

(2) In this regulation:

exterior, of the bus, includes the body, door panels, bumper bars, trim and wheels of the bus.

25 Bus drivers to hold appropriate driver licence or authority
(ACT Bus reg 6, NSW Bus cl 10 (1))

The accredited operator of a bus service must not allow a person to drive a bus to operate the service unless satisfied that the person is—

- (a) the holder of a public vehicle licence authorising the person to drive the bus for hire or reward; or
- (b) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

26 Records of bus drivers to be made
(ACT Bus reg 7, NSW Bus cl 10 (2))

(1) The accredited operator of a bus service must make a written record of the following particulars for each person who drives a bus to operate the service:

- (a) the person's full name and home address;
- (b) the prescribed driver authority information for the person;
- (c) the dates and times when the bus was driven by the person.

Maximum penalty: 10 penalty units.

(2) In this regulation:

prescribed driver authority information, for a person, means—

- (a) if the person is the holder of a public vehicle licence—the number of the person’s public vehicle licence and its expiry date; or
- (b) in any other case—
 - (i) the number of the person’s Australian driver licence and its expiry date; and
 - (ii) the number of the authority mentioned in the *Road Transport (Driver Licensing) Regulations 2000*, regulation 94A (1) (b) held by the person and its expiry date.

27 Retention and inspection etc of records about buses
(ACT Bus reg 8, NSW Bus cl 11)

- (1) A person who is or has been the accredited operator of a bus service must—
 - (a) keep every record required to be made by the person under the Act for at least 4 years after the making of the last entry in it; and
 - (b) produce a record for inspection when required by a police officer or authorised person; and
 - (c) provide a record to the road transport authority for inspection within a stated reasonable time when required to do so, in writing, by the authority.

Maximum penalty: 10 penalty units.

- (2) The road transport authority, police officer or authorised person may take copies of any record produced or provided under subregulation (1) (b) or (c).

28 Display of notice on bus about maximum number of passengers (NSW Bus cl 15 (4))

- (1) The accredited operator of a single-decker bus used to operate a bus service must display in a conspicuous position at the rear of the bus a statement in legible text at least 25mm high of the maximum number of seated, and the maximum number of standing, passengers the bus is permitted to carry under regulation 34 (3) (Maximum number of passengers in buses).

Maximum penalty: 5 penalty units.

- (2) The accredited operator of a double-decker bus used to operate a bus service must display in a conspicuous position at the rear of the bus a statement in legible text at least 25mm high of—
- (a) the maximum number of seated passengers the bus is permitted to carry on each deck of the bus under regulation 34 (3); and
 - (b) the maximum number of standing passengers the bus is permitted to carry on the lower deck under the subregulation.

Maximum penalty: 5 penalty units.

29 Other information to be displayed on buses (NSW Bus cl 6)

The accredited operator of a bus used to operate a bus service must display on the bus, in a position approved by the road transport authority, a statement in legible text at least 50mm high of the name in which the accreditation is held and the operator's accreditation number.

Maximum penalty: 5 penalty units.

30 Bus operator to comply with service standard for lost property

The accredited operator of a bus service who is given lost property found in or near a bus used to operate the service must deal with the property in accordance with the operator's accepted service standard for the handling and disposal of lost property.

Maximum penalty: 5 penalty units.

31 Effect of noncompliance notices—bus operators
(ACT Bus reg 9)

- (1) If a noncompliance notice has been attached under regulation 76 (Attachment and removal of noncompliance notices) to a bus used to operate a bus service and has not been removed in accordance with the regulation, the accredited operator of the bus service must not allow the bus to be used to operate the service—
 - (a) after the time of effect of the notice; or
 - (b) if the accredited operator knows the notice has been removed other than in accordance with regulation 76.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) (b) ceases to apply to the bus in relation to the noncompliance notice if a police officer or authorised person directs under regulation 76 that the notice be taken to have been removed.

Division 3.1.2 Bus drivers

32 Requirements about bus drivers stopping for passengers
(ACT Bus reg 10, NSW Bus cl 14 (1), (5))

- (1) A bus driver must—

- (a) stop the bus and drop off a passenger at a bus stop if the passenger indicates to the driver that the passenger wishes to get off the bus at the bus stop; and
- (b) stop the bus and pick up a person at a bus stop if the person indicates to the driver that the person wishes to get on the bus at the bus stop.

Maximum penalty: 5 penalty units.

- (2) However, a bus driver may refuse to stop the bus or pick up a person if—
 - (a) the driver would contravene regulation 34 (Maximum number of passengers in buses) or regulation 35 (Carriage of goods in buses) if the driver picked up the person; or
 - (b) the person is a person mentioned in regulation 59 (Bus passengers—soiled clothing etc) or regulation 60 (Intoxicated bus passengers).
- (3) This regulation does not, by implication, require a bus driver to pick up and drop off passengers only at bus stops.

33 Where bus drivers must stop on a road

(ACT Bus reg 11, NSW Bus cl 14 (2))

If a bus driver stops on a road to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road.

Maximum penalty: 5 penalty units.

34 Maximum number of passengers in buses

(NSW Bus cl 15 (1)-(3), (5))

- (1) A bus driver must not, at any time—

- (a) carry in the bus more passengers, whether seated or standing, than the total number of passengers permitted to be carried in the bus; or
- (b) if the bus is a single-decker—
 - (i) carry in the bus more passengers seated than the number of passengers permitted to be carried seated in the bus; or
 - (ii) carry in the bus more passengers standing than the number of passengers permitted to be carried standing in the bus; or
- (c) if the bus is a double-decker—
 - (i) carry more passengers seated on a deck of the bus than the number of passengers permitted to be carried seated on that deck of the bus; or
 - (ii) carry more passengers standing on the lower deck of the bus than the number of passengers permitted to be carried standing in the bus.

Maximum penalty: 5 penalty units.

Note Passengers are not allowed to stand on the upper deck of a double-decker bus (see reg 40 (2) (c) (Passengers not to be carried on certain parts of a bus)).

- (2) In working out the number of passengers being carried, the following persons are not to be taken into account:
 - (a) any child apparently under 5 years old who is being carried on the lap of a seated passenger;
 - (b) every 3rd child, whether seated or standing, who is apparently under 12 years old unless the child is seated on a seat designed (either by way of fixed armrests or seating contours for individual passengers) so that it is impracticable for the seat to

be used by more than the number of passengers for which it is designed.

- (3) For these regulations, the number of passengers who are permitted to be carried seated, or are permitted to be carried standing, in a bus is—
- (a) if the bus is registered under the *Road Transport (Vehicle Registration) Act 1999*—the number notified (or last notified) to the bus operator by the road transport authority; or
 - (b) if the bus is registered under the law of another jurisdiction that corresponds to the *Road Transport (Vehicle Registration) Act 1999*—the number permitted to be carried by the bus under that law.

35 Carriage of goods in buses

(ACT Bus reg 12, NSW Bus cl 16 (1))

- (1) A bus driver must not allow anyone to place or carry in the bus something that, because of its size or dimensions, cannot be carried in the bus without inconvenience to someone else.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

36 Responsibilities of bus drivers for lost property

A bus driver who finds lost property in the bus, or who is given lost property under regulation 63 (Lost property found by bus passengers), must give the property to the accredited operator of the bus within 24 hours of finding or being given the property.

Maximum penalty: 5 penalty units.

37 Behaviour of bus drivers generally
(ACT Bus reg 14, NSW Bus cl 19)

A bus driver must not—

- (a) solicit for passengers or for a hiring; or
- (b) move the bus while a door is open; or
- (c) start or stop the bus in a way that subjects a passenger or anyone else to unnecessary risk of injury.

Maximum penalty: 10 penalty units.

Note A bus driver is not allowed to smoke in the bus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

38 Dress and conduct of bus drivers
(ACT Bus reg 15, NSW Bus cl 20)

A bus driver must—

- (a) be clean and tidy and wear clean and respectable clothes; and
- (b) behave in an orderly way and with politeness and propriety towards every passenger and every other person.

Maximum penalty: 5 penalty units.

39 Drivers to remain in bus (ACT Bus reg 16, NSW Bus cl 21)

A bus driver must not, without reasonable excuse, leave the driver's seat of the bus during a journey of the bus.

Maximum penalty: 5 penalty units.

40 Passengers not to be carried on certain parts of a bus
(ACT Bus reg 13, NSW Bus cl 17)

- (1) A bus driver must not allow a passenger—
 - (a) to enter the driver's compartment (if any) of the bus; or

(b) to occupy the driver's seat or a part of the driver's seat.

Maximum penalty: 5 penalty units.

(2) A bus driver must not, while the bus is moving, allow a passenger—

- (a) on a part of the bus not designed to carry passengers; or
- (b) on a part of the bus beside or in front of the driver's seat; or
- (c) if the bus is a double-decker—to stand on the upper deck of the bus.

Maximum penalty: 5 penalty units.

(3) Without limiting subregulation (2), the parts of a bus not designed to carry passengers include—

- (a) the roof, steps and footboard; and
- (b) if the bus is a double-decker—the stairs to the upper deck.

41 Effect of noncompliance notices—bus drivers (ACT Bus reg 17)

(1) If a noncompliance notice has been attached under regulation 76 (Attachment and removal of noncompliance notices) to a bus and has not been removed in accordance with the regulation, a person must not use the bus to operate a bus service—

- (a) after the time of effect of the notice; or
- (b) if the person knows the notice has been removed from the vehicle other than in accordance with regulation 76.

Maximum penalty: 20 penalty units.

(2) Subregulation (1) (b) ceases to apply to the bus in relation to the noncompliance notice if a police officer or authorised person directs under regulation 76 that the notice be taken to have been removed.

Part 3.2 Bus tickets

42 Validity of bus tickets (ACT Bus reg 18, NSW Bus cl 18)

- (1) A bus ticket is valid for travel only for the journey or journeys for which it is issued.
- (2) A bus ticket transferred in contravention of regulation 44 (Bus tickets not transferable) is not a valid ticket.

Note The dictionary defines *bus ticket* as meaning anything issued by or on behalf of the accredited operator of a bus service for the purpose of authorising a person to travel in a bus operated for the service.

43 Valid bus ticket required for travel (ACT Bus reg 21, 24, NSW Bus cl 26, 29)

- (1) A person must not, without reasonable excuse, travel in a bus unless the person holds a valid bus ticket for the travel.

Maximum penalty: 5 penalty units.

- (2) For subregulation (1), if a bus uses automatic equipment to read or record any details in a bus ticket, a bus ticket may be validated—
 - (a) for equipment that is operated by inserting a bus ticket into the equipment—by putting the ticket into the automatic equipment; or
 - (b) for equipment operated by passing a bus ticket near the equipment—by passing the ticket near the equipment in accordance with any instructions provided by the bus operator.

Example of bus ticket inserted into automatic equipment

A bus ticket with a magnetic strip.

Example of bus ticket passed near automatic equipment

A bus ticket with a microchip.

44 Bus tickets not transferable
(ACT Bus reg 19, NSW Bus cl 24)

- (1) A person who is issued with a bus ticket must not transfer (or offer to transfer) the ticket, or a part of the ticket, to someone else.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if—
- (a) the ticket was bought for the other person; or
 - (b) the transfer is authorised by the accredited operator of the bus service.

45 Damaged or changed bus tickets not to be used
(ACT Bus reg 20, NSW Bus cl 25)

- (1) A person must not travel in a bus using a bus ticket if the ticket has been—

- (a) damaged or defaced in a material respect; or
- (b) changed in a material particular.

Maximum penalty: 5 penalty units.

Examples of a bus ticket changed in a material particular

- 1 The information shown on the ticket by, or with the authorisation of, the accredited operator of the bus service for which the ticket is issued has been changed or deleted without the authorisation of the accredited operator.
 - 2 If the ticket has a magnetic strip or microchip, the information recorded in the magnetic strip or microchip by, or with the authorisation of, the accredited operator of the bus service for which the ticket is issued, has been changed or deleted without the authorisation of the accredited operator.
- (2) For subregulation (1) (a), a bus ticket has been damaged or defaced in a material respect if—
- (a) the information shown on the ticket by, or with the authorisation of, the accredited operator of the bus service for

which the ticket is issued is missing or cannot be readily read;
or

- (b) for a bus ticket issued with a magnetic strip or microchip—the ticket cannot be read or recorded by the automatic equipment mentioned in regulation 43 (2) (Valid bus ticket required for travel).

46 Concession tickets for buses
(ACT Bus reg 22, NSW Bus cl 27)

- (1) A person must not travel in a bus using a concession ticket unless the person is entitled to use the concession ticket.

Maximum penalty: 5 penalty units.

- (2) A bus driver, police officer or authorised person may require a person who uses (or attempts to use) a concession ticket to travel on a bus to produce satisfactory evidence (for example, a student or pensioner concession card) that the person is entitled to use the ticket to travel on the bus.
- (3) A person must not, without reasonable excuse, fail to comply with a requirement under subregulation (2).

Maximum penalty: 5 penalty units.

- (4) A person may not be prosecuted for offences against both subregulation (1) and subregulation (3) in relation to the same journey.
- (5) For this regulation, a person is entitled to use a concession ticket for travel on a bus service if the accredited operator of the bus service has authorised the person to use the concession ticket.
- (6) A person must not provide a document containing information that is false, misleading or incomplete in a material particular—
- (a) in relation to an application for a concession ticket; or

(b) in purported compliance with a requirement under subregulation (2).

Maximum penalty: 20 penalty units.

(7) A person must not in or in relation to an application for a concession ticket or in purported compliance with a requirement under subregulation (2)—

(a) state anything that is false or misleading in a material particular; or

(b) omit from a statement anything without which the statement is misleading in a material particular.

Maximum penalty: 20 penalty units.

(8) In this regulation:

concession ticket means a bus ticket issued free or at a reduced fare.

47 Inspection and processing of bus tickets (ACT Bus reg 23, NSW Bus cl 28)

A person who is in a bus must make the person's bus ticket available for inspection or processing by an authorised person on the authorised person's request.

Maximum penalty: 5 penalty units.

Part 3.3 Conduct of bus passengers

48 Conduct of people in buses generally

(ACT Bus reg 25, NSW Bus cl 30)

- (1) A person in a bus must not unreasonably interfere with the comfort or safety of anyone else.

Maximum penalty: 5 penalty units.

- (2) Without limiting subregulation (1), a person unreasonably interferes with the comfort or safety of someone else if the person—
- (a) puts a foot on a seat; or
 - (b) spits; or
 - (c) uses offensive language; or
 - (d) behaves offensively; or
 - (e) uses a wheeled recreational device within the meaning of the Australian Road Rules, dictionary.

Note A person is not allowed to smoke on a bus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

49 Bus seats for older people and people with disabilities

(ACT Bus reg 26, NSW Bus cl 31)

- (1) The accredited operator of a bus service may, by a notice in a bus operating the service, set aside seats for older people or people with a disability and specify the people who may use the seats.

- (2) If a seat on a bus is set aside for particular people under subregulation (1), a person for whom the seat is not set aside must not continue to occupy the seat if a person for whom the seat is set aside is standing.

Maximum penalty: 5 penalty units.

50 Drinking of liquor in buses generally prohibited
(ACT Bus reg 27, NSW Bus cl 32)

- (1) A person must not drink, or be in possession of an open container of, liquor in a bus.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if the liquor is supplied in the bus by, or with the permission of, the accredited operator of the bus service.

51 Eating and drinking in buses
(ACT Bus reg 28, NSW Bus cl 33)

- (1) A person must not eat or drink in a bus (or part of a bus) if eating and drinking in the bus (or the part of the bus) is prohibited by a notice displayed in the bus.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if—
- (a) the person is eating or drinking with the permission of the accredited operator of the bus service; or
 - (b) the person is eating or drinking for medical reasons; or
 - (c) the food or drink is supplied in the bus by, or with the permission of, the accredited operator of the bus service.

52 Getting on and getting off buses

(ACT Bus reg 29, NSW Bus cl 35)

A person must not, without reasonable excuse, get on or off a bus—

- (a) while the bus is moving; or
- (b) through a window (including a window used as an emergency exit) or a roof hatch.

Maximum penalty: 5 penalty units.

53 No interference with bus equipment

(ACT Bus reg 31, NSW Bus cl 37)

A person must not, without reasonable excuse—

- (a) interfere with equipment attached to or forming part of a bus;
or
- (b) block a bus door; or
- (c) open a locked bus door; or
- (d) open an unlocked bus door while the bus is moving; or
- (e) interfere with an automatically operated bus door.

Maximum penalty: 5 penalty units.

54 Throwing objects in or from buses

(ACT Bus reg 32, NSW Bus cl 45)

A person must not throw anything in or from a bus.

Maximum penalty: 5 penalty units.

55 Travel not allowed on certain parts of bus

(ACT Bus reg 33, NSW Bus cl 38, cl 39)

- (1) A passenger on a bus must not—

- (a) enter the driver's compartment (if any) of the bus; or
- (b) occupy the driver's seat or a part of the driver's seat.

Maximum penalty: 5 penalty units.

- (2) A passenger must not, while the bus is moving—
 - (a) be on a part of the bus not designed to carry passengers; or
 - (b) be on a part of the bus beside or in front of the driver's seat; or
 - (c) if the bus is a double-decker—stand on the upper deck of the bus.

Maximum penalty: 5 penalty units.

- (3) Without limiting subregulation (2), the parts of a bus not designed to carry passengers include—
 - (a) the roof, steps and footboard; and
 - (b) if the bus is a double-decker—the stairs to the upper deck.

56 Property not to be removed from buses
(ACT Bus reg 34, NSW Bus cl 40)

- (1) A person must not remove from a bus the property of the accredited operator of the bus.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply to the accredited operator of the bus, a police officer or an authorised person.

57 No littering in buses (ACT Bus reg 35, NSW Bus cl 41)

A person must not, in a bus, deposit litter or anything that may endanger a person or property, other than in a container provided for that purpose.

Maximum penalty: 5 penalty units.

58 Carriage of animals in buses
(ACT Bus reg 36, NSW Bus cl 42)

- (1) A person must not take an animal onto a bus without the driver's permission.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) an animal accompanying a person with a disability that is trained to help the person alleviate the effect of the disability; or
 - (b) an animal that is being trained to help alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

59 Bus passengers—soiled clothing etc
(ACT Bus reg 37, NSW Bus cl 43)

- (1) A bus driver, police officer or authorised person may direct a person not to get on, or to get off, the bus if the driver, police officer or authorised person believes, on reasonable grounds, that—
- (a) the person's clothing or goods (or anything else on or carried by the person) may soil or damage the bus or the clothing or goods of another passenger; or
 - (b) any of the person's goods cannot, because of their size or dimensions, be carried on the bus without inconvenience to someone else.
- (2) Subregulation (1) (b) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

- (3) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

60 Intoxicated bus passengers
(ACT Bus reg 38, NSW Bus cl 44)

- (1) A bus driver, police officer or authorised person may direct a person not to get on, or to get off, a bus if the driver, police officer or authorised person believes, on reasonable grounds, that the person—
- (a) is under the influence of liquor or a drug; and
 - (b) is causing, or is likely to cause, a nuisance or annoyance to someone else.
- (2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

61 Offender to get off bus when directed
(ACT Bus reg 39, NSW Bus cl 46)

- (1) A bus driver, police officer or authorised person may direct a person to get off the bus if the driver, police officer or authorised person believes, on reasonable grounds, that the person is committing, or has just committed, an offence against this part.
- (2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

62 Removal of people from buses
(ACT Bus reg 40)

A person who fails to comply with a direction under this part to get off a bus may be removed from the bus by a police officer.

63 Lost property found by bus passengers
(ACT Bus reg 41, NSW Bus cl 47)

A person who finds something on a bus must return it to its owner or give it to the bus driver, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

Part 3.4 **Other matters relating to bus services**

64 **Appointment of bus stops** (ACT Bus reg 46, NSW Bus cl 51)

- (1) The road transport authority may appoint bus stops, to be indicated by signs erected or displayed with the authority's approval and on which the words 'bus stop', 'bus stand' or 'bus zone', or some suitable pictorial representation, appear.
- (2) The accredited operator of a bus service may appoint bus stops, but only in accordance with a prior written approval of the road transport authority.
- (3) If times are stated on a sign mentioned in this regulation, the sign operates only during those times, but if no times are stated the sign operates at all times.
- (4) If a bus service operated by a particular accredited operator is stated on a sign mentioned in this regulation, the sign operates only in relation to a bus service operated by that person.

Chapter 4 Disciplinary action in relation to accreditations

Note 1 For the power to suspend, vary or cancel a public vehicle licence, see *Road Transport (Driver Licensing) Regulations 2000*, div 5.2.

Note 2 For the power to disqualify a person who is exempt from holding a public vehicle licence from driving a public vehicle on a road or road related area in the ACT, see *Road Transport (Driver Licensing) Regulations 2000*, div 6.4.

65 **When authority may take action in relation to accreditations (ACT Act s 112)**

The road transport authority may take action under regulation 67 (Procedure for authority taking disciplinary action) in relation to an accreditation held by an accredited person if—

- (a) a ground mentioned in regulation 8 (Mandatory refusal of accreditation) applies in relation to the person (including in relation to a relevant person for the accreditation); or
- (b) the person has contravened an accepted service standard; or
- (c) the person has contravened a condition of the person's accreditation; or
- (d) the person, or a relevant person for the accreditation, has contravened any other provision of the Act in relation to the accreditation; or
- (e) the person has not maintained a public vehicle policy in accordance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory) for a public passenger vehicle operated by the person; or

Regulation 66

- (f) the person obtained the accreditation (or renewal of the accreditation) because of a false or misleading statement made, or false or misleading information supplied, by the person or a relevant person for the accreditation.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

66 Action that may be taken in relation to accreditations (NSW Act s 10 (1))

- (1) The road transport authority may take any 1 or more of the following actions under regulation 67 (Procedure for authority taking disciplinary action) in relation to an accreditation held by a person:
- (a) cancel the accreditation, and disqualify the person from applying for accreditation for a period of not longer than 2 years;
 - (b) suspend the accreditation for a period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for accreditation for a period of not longer than 1 year;
 - (c) if the accreditation is already suspended—do either of the following:
 - (i) cancel the accreditation and disqualify the person from applying for accreditation for a period of not longer than 2 years;
 - (ii) suspend the accreditation for an additional period of not longer than 1 year and, if the authority considers appropriate, disqualify the person from applying for accreditation for a period, or an additional period, of not longer than 1 year;

- (d) impose a condition on, or amend a condition of, the accreditation;
 - (e) order the person to pay to the Territory an amount of not more than—
 - (i) for an individual—\$5 000; or
 - (ii) for a corporation—\$25 000;
 - (f) reprimand the person.
- (2) If the person holds 2 kinds of accreditation, the road transport authority may take action in relation to either or both of the accreditations.

67 Procedure for authority taking disciplinary action

- (1) If the road transport authority proposes to take action under this regulation in relation to a person's accreditation, the authority must give the person a notice (a *disciplinary notice*) that—
- (a) states the proposed action (including any proposed period of suspension or disqualification from applying for accreditation); and
 - (b) if the person holds 2 kinds of accreditation—states whether the proposed action is only in relation to a stated kind of accreditation or is in relation to both of the accreditations; and
 - (c) states the grounds for the proposed action; and
 - (d) invites the person to make written representations within a stated period why the proposed action should not be taken.
- (2) For subregulation (1) (d), the period stated in the disciplinary notice must be—
- (a) if the disciplinary notice includes an immediate suspension notice under regulation 68 (Immediate suspension of

- accreditation)—a period of at least 14 days after the person is given the notice; or
- (b) in any other case—a period of at least 28 days after the person is given the notice.
- (3) In deciding whether to take action under this regulation, the road transport authority must consider any response given to the authority in accordance with subregulation (1) (d).
- (4) If the road transport authority is satisfied that grounds for taking action under this regulation have been established, the authority may take any of the following actions:
- (a) if the proposed action included cancelling the accreditation—cancel the accreditation, suspend the accreditation for a period of not longer than 1 year or impose a condition on, or amend a condition of, the accreditation;
- (b) if the proposed action included suspending the accreditation for a stated period or a stated additional period—either suspend the accreditation for a period of not longer than that period or impose a condition on, or amend a condition of, the accreditation;
- (c) if the proposed action included disqualifying the person from applying for accreditation for a stated period or stated additional period—either disqualify the person from applying for accreditation for not longer than that period or impose a condition on, or amend a condition of, the accreditation;
- (d) if the proposed action included imposing a condition on, or amending a condition of, the accreditation—impose a condition on, or amend a condition of, the accreditation that is no more onerous than the proposed condition or a condition as proposed to be amended;

- (e) if the proposed action included ordering the person to pay an amount of money to the Territory—order the person to pay to the Territory an amount of not more than that amount;
 - (f) in any case—reprimand the person.
- (5) The road transport authority must tell the person in writing of the decision.

Note The notice must be in accordance with the code of practice for notification of reviewable decisions and review rights (see *Road Transport (General) Act 1999*, s 91 and *Road Transport (General) Regulations 2000*, sch 1).

- (6) If the road transport authority decides to cancel or suspend the accreditation, disqualify the person from applying for accreditation or impose or amend a condition on the accreditation, the authority must also tell the person in writing when the cancellation, suspension, disqualification, condition or condition as amended takes effect.
- (7) A suspension, cancellation or condition must not take effect earlier than 7 days after the person is told about the decision.
- (8) An amount ordered to be paid under subregulation (4) (e) is a debt owing to the Territory.
- (9) If the debt is owed by 2 or more people, their liability for the debt is joint and several.

68 Immediate suspension of accreditation

- (1) This regulation applies if the road transport authority—
- (a) has decided to give, or has given, a disciplinary notice to a person; and
 - (b) believes, on reasonable grounds, that it is in the public interest that the person's accreditation be suspended as soon as practicable before a decision is made to take action under

regulation 67 (4) (Procedure for authority taking disciplinary action).

- (2) In forming the belief, the road transport authority must consider—
 - (a) the circumstances leading to the decision to issue the disciplinary notice; and
 - (b) the grounds stated, or proposed to be stated, in the disciplinary notice.
- (3) If this regulation applies, the road transport authority may give the person a notice (an *immediate suspension notice*) suspending the person's accreditation (or an accreditation of a particular kind).
- (4) If an immediate suspension notice is given to the person, the person's accreditation (or accreditation of a stated kind) is suspended on the receipt of the notice by the person.
- (5) The immediate suspension notice expires when the person is told under regulation 67 (5) of the decision made on the disciplinary notice.

69 Effect of suspension of accreditation

If the road transport authority suspends a person's accreditation (or an accreditation of a particular kind), the person is, during the period of the suspension—

- (a) taken not to hold an accreditation (or an accreditation of that kind) under these regulations; and
- (b) disqualified from applying for accreditation under these regulations (or an accreditation of that kind).

70 Return of certificate of accreditation

- (1) If a person's accreditation (or an accreditation of a particular kind) is suspended or cancelled, the person must, as soon as practicable

(but within 7 days) after the suspension or cancellation takes effect—

- (a) return the certificate (or the relevant certificate) of accreditation to the road transport authority; or
- (b) if the certificate has been stolen, lost or destroyed—give the authority a statement, verified by a statutory declaration signed by the person, that the certificate has been stolen, lost or destroyed.

Maximum penalty: 5 penalty units.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (2) If the person's accreditation (or an accreditation of a particular kind) is suspended and the accreditation has not expired when the suspension ends, the road transport authority must return the certificate of accreditation to the person.

Chapter 5 Enforcement

71 Purpose of powers under ch 5 (NSW Act s 55A (1))

The powers under this chapter may be exercised by a police officer or authorised person to decide whether—

- (a) there has been compliance with, or a contravention of, the Act (including the conditions of an accreditation or an accepted service standard); or
- (b) a public passenger vehicle complies with the vehicle standards.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and service standards (see *Legislation Act 2001*, s 104).

72 Power to require records or information (NSW Act s 55A (2), sch 1 cl 1)

- (1) The road transport authority, a police officer or an authorised person may, by written notice, require a person to provide records or information within the reasonable time stated in the notice.
- (2) The notice may only require a person to provide records that are in the person's possession or control.
- (3) The road transport authority, police officer or authorised person may take copies of any record provided in response to the notice.
- (4) A record required by a notice must be provided in written form unless the notice states otherwise.
- (5) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty (subregulation (5)): 20 penalty units.

73 Power to inspect maintenance facilities

(NSW Act s 55A (5) (a), sch 1 cl 3)

- (1) For the purposes of this chapter, a police officer or authorised person may, at any reasonable time, enter any premises used for or in relation to the maintenance of a public passenger vehicle (other than any part of premises being used solely for residential purposes).
- (2) The police officer or authorised person may—
 - (a) inspect records in the premises relating to the maintenance of public passenger vehicles carried out at the premises; and
 - (b) inspect the premises; and
 - (c) inspect or test any equipment in the premises used or proposed to be used for or in relation to the maintenance of a public passenger vehicle.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (3) For subregulation (2) (a), the police officer or authorised person may—
 - (a) require the person apparently in charge of the premises, or anyone else who has the custody or control of the records, to produce them to the police officer or authorised person for inspection; and
 - (b) make copies of, or take extracts from, a record and, for that purpose, may take possession of the record and, if necessary, keep it for not longer than 7 days.
- (4) For subregulation (2) (c), the police officer or authorised person may do any 1 or more of the following:
 - (a) operate any equipment in the premises;

- (b) request the person apparently in charge of the premises to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test any equipment in the premises;
 - (c) request the person apparently in charge of the premises to do anything else the police officer or authorised person reasonably requires to inspect or test any equipment in the premises.
- (5) A person must not, without reasonable excuse, fail to comply with a request made by a police officer or authorised person under this regulation.

Maximum penalty: 20 penalty units.

- (6) An authorised person who enters premises under this regulation is not authorised to remain in the premises if, when asked by the person in charge of the premises, the authorised person does not produce the person's identity card.

74 Power to inspect and test vehicles

(NSW Act s 55A (5) (a), sch 1 cl 4, cl 5)

- (1) A police officer or authorised person may inspect a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger vehicle, and may inspect and test its equipment and fittings.

Note The dictionary definition of *inspect* a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

- (2) Without limiting subregulation (1), the police officer or authorised person may, for that subregulation, do any 1 or more of the following:
- (a) if the vehicle is being driven—request or signal the driver of the vehicle to stop the vehicle;

- (b) get into and remain in the vehicle;
 - (c) operate the vehicle and any of its equipment;
 - (d) request the driver or anyone else apparently in charge of the vehicle to—
 - (i) give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle; or
 - (ii) do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.
- (3) If a vehicle is stopped because of a request or signal under subregulation (2) (a), any inspection or testing of the vehicle must be carried out—
- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
 - (b) as soon as practicable, and in any case within 1 hour after the vehicle is stopped.
- (4) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer or authorised person under this regulation.

Maximum penalty (subregulation (4)): 20 penalty units.

75 Power to require vehicles or equipment to be inspected and tested (NSW Act s 55A (5) (b), sch 1 cl 6)

- (1) A police officer or authorised person may, by written notice given to the operator of a public passenger vehicle, or any other vehicle that the police officer or authorised person believes, on reasonable grounds, is operating, or has operated, as a public passenger vehicle, require the person to have the vehicle and its equipment and fittings (or stated equipment) inspected or tested.

- (2) The notice may require any of the following:
- (a) the inspection and testing to be carried out within or at a stated reasonable time;
 - (b) the inspection and testing to be carried out by or in the presence of a police officer, an authorised person or anyone else;
 - (c) the inspection and testing to be carried out at a stated reasonable place;
 - (d) a report of the inspection and testing to be given to a police officer, an authorised person or the road transport authority within a stated reasonable time;
 - (e) anything else reasonably necessary or convenient for the inspection and testing.
- (3) A person must not, without reasonable excuse, fail to comply with a notice given to the person under subregulation (1).

Maximum penalty: 20 penalty units.

- (4) For subregulation (1):

operator, of a vehicle, includes the responsible person for the vehicle within the meaning of the *Road Transport (General) Act 1999*, sections 10 and 11.

76 Attachment and removal of noncompliance notices

- (1) A police officer or authorised person, or a person inspecting a vehicle under this chapter, may attach a notice (a *noncompliance notice*) to the vehicle if the officer or person suspects, on reasonable grounds, that—
- (a) the vehicle or its equipment or fittings, or its servicing or maintenance, do not comply with these regulations; or

- (b) the vehicle (including its equipment and fittings) does not comply with the vehicle standards.
- (2) The notice must state—
- (a) the action necessary for the vehicle, equipment or fittings, or its servicing or maintenance, to comply with these regulations or the vehicle standards; and
 - (b) a date and time (the *time of effect*) after which the vehicle must not be operated as a public passenger vehicle unless the notice has been removed by a police officer or authorised person.
- (3) A police officer or authorised person may remove the noncompliance notice from the vehicle, or direct in writing that it be taken to have been removed, if satisfied on inspection or testing of the vehicle or its equipment or fittings that the necessary action mentioned in the notice has been taken.
- (4) A person, other than a police officer or authorised person, must not remove a noncompliance notice from a public passenger vehicle.

Maximum penalty (subregulation (4)): 20 penalty units.

- (5) A police officer's or authorised person's power to issue a noncompliance notice for a public passenger vehicle under this regulation is additional to the power of the police officer or authorised person to issue a defect notice under the *Road Transport (Vehicle Registration) Regulations 2000* for a public passenger vehicle.

77 Police officer or authorised person may require name and address (NSW Act s 55 (1), (2))

- (1) If a police officer or authorised person suspects on reasonable grounds that a person has contravened these regulations, the police officer or authorised person may require the person to state the person's name and home address.

- (2) A person must not—
- (a) without reasonable excuse, fail to state his or her name and home address when required to do so under subregulation (1); or
 - (b) state a false name or home address in purported compliance with a requirement under that subregulation.

Maximum penalty: 10 penalty units.

Note An authorised person must first show his or her identity card to a person before exercising a power under the road transport legislation (see *Road Transport (General) Act 1999*, s 21).

Schedule 1 Bus service standards

(see reg 12 (1) and reg 13)

The service standards for accreditation to operate a bus service are standards about the following matters:

- (a) the location and operation of bus depots;
- (b) the inspection of buses for compliance with regulation 20 (Maintenance of buses);
- (c) the parking, cleaning, servicing, maintenance and repair of buses;
- (d) for cleaning, servicing, maintenance or repairs to buses carried out by the accredited person—the operation of the facilities for those activities carried out by the accredited person and the training of people to carry out those activities;
- (e) the auditing (including financial and performance audits) of records and systems;
- (f) for the operation of the bus service—
 - (i) the training of bus drivers; and
 - (ii) the driving hours of, and rest periods for, bus drivers; and
 - (iii) the monitoring of the safety of bus drivers; and
 - (iv) how contraventions of the road transport legislation by bus drivers will be handled; and
 - (v) dealing with customer inquiries (including for customer complaints and lost property); and
 - (vi) the recording and resolution of customer complaints; and
 - (vii) the making available to the public of fares, timetables, route maps or tour information (as appropriate); and
 - (viii) the handling and disposal of lost property; and

- (ix) ensuring that an adequate number of buses are available to operate the bus service; and
- (x) the training of people to manage, and the management of, any incident causing the death of, or bodily injury to, anyone caused by, or arises out of the use of, a bus used to operate a bus service; and
- (xi) the management and recording of records and information required to be kept under the regulations or a service contract under the Act, section 17 (Service contracts).

Dictionary

(see reg 3)

accepted service standard means—

- (a) a service standard mentioned in regulation 12 (1) (b) (Accreditation and certificates of accreditation); or
- (b) such a service standard as amended under regulation 13 (Amendment of accepted service standards).

accredited, in relation to a person—see the Act, dictionary.

accredited operator means—

- (a) for a public passenger service—an accredited person who is entitled to operate the service; or
- (b) for a public passenger service vehicle—an accredited person who is entitled to operate the public passenger service for which the vehicle is operated.

another jurisdiction—see the Act, dictionary.

applicant, for part 2.2 (Accreditation procedure)—see regulation 7 (1) (Application procedure for accreditation).

approved educational qualifications, for a kind of accreditation, mean educational qualifications approved by the road transport authority under regulation 19 (Approval of educational qualifications) for that kind of accreditation.

Australian Design Rule—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

Australian Road Rules—see the *Road Transport (Safety and Traffic Management) Regulations 2000*, regulation 5.

authorised person—see the *Road Transport (General) Act 1999*, dictionary.

bus means a bus within the meaning of the Act that is used to operate a public passenger service.

bus service—see the Act, section 11 (Meaning of *bus service*).

bus stop means a bus stop appointed under regulation 64 (Appointment of bus stops).

bus ticket means anything issued by or on behalf of the accredited operator of a bus service for the purpose of authorising a person to travel in a bus operated for the service.

disciplinary notice—see regulation 67 (1) (Procedure for authority taking disciplinary action).

drive a public passenger vehicle includes stop or park the vehicle.

driver, of a public passenger vehicle, means the person driving the vehicle.

executive officer—see the Act, dictionary.

fittings, of a vehicle, includes the seats, seat covers and floor coverings of the vehicle.

goods includes luggage.

home address—see the *Road Transport (General) Act 1999*, dictionary.

immediate suspension notice—see regulation 68 (3) (Immediate suspension of accreditation).

in a vehicle includes on the vehicle.

inspect a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

liquor—see the *Liquor Act 1975*, section 4.

mandatory disqualifying offence means—

- (a) an offence against a law of any jurisdiction, an external Territory or foreign country—
 - (i) involving dishonesty, bribery, misrepresentation, blackmail, or actual or threatened violence; or
 - (ii) of a sexual nature; or
 - (iii) involving the use or possession, or the supply to someone else, of a drug; or
- (b) an offence against a law of any jurisdiction, an external Territory or foreign country for which a person is sentenced to a term of imprisonment.

motor vehicle—see the Act, dictionary.

noncompliance notice—see regulation 76 (1) (Attachment and removal of noncompliance notices).

operate a public passenger vehicle includes drive a public passenger vehicle.

public passenger service—see the Act, section 10.

public passenger vehicle—see the Act, dictionary.

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

public vehicle policy—see the *Road Transport (General) Act 1999*, section 218.

relevant person—see regulation 6.

road—see the Act, dictionary.

road transport authority—see the Act, dictionary.

road transport legislation—see the *Road Transport (General) Act 1999*, section 6.

service standard—see schedule 1.

time of effect, for a noncompliance notice—see regulation 76 (2) (b) (Attachment and removal of noncompliance notices).

vehicle standards—see the *Road Transport (Vehicle Registration) Regulations 2000*, schedule 1.

Endnotes

Notification

- 1 Notified under the *Legislation Act 2001* on 18 October 2001.
(see www.legislation.act.gov.au)

Penalty units

- 2 The *Legislation Act 2001*, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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