



New South Wales

Passenger Transport Amendment (Penalty Notice Offences) Regulation 1996

under the
Passenger Transport Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

BRIAN LANGTON, M.P.,
Minister for Transport.

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (Bus Services) Regulation 1995*, the *Passenger Transport (Ferry Services) Regulation 1995* and the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* so as to prescribe:

- certain additional offences under those Regulations in respect of which penalty notices ("on-the-spot fines") may be issued, and
- the short descriptions that, by virtue of section 145B of the *Justices Act 1902*, may be used to describe those offences in any information, complaint, summons, warrant, notice, order or other document, and
- the penalty payable for such offence if the offence is dealt with under the penalty notice rather than by a court.

This Regulation also:

- (a) amends the penalties payable under penalty notices for certain offences against the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* to reflect more accurately the differences in the maximum penalties for those offences, and

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- (b) amends the short descriptions under the *Passenger Transport (Bus Services) Regulation 1995* and the *Passenger Transport (Ferry Services) Regulation 1995* of an offence relating to lost property, and
- (c) amends the short descriptions of certain offences under the *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* relating to the dress and conduct of drivers, and
- (d) makes a minor amendment (by way of law revision) to the *Passenger Transport (Taxi-cab Services) Regulation 1995*.

This Regulation is made under the *Passenger Transport Act 1990*, and, in particular, sections 59 (Penalty notices for certain offences) and 63 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Passenger Transport Amendment (Penalty Notice Offences) Regulation 1996*.

2 Commencement

This Regulation commences on 20 December 1996.

3 Amendment of Passenger Transport (Bus Services) Regulation 1995

The *Passenger Transport (Bus Services) Regulation 1995* is amended as set out in Schedule 1.

4 Amendment of Passenger Transport (Ferry Services) Regulation 1995

The *Passenger Transport (Ferry Services) Regulation 1995* is amended as set out in Schedule 2.

5 Amendment of Passenger Transport (Private Hire Vehicle Services) Regulation 1995

The *Passenger Transport (Private Hire Vehicle Services) Regulation 1995* is amended as set out in Schedule 3.

6 Amendment of Passenger Transport (Taxi-cab Services) Regulation 1995

The *Passenger Transport (Taxi-cab Services) Regulation 1995* is amended by renumbering the last subclause of clause 19A as subclause (3).

7 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Passenger Transport (Bus Services) Regulation 1995

(Clause 3)

[1] Schedule 1 Penalty notice offences

Insert in numerical order of clauses in Part 2 of Schedule 1:

Clause 5	operator allow use unclean/untidy bus	\$200
Clause 6 (1)	not ensure bus timetable can be met without speeding	\$200
Clause 6 (2)	not provide copy bus timetable to Director-General	\$200
Clause 8 (1) (a)	not ensure bus driver authorised	\$200
Clause 8 (1) (b)	not ensure bus driver licensed	\$200
Clause 8 (2) (a)	not keep record bus driver's name/address	\$200
Clause 8 (2) (b)	not keep record bus driver's dates/times of driving	\$200
Clause 9 (a)	not retain bus records	\$200
Clause 9 (b)	not produce bus record to authorised officer	\$200
Clause 9 (c)	not deliver bus record to Director-General	\$200
Clause 10	bus operator not maintain required insurance	\$200
Clause 11 (1)	drive bus without displaying authority card properly	\$100
Clause 11 (2)	bus driver not produce authority card	\$100
Clause 12 (1) (a)	bus driver not set down passenger	\$100
Clause 12 (1) (b)	bus driver not pick up passenger	\$100
Clause 12 (2)	driver not stop bus close/parallel to kerb	\$100
Clause 13 (1) (a)	bus driver carry extra passenger	\$100
Clause 13 (1) (b)	bus driver carry extra seated passenger	\$100
Clause 13 (1) (c)	bus driver carry extra standing passenger	\$100
Clause 13 (4)	operator not display carrying capacity of bus properly	\$100

Clause 15 (a)	carry passenger on unauthorised portion of bus	\$100
Clause 15 (b)	allow standing on upper deck	\$100
Clause 15 (c)	allow person occupy driving seat/area to right of driving seat	\$100
Clause 15 (d)	allow person in front of driving seat	\$100
Clause 16	driver not follow bus route/timetable	\$100
Clause 17 (a)	smoke on bus while conveying passenger	\$100
Clause 17 (b)	solicit passenger/hiring	\$100
Clause 17 (c)	move bus with doors open	\$100
Clause 17 (d)	negligent/wilful start/cause start bus risking passenger/intended passenger	\$100
Clause 18 (a)	bus driver not clean/tidy/wearing clean/respectable clothes	\$100
Clause 18 (b)	bus driver not behave in orderly manner/with civility/propriety	\$100
Clause 19	bus driver leave driving seat	\$100
Clause 49 (2) (a)	alter/deface authority/authority card	\$100
Clause 49 (2) (b)	lend/part with authority/authority card	\$100
Clause 50 (1)	not surrender varid/cancelled/suspended authority	\$200
Clause 50 (2)	not surrender expired authority card	\$200
Clause 55 (2)	bus driver/passenger not give name/address	\$100

[2] Schedule 1, Part 2

Omit the matter relating to clause 45 (1). Insert instead:

Clause 45 (1)	not deal properly with property found on bus	\$100
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Schedule 2 Amendment of Passenger Transport (Ferry Services) Regulation 1995

(Clause 4)

[1] Schedule 1 Penalty notice offences

Insert in numerical order of clauses in Part 2 of Schedule 1:

Clause 5	allow use unclean/untidy ferry	\$100
Clause 6 (a)	not retain ferry record	\$200
Clause 4 (b)	not produce ferry record to authorised officer	\$200
Clause 4 (c)	not deliver ferry record to Director-General	\$200
Clause 7	master not follow ferry timetable/route	\$100
Clause 37 (2)	person on ferry/wharf not give name/address	\$100

[2] Schedule 1, Part 2

Omit the matter relating to clause 35 (1). Insert instead:

Clause 35 (1)	not deal properly with property found on ferry	\$100
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Amendment of Passenger Transport (Private Hire Vehicle Services) Regulation 1995 Schedule 3

**Schedule 3 Amendment of Passenger Transport
(Private Hire Vehicle Services)
Regulation 1995**

(Clause 5)

[1] Schedule 1 Penalty notice offences

Omit “\$200” wherever occurring in relation to clauses 6 and 15 (d) in Part 2 of Schedule 1

Insert instead “\$150”.

[2] Schedule 1, Part 2

Omit “\$100” wherever occurring in relation to clauses 21 (a) and (b) and 29.

Insert instead “\$150”.

[3] Schedule 1, Part 2

Insert in numerical order of clause in Part 2 of Schedule 1:

Clause 7 (a)	allow hire car be driven after expiry non-compliance notice	\$200
Clause 7 (b)	allow hire car be driven after unlawful removal notice	\$200
Clause 8 (1) (a)	allow unauthorised person drive hire car	\$200
Clause 8 (1) (b)	allow unlicensed person drive hire car	\$200
Clause 8 (2) (a)	not keep record hire car driver's name/ address	\$200
Clause 8 (2) (b)	not keep record hire car driver's date/times of driving	\$200
Clause 9 (a)	not retain hire car record	\$200
Clause 9 (b)	not produce hire car record to authorised officer	\$200
Clause 9 (c)	not deliver hire car record to Director-General	\$200

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Clause 10	hire car operator not maintain required insurance	\$200
Clause 11	hire car driver not produce authority card	\$150
Clause 13 (a)	drive hire car after expiry non-compliance notice	\$200
Clause 13 (b)	drive hire car after unlawful removal non-compliance notice	\$200
Clause 14	allow hire car carry article inconvenient to other person	\$100
Clause 20 (a)	charge fare when hire car delayed by fuel shortag/accident	\$150
Clause 20 (b)	charge fare when hire car delayed by avoidable cause	\$150
Clause 27	not deal properly with property found in hire car	\$100
Clause 28 (4)	unauthorised person remove non-compliance notice	\$200
Clause 32 (1)	not return cancelled/suspended/expired licence	\$200
Clause 35 (2)	hire car driver/passenger not give name/address	\$100

[4] Schedule 1, Part 2

Omit “\$150” where occurring in relation to clause 12.
Insert instead “\$100”.

[5] Schedule 1, Part 2

Omit the matter relating to clause 16 (a). Insert instead:

Clause 16 (a)	hire car driver not clean/tidy/wearing clean/respectable clothes	\$150
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[6] Schedule 1, Part 2

Omit “orderly/with civility and propriety” from the matter relating to clause 16 (b).

Insert instead “in orderly manner/with civility/propriety”.

[7] Schedule 1, Part 2

Omit “\$100” where occurring in relation to clause 32 (2).

Insert instead “\$200”.