

1995—No. 396

**PASSENGER TRANSPORT ACT 1990—REGULATION**

(Passenger Transport (General) Regulation 1995)

NEW SOUTH WALES



*[Published in Gazette No. 102 of 25 August 1995]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Passenger Transport Act 1990, has been pleased to make the Regulation set forth hereunder.

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

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Passenger Transport (General) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“the Act” means the Passenger Transport Act 1990;

“driver’s authority card” means an authority card issued under clause 6;

“tourist service vehicle” means a vehicle of a kind referred to in clause 4 (1) that is used to provide a tourist service.

**PART 2—TOURIST SERVICES****Tourist services**

**4. (1)** For the purposes of the definition of “**tourist service**” in section 3 of the Act, the following vehicles are prescribed kinds of vehicle (and, when used to provide a tourist service, are “**tourist service vehicle**” for the purposes of this Regulation):

- (a) motor cycles;
- (b) 4-wheel drive tour vehicles.

**(2)** For the purposes of section 6 of the Act:

- (a) a tourist service vehicle is to be taken to be a public passenger vehicle for the purposes of the Act; and
- (b) the provisions of the Act apply to all tourist service vehicles.

**(3)** In this clause:

“**4-wheel drive tour vehicle**” means a motor vehicle that complies with the Australian Design Rules category definition for off-road passenger vehicles (MC Vehicles);

“**motor cycle**” means a motor vehicle that has 2 wheels only or, if a sidecar or sidebox is attached, has 3 wheels only, but does not include a motor tricycle.

**Driver to display driver’s authority card**

**5.** The driver of a tourist service vehicle must not fail to produce the appropriate driver’s authority card for inspection on demand made by an authorised officer.

Maximum penalty: 5 penalty units.

**Drivers’ authority cards**

**6. (1)** The Director-General may issue a driver’s authority card to the holder of an authority to drive a tourist service vehicle.

**(2)** A driver’s authority card must display:

- (a) a photograph of the person; and
- (b) the number of the authority; and
- (c) the expiry date for the card.

**(3)** A driver’s authority card expires at midnight on the date specified on the card as the expiry date.

**Misuse of authorities and authority cards**

**7. (1)** This clause applies to authorities to drive tourist service vehicles and to drivers' authority cards.

**(2)** A person must not:

- (a)** alter or deface any authority or authority card; or
- (b)** lend or part with any authority or authority card.

Maximum penalty: 5 penalty units.

**(3)** An authority or authority card that has been altered or defaced is void and may be returned to the Director-General for replacement.

**(4)** On the return of an authority or authority card, or on proof to the satisfaction of the Director-General that an authority or authority card has been destroyed, stolen or lost, the Director-General may cause a duplicate of it to be issued, and any such duplicate then becomes, for the purposes of the Act and this Regulation, the authority or authority card in respect of which the duplicate is issued, and the original authority or authority card becomes void.

**Return of authorities and authority cards**

**8. (1)** The holder of an authority to drive a tourist service vehicle who has received notice of the variation, cancellation or suspension of the authority must immediately deliver the authority to the Director-General at an address specified in the notice.

Maximum penalty: 10 penalty units.

**(2)** The holder of an expired driver's authority card must, on the receipt of a written notice from the Director-General, immediately deliver the card to the Director-General at an address specified in the notice.

Maximum penalty: 10 penalty units.

**Fees**

**9.** For the purposes of section 15 of the Act, the prescribed fee for a tourist service provided by a tourist service vehicle is:

- (a)** \$100 for an application for accreditation as an operator; and
- (b)** \$20 for an application for an authority as a driver.

**PART 3—MISCELLANEOUS****Categories of driver authorities**

**10. (1)** For the purposes of section 11 of the Act, the following categories of driver authorities are created:

- (a) authorities to drive buses, except those providing long-distance or tourist services;
- (b) authorities to drive buses providing long-distance and tourist services;
- (c) authorities to drive taxi-cabs in the Metropolitan transport district;
- (d) authorities to drive taxi-cabs in the Newcastle transport district;
- (e) authorities to drive taxi-cabs in the Wollongong transport district;
- (f) authorities to drive taxi-cabs, except in the transport districts referred to in paragraphs (c), (d) and (e);
- (g) authorities to drive private hire vehicles;
- (h) authorities to drive tourist service vehicles;
- (i) authorities to drive other public passenger vehicles.

(2) A driver may be issued with an authority which is valid for any of the above categories or for any combination of them.

(3) In this clause, “transport district” means a transport district established under the Transport Administration Act 1988.

#### **Time for lodging appeals**

11. For the purposes of section 52 (6) of the Act, the prescribed time is 21 days after the intending appellant is notified of the decision against which the appeal is to be brought.

#### **Exemptions**

12. (1) The Director-General may, by instrument in writing:

- (a) exempt a person accredited under section 7 or authorised under section 11 of the Act, or a service or services carried on by a person so accredited, from all or any of the provisions of the Act or this Regulation; or
- (b) exempt a person from any requirement to be so accredited or authorised.

(2) The Director-General may, by notice published in the Gazette:

- (a) exempt a class of persons accredited under section 7 or authorised under section 11 of the Act from all or any of the provisions of the Act or this Regulation; or
- (b) exempt a class of persons from any requirement to be so accredited or authorised.

(3) The Director-General may, by instrument in writing, exempt the holder of a licence for a taxi-cab or private hire vehicle from any requirement to be accredited under section 7 of the Act if the Director-General is satisfied that the licensee is of good repute and otherwise fit and proper to hold a licence.

(4) An exemption under this clause may be expressed to be conditional on the observance, by the exempted person, of certain conditions specified in the exemption and, if the exemption is given in those terms, it ceases to have effect if the conditions are not observed.

(5) Any exemption granted under this clause (and any conditions for the time being attached to the exemption) may, in the same manner as the exemption was granted (or, in so far as it relates to a particular person, by notice served on that person), be revoked or varied by the Director-General at any time.

(6) Police officers are exempt from the provisions of section 57(2) of the Act.

### Repeal

13. (1) The Passenger Transport Regulation 1990 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Passenger Transport Regulation 1990, had effect under that Regulation continues to have effect under:

- (a) this Regulation; or
- (b) the Passenger Transport (Bus Services) Regulation 1995; or
- (c) the Passenger Transport (Ferry Services) Regulation 1995; or
- (d) the Passenger Transport (Taxi-cab Services) Regulation 1995; or
- (e) the Passenger Transport (Private Hire Vehicle Services) Regulation 1995,

as the case requires.

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## NOTES

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## PART 3—MISCELLANEOUS

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**EXPLANATORY NOTE**

The objects of this Regulation are to repeal the Passenger Transport Regulation 1990 and to remake some of its provisions in a new Regulation. The remaining provisions of the old Regulation are being remade in other regulations relating to Bus Services, Ferry Services, Taxi-cab Services and Private Hire Vehicle Services. The new Regulation deals with the following matters:

- (a) the prescription of tourist service vehicles (clause 4);
- (b) authorities to drive tourist service vehicles and authority cards (clauses 5—8);
- (c) prescribing certain application fees (clause 9);
- (d) prescribing categories of driver authorities for the purposes of the Act (clause 10);
- (e) the lodging of appeals (clause 11);
- (f) the granting of exemptions (clause 12);
- (g) other formal matters (Part 1 and clause 13).

This Regulation is made under the Passenger Transport Act 1990, including section 63 (the general regulation making power) and sections 3, 6, 11, 15 and 52.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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