



New South Wales

# Passenger Transport (General) Regulation 2000

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*.

CARL SCULLY, M.P.,

Minister for Transport

## Explanatory note

The object of this Regulation is to replace the *Passenger Transport (General) Regulation 1995*. That Regulation will be repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation contains the provisions of the *Passenger Transport (General) Regulation 1995* without substantial alteration and includes additional matter (for example, provisions relating to penalty notices).

This Regulation deals with the following matters:

- (a) the prescription of tourist service vehicles (clause 5),
- (b) authorities to drive tourist service vehicles and authority cards (clauses 6–9)
- (c) the prescription of certain application fees in relation to tourist services (clause 10),
- (d) penalty notice offences (clauses 11 and 12 and Schedule 1),
- (e) the prescription of categories of driver authorities for the purposes of the Act (clause 13),
- (f) the granting of exemptions in relation to the Act and the reduction or waiver of certain licence fees (clauses 14 and 15),

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Explanatory note

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- (g) false advertising in relation to public passenger services (clause 16),
- (h) ancillary and formal matters (clauses 1–4 and 17).

This Regulation is made under the *Passenger Transport Act 1990* and, in particular, under sections 11 (Authorities), 38 (Licence fee for ordinary licences), 59 (Penalty notices for certain offences), 63 (the general regulation-making power) and the other sections mentioned in the Regulation.

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Part 1             Preliminary

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# Passenger Transport (General) Regulation 2000

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Passenger Transport (General) Regulation 2000*.

### 2 Commencement

This Regulation commences on 1 September 2000.

**Note.** This Regulation replaces the *Passenger Transport (General) Regulation 1995* which is repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

***driver's authority card*** means an authority card issued under clause 7.

***the Act*** means the *Passenger Transport Act 1990*.

***tourist service vehicle*** means a vehicle of a kind referred to in clause 5 (1) that is used to provide a tourist service.

### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

## Part 2 Tourist services

### 5 Tourist services

(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 vehicles* 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 complies with the Australian Design Rules vehicle category definition for any of the following:

- (a) motor cycles (LC Vehicles),
- (b) motor cycles and side-cars (LD Vehicles),
- (c) motor tricycles (LE Vehicles).

### 6 Driver to produce driver's authority card

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.

### 7 Drivers' authority cards

(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

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- (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.

### 8 Misuse of authorities and authority cards

- (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.

### 9 Return of authorities and authority cards

- (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.

## **10 Fees**

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.

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Clause 11            Passenger Transport (General) Regulation 2000

Part 3                Penalty notice offences

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### Part 3 Penalty notice offences

#### 11 Penalty notice offences

- (1) For the purposes of section 59 of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and
  - (b) the prescribed penalty for such an offence is the amount specified in Column 4 of Schedule 1.
- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

#### 12 Short descriptions

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 consists of the IPB Code set out in relation to the offence in Column 2 of Schedule 1 together with:
  - (a) the expression specified in Column 3 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.

- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause and Schedule 1:
- (a) ***Infringement Processing Bureau*** means the Infringement Processing Bureau within the Police Service.
  - (b) ***IPB Code***, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

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Clause 13            Passenger Transport (General) Regulation 2000

Part 4                Miscellaneous

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### Part 4 Miscellaneous

#### 13 Categories of driver authorities

- (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*.

#### 14 Exemptions

- (1) The Director-General may, by instrument in writing, exempt a person or a vehicle, or a class of persons or vehicles, from all or any of the provisions of the Act or any regulation under the Act.
- (2) Without limiting subclause (1), 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.

- (3) 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.
- (4) 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.
- (5) Police officers are exempt from the provisions of section 57 (2) of the Act.

**15 Reduction or waiver of licence fees**

The Director-General may fix a licence fee at less than the current value of the licence on the open market, or decide not to impose a licence fee for the licence, if conditions of the licence impose restrictions on the use of the taxi-cab or private hire vehicle to which the licence relates in respect of:

- (a) the days on which the vehicle may be used to provide a public passenger service, or
- (b) the times during which the vehicle may be used to provide a public passenger service, or
- (c) the kind of public passenger service that the vehicle may be used to provide.

**16 False advertising**

A person must not advertise, or otherwise represent, that the person:

- (a) is accredited under section 7 of the Act to carry on a public passenger service of a particular kind, or
- (b) holds an authority of a particular category under section 11 of the Act, or
- (c) carries on a public passenger service by means of a vehicle that is licensed under section 29 of the Act for the purposes of a public passenger service of a particular kind,

unless the person is so accredited or authorised, or the vehicle concerned is so licensed (as the case may be).

Maximum penalty: 10 penalty units.

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Clause 17            Passenger Transport (General) Regulation 2000

Part 4                Miscellaneous

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### **17   Saving**

Any act, matter or thing that had effect under the *Passenger Transport (General) Regulation 1995* immediately before the repeal of that Regulation by the *Subordinate Legislation Act 1989* is taken to have effect under this Regulation.

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**Schedule 1 Penalty notice offences**

(Clauses 11 and 12)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Provision</b>	<b>IPB Code</b>	<b>Short description</b>	<b>Penalty</b>
Clause 8 (2) (a)	0010, 4375	alter/deface authority card	\$150
Clause 8 (2) (b)	0024, 4474	lend/part with authority card	\$150
Clause 9 (1)	0033, 4475	fail to deliver authority	\$200
Clause 9 (2)	0038, 4477	fail to return authority card	\$200
Clause 16	0039, 4479	false representation of accreditation/authorisation/licence	\$200