



# Passenger Transport (Bus Services) Amendment Regulation 2004

under the

Passenger Transport Act 1990

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

MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

## Explanatory note

The objects of this Regulation are:

- (a) to place certain conditions on a service contract held by a bus operator, being conditions relating to dealing with contraventions of the *Passenger Transport (Bus Services) Regulation 2000* by school students on buses, and
- (b) to place a duty on a bus driver to take appropriate action if a passenger is endangering the safety of any person, and
- (c) to require the operator of a bus service, a bus driver or an authorised officer to consider what is reasonable action to take in relation to a school student who is contravening the *Passenger Transport (Bus Services) Regulation 2000* and to have regard to guidelines published by the Director-General of the Ministry of Transport for managing the behaviour of school students on buses, and
- (d) to enable a bus driver or an authorised officer to direct a school student on a bus to move to a certain part of the bus so as to maintain order on the bus, and
- (e) to enable a bus driver to refuse to pick up a school student who has contravened a provision of the *Passenger Transport (Bus Services) Regulation 2000*, and
- (f) to place certain restrictions on a bus driver or an authorised officer giving a direction to a school student to leave the bus, and
- (g) to enable penalty notices to be issued for certain offences created by the Regulation.

## **2004 No 469**

Passenger Transport (Bus Services) Amendment Regulation 2004

Explanatory note

---

This Regulation is made under the *Passenger Transport Act 1990*, including sections 59 and 63 (the general regulation-making power).

---

## **Passenger Transport (Bus Services) Amendment Regulation 2004**

under the

Passenger Transport Act 1990

### **1 Name of Regulation**

This Regulation is the *Passenger Transport (Bus Services) Amendment Regulation 2004*.

### **2 Amendment of Passenger Transport (Bus Services) Regulation 2000**

The *Passenger Transport (Bus Services) Regulation 2000* is amended as set out in Schedule 1.

## Schedule 1 Amendments

(Clause 2)

### [1] Part 2, Division 3

Insert after Division 2 of Part 2:

#### **Division 3 Conditions of service contracts**

##### **22A Conditions of service contracts**

- (1) The following are conditions of every service contract that authorises the carrying on of a bus service:
  - (a) the operator of the bus service must ensure that every driver of a bus in the service is made aware of the provisions of Part 4 and of any guidelines referred to in clause 47A (2),
  - (b) the operator must take all reasonable steps to notify a parent or guardian of a school student:
    - (i) before action is taken by the operator or a driver of a bus in the service in relation to a contravention of this Regulation by the school student, or
    - (ii) as soon as possible after such action is taken if immediate action was required in the circumstances,  
  
unless the operator considers that the action or the behaviour was of a minor nature,
  - (c) the operator must take all necessary steps to comply with any requirement given to the operator by the Director-General as a result of a review undertaken under clause 47E.
- (2) An operator is to be considered to have taken all reasonable steps to notify a parent or guardian for the purposes of subclause (1) (b) if the operator sends the notification to the last address that the operator has recorded for the parent or guardian.
- (3) The conditions specified in subclause (1) for a service contract are in addition to the terms and conditions set out in the contract under section 16 (1) of the Act.

- (4) An operator of a bus service who is the holder of a service contract authorising the carrying on of the bus service must not contravene or fail to comply with the terms and conditions of the service contract.

Maximum penalty: 50 penalty units.

- (5) Nothing in this clause affects the operation of Part 3 of the Act.

**[2] Part 4 Conduct of passengers**

Insert after the heading to Part 4:

**Division 1 General provisions**

**[3] Clause 46 Leaving bus when directed**

Insert at the end of the clause:

**Note.** Clause 47C contains further provisions relating to the giving of directions under this clause to school students.

**[4] Clause 46A**

Insert after clause 46:

**46A Driver to take action in relation to dangerous conduct**

- (1) The driver of a bus is to take such action as is appropriate (for example, contacting the operator of the bus or the police for help) if the driver believes on reasonable grounds that the conduct of a passenger is endangering the safety of any person.
- (2) This clause has effect despite clause 47C.

**[5] Part 4, Division 2**

Insert after clause 47:

**Division 2 Special provisions relating to conduct of school students on buses**

**47A Dealing with contraventions of this Regulation by school students**

- (1) Despite any other provision of this Regulation, the operator of a bus service, a driver of a bus or an authorised officer may

## 2004 No 469

### Passenger Transport (Bus Services) Amendment Regulation 2004

#### Schedule 1 Amendments

---

take only such action under this Regulation as is reasonable in the circumstances when dealing with a school student who has contravened a provision of this Regulation.

- (2) In determining what action is reasonable for the purposes of subclause (1), regard is to be had to any guidelines for managing the behaviour of school students on buses published from time to time by the Director-General.

#### **47B Directions to move to certain part of the bus**

- (1) A driver of a bus, or an authorised officer on a bus, may direct a school student on the bus to occupy a specified seat on the bus, or to move to a particular part of the bus, if the driver or authorised officer believes on reasonable grounds that it is necessary for the preservation of order on the bus.
- (2) A person must not fail to comply with such a direction.  
Maximum penalty (subclause (2)): 5 penalty units.

#### **47C Leaving bus when directed**

A driver of a bus, or an authorised officer on a bus, is not to make a direction under clause 46 in relation to a person who the driver or authorised officer knows is a school student or ought reasonably to know is a school student unless:

- (a) on leaving the bus, the school student will be in the care of a person who is legally responsible for the student, or
- (b) the place at which the student is directed to leave the bus would appear to a reasonable person to be appropriate, having regard to the traffic conditions, proximity to other transport and nature of the locality.

#### **47D Refusal to pick up school student**

A driver of a bus may refuse to stop for, or to allow onto the bus, a school student who the driver believes on reasonable grounds has contravened a provision of this Regulation (whether or not the student has been prosecuted in relation to the contravention).

---

**47E Review of action taken by operator or driver**

The Director-General may review any action taken by the operator of a bus service or by a driver of a bus that involves the refusal to carry a particular school student on a bus or the placing of conditions on the carrying of a particular school student on a bus.

**[6] Schedule 1 Penalty notice offences**

Insert in appropriate order in Column 1 and Column 2 of Part 2:

Clause 22A (4)                      \$1,000

Clause 47B (2)                      \$100