



Passenger Transport Amendment (Rail Safety National Law) Regulation 2012

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*.

GLADYS BEREJIKLIAN, MP
Minister for Transport

Explanatory note

The object of this Regulation is to make various amendments to the *Passenger Transport Regulation 2007* and the *Passenger Transport (Drug and Alcohol Testing) Regulation 2010* as a consequence of amendments made to the *Passenger Transport Act 1990* by the *Rail Safety (Adoption of National Law) Act 2012*.

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

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Passenger Transport Amendment (Rail Safety National Law) Regulation 2012

under the

Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport Amendment (Rail Safety National Law) Regulation 2012*.

2 Commencement

This Regulation commences on 20 January 2013 and is required to be published on the NSW legislation website.

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Schedule 1 Amendment of Passenger Transport Regulation 2007

**Schedule 1 Amendment of Passenger Transport
Regulation 2007**

- [1] **Clause 3 Definitions**
Omit “the Director-General” from paragraph (a) of the definition of *approved* in clause 3 (1).
Insert instead “TfNSW”.
- [2] **Clause 3 (1), definition of “approved”**
Omit “the Director-General” from paragraph (b). Insert instead “RMS”.
- [3] **Clause 3 (1), definitions of “authorised fare”**
Omit “the Director-General” wherever occurring. Insert instead “TfNSW”.
- [4] **Clause 3 (1), definition of “authorised taxi-cab inspection station”**
Omit “the Director-General” from paragraph (b). Insert instead “RMS”.
- [5] **Clause 3 (1), definition of “Manual of Inspection Standards for Taxi-Cabs”**
Omit “the Department”. Insert instead “RMS”.
- [6] **Clause 3 (1), definition of “night-time surcharge rate”**
Omit “the Director-General”. Insert instead “TfNSW”.
- [7] **Clause 3 (1), definition of “prohibited communication device”**
Omit “the Director-General” from paragraph (d). Insert instead “TfNSW”.
- [8] **Clause 3 (1), definition of “RTA”**
Omit the definition.
- [9] **Clause 6 Standards to be met by applicants for accreditation to carry on public passenger services**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [10] **Clause 7 Applicant to be of good repute**
Omit “the Director-General” from clause 7 (2). Insert instead “RMS”.
- [11] **Clause 8 Applicant to be fit and proper person to carry on relevant service**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.

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- [12] **Clause 9 Applicant to be competent to carry on relevant service**
Omit “the Director-General” where firstly and secondly occurring in clause 9 (2).
Insert instead “RMS”.
- [13] **Clause 9 (2)**
Omit “the Director-General” where thirdly and fourthly occurring.
Insert instead “TfNSW”.
- [14] **Clause 9 (2) (iii)**
Omit “*Occupational Health and Safety Act 2000*”.
Insert instead “*Work Health and Safety Act 2011*”.
- [15] **Clause 11 Applicant to have access to maintenance facilities for vehicles**
Omit “the Director-General” from clause 11 (2). Insert instead “RMS”.
- [16] **Clause 12 Additional requirement: bus services**
Omit “the Director-General” from clause 12 (1). Insert instead “RMS”.
- [17] **Clause 13 Fees relating to accreditations to carry on certain public passenger services**
Omit “the Director-General” from clause 13 (2) (a). Insert instead “RMS”.
- [18] **Clause 13 (3)**
Omit “subclause (3)”. Insert instead “subclause (2)”.
- [19] **Clause 13, note**
Omit “the Director-General”. Insert instead “TfNSW”.
- [20] **Clause 18 Changes to information provided**
Omit “the Director-General” from clause 18 (1). Insert instead “RMS”.
- [21] **Clause 19 Records relating to operation of public passenger vehicles**
Omit “the Director-General” wherever occurring in clause 19 (d).
Insert instead “RMS”.
- [22] **Clause 20 Operator training**
Omit “the Director-General” where firstly occurring in clause 20 (1).
Insert instead “RMS”.

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- [23] **Clause 20 (1)**
Omit “the Director-General” where secondly and thirdly occurring.
Insert instead “TfNSW”.
- [24] **Clause 20 (2)**
Omit “The Director-General”. Insert instead “RMS”.
- [25] **Clause 21 Records of drivers**
Omit “the Director-General” from clause 21 (c). Insert instead “RMS”.
- [26] **Clause 22 Vehicle insurance**
Omit “the Director-General” from clause 22 (1). Insert instead “RMS”.
- [27] **Clause 23 Evidence of accredited operator’s continuing financial capacity**
Omit “the Director-General” and “The Director-General” wherever occurring.
Insert instead “RMS”.
- [28] **Clause 24 Operators to notify detrimental change in driver’s medical condition**
Omit “the Director-General”. Insert instead “RMS”.
- [29] **Clause 29 Criteria for authorisation to drive public passenger vehicles**
Omit “the Director-General” from clause 29 (2) (d) and where firstly occurring
in clause 29 (3) and (4) (a), (b) and (c).
Insert instead “TfNSW”.
- [30] **Clause 29**
Omit “the Director-General” from clause 29 (2) (e) and where secondly
occurring in clause 29 (3) and (4) (a) and (c).
Insert instead “RMS”.
- [31] **Clause 29 (4) (b) (ii)**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [32] **Clause 29, note**
Omit “the Director-General’s”. Insert instead “TfNSW’s”.

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- [33] **Clause 30 Fees relating to authorisations to drive certain public passenger vehicles**
Omit “the Director-General” from the note. Insert instead “TfNSW”.
- [34] **Clause 31 Driver authority cards**
Omit “the Director-General” wherever occurring in clause 31 (1) and (3).
Insert instead “RMS”.
- [35] **Clause 33 Replacement of driver authority cards**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [36] **Clause 43 Training of drivers**
Omit “the Director-General” where firstly occurring in clause 43 (1).
Insert instead “RMS”.
- [37] **Clause 43 (1)**
Omit “the Director-General” where secondly occurring.
Insert instead “TfNSW”.
- [38] **Clause 43 (2)**
Omit “The Director-General”. Insert instead “RMS”.
- [39] **Clause 44 Driver to notify RMS of alleged offence**
Omit “the Director-General” from clause 44 (1). Insert instead “RMS”.
- [40] **Clause 47 Medical condition of drivers**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [41] **Clause 47 (2)**
Omit “The Director-General”. Insert instead “RMS”.
- [42] **Clause 78 Buses to show accreditation details**
Omit “the Director-General” from clause 78 (2) (b). Insert instead “RMS”.
- [43] **Clause 80 Management information system**
Omit “the RTA’s” from clause 80 (1) (d). Insert instead “RMS’s”.
- [44] **Clause 82 Security camera systems and duress alarm systems**
Omit “the Director-General” from clause 82 (4). Insert instead “RMS”.

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- [45] **Clause 83 Timetables**
Omit “the Director-General” from clause 83 (2). Insert instead “RMS”.
- [46] **Clause 85 Information in buses**
Omit “the Director-General” from clause 85 (3) (a). Insert instead “TfNSW”.
- [47] **Clause 87 Destination signs on buses**
Omit “the Director-General” from clause 87 (3). Insert instead “TfNSW”.
- [48] **Clause 88 Notification of accidents and incidents**
Omit “the Director-General” wherever occurring in clause 88 (1) and (2) (b).
Insert instead “RMS”.
- [49] **Clause 88 (5)**
Omit “The Director-General”. Insert instead “RMS”.
- [50] **Clause 90 Audit**
Omit “The Director-General” wherever occurring in clause 90 (1) and (3).
Insert instead “RMS”.
- [51] **Clause 90 (1), (2) (b) and (3)**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [52] **Clause 90 (2) (a)**
Omit “the Director-General’s”. Insert instead “RMS’s”.
- [53] **Clause 91 Conditions of service contracts**
Omit “the Director-General” from clause 91 (1) (c). Insert instead “TfNSW”.
- [54] **Clause 94 Driver not to overload bus**
Omit “the RTA” from clause 94 (4). Insert instead “RMS”.
- [55] **Clause 98 Driver to provide medical certificates**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [56] **Clause 99 Dealing with contraventions of this Regulation by school students**
Omit “the Director-General” from clause 99 (2). Insert instead “TfNSW”.

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- [57] **Clause 103 Review of action taken by operator or driver**
Omit “The Director-General”. Insert instead “TfNSW”.
- [58] **Clause 104 Appointment of bus stops**
Omit “The Director-General” from clause 104 (1). Insert instead “TfNSW”.
- [59] **Clause 105 Buses registered interstate**
Omit “the Director-General”. Insert instead “RMS”.
- [60] **Clause 106 Interstate bus drivers: exemption from section 11**
Omit “the Department” from clause 106 (1) (b). Insert instead “TfNSW”.
- [61] **Clause 107 Identification of taxi-cabs**
Omit “the Director-General”. Insert instead “RMS”.
- [62] **Clause 108 Wheelchair accessible taxi-cabs**
Omit “the Director-General” from clause 108 (e). Insert instead “TfNSW”.
- [63] **Clause 108 (g)**
Omit “the Director-General”. Insert instead “RMS”.
- [64] **Clause 110 Maximum age of taxi-cabs**
Omit “The Director-General” from clause 110 (4). Insert instead “RMS”.
- [65] **Clause 110 (5)**
Omit “the Director-General”. Insert instead “RMS”.
- [66] **Clause 111 Taxi-meters**
Omit “The Director-General” from clause 111 (2). Insert instead “RMS”.
- [67] **Clause 111 (6)**
Omit “the Director-General”. Insert instead “RMS”.
- [68] **Clause 113 Vehicle tracking devices**
Omit “the Director-General” from clause 113 (4). Insert instead “RMS”.
- [69] **Clause 114 Security cameras**
Omit “the Director-General” from clause 114 (5). Insert instead “RMS”.
- [70] **Clause 115 Driver protection screens**
Omit “the Director-General” from clause 115 (1). Insert instead “TfNSW”.

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- [71] **Clause 115 (3)**
Omit “the Director-General”. Insert instead “RMS”.
- [72] **Clause 118 Information in taxi-cabs**
Omit “the Director-General” wherever occurring in clause 118 (2) (c) and (3).
Insert instead “TfNSW”.
- [73] **Clause 119 Regular inspection of taxi-cabs**
Omit “the Department” from clause 119 (2). Insert instead “RMS”.
- [74] **Clause 121 Signs and lights on taxi-cabs**
Omit “the Director-General” wherever occurring in clause 121 (1) (a) and (3).
Insert instead “RMS”.
- [75] **Clause 121 (10), definition of “urban area”**
Omit “the Director-General”. Insert instead “TfNSW”.
- [76] **Clause 122 Network decals and livery**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [77] **Clause 124 Stand-by taxi-cabs**
Omit “the Director-General” wherever occurring in clause 124 (2) and (6).
Insert instead “RMS”.
- [78] **Clause 124 (4)**
Omit “the RTA”. Insert instead “RMS”.
- [79] **Clause 125 Taxi-cabs to comply with on-road standards when inspected**
Insert “required by clause 115” after “driver protection screen” in
clause 125 (g).
- [80] **Clause 126 Advertisements and notices in or on outside of taxi-cabs**
Omit “the Director-General”. Insert instead “RMS”.
- [81] **Clause 127 Alteration of taxi-cabs**
Omit “the Director-General”. Insert instead “RMS”.
- [82] **Clause 130 Driver to be supplied with worksheets**
Omit “the Director-General”. Insert instead “RMS”.

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- [83] **Clause 133 Driver of wheelchair accessible taxi-cab to be trained**
Omit “the Director-General” from clause 133 (1). Insert instead “TfNSW”.
- [84] **Clause 133 (2)**
Omit “the Director-General”. Insert instead “RMS”.
- [85] **Clause 135 Certain behaviour prohibited**
Omit “the Director-General” from clause 135 (b). Insert instead “RMS”.
- [86] **Clause 142 Display of destination sign on taxi-cab**
Omit “the Director-General” from clause 142 (3). Insert instead “RMS”.
- [87] **Clause 153 Journey by taxi-cab to pick-up point**
Omit “the Director-General” from clause 153 (1) (d). Insert instead “TfNSW”.
- [88] **Clause 163 Fares for taxi-cabs**
Omit “the Director-General” from clause 163 (6). Insert instead “TfNSW”.
- [89] **Clause 163A Central Coast pre-payment trial**
Omit “the Director-General” wherever occurring in clause 163A (3) and (7).
Insert instead “RMS”.
- [90] **Clause 163A (10)**
Omit “the Director-General” wherever occurring. Insert instead “TfNSW”.
- [91] **Clause 163B Kings Cross pre-payment trial**
Omit “the Director-General” wherever occurring in clause 163B (8).
Insert instead “TfNSW”.
- [92] **Clause 164 Standards to be met, and information to be provided, by applicants for authorisation to operate taxi-cab networks**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [93] **Clause 165 Applicant to be of good repute**
Omit “the Director-General” from clause 165 (2). Insert instead “RMS”.
- [94] **Clause 166 Applicant to be fit and proper person to operate taxi-cab network**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.

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- [95] **Clause 166 (2)**
Omit “accreditation” wherever occurring. Insert instead “authorisation”.
- [96] **Clause 167 Applicant to have technical competence to operate taxi-cab network**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [97] **Clause 169 Applicant to have managerial competence to operate taxi-cab network**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [98] **Clause 175 Operator of taxi-cab service to be given access to booking service**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [99] **Clause 178 Lost property**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [100] **Clause 179 Affiliates of network**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [101] **Clause 181 Use of network equipment**
Omit “the Director-General” from clause 181 (b). Insert instead “RMS”.
- [102] **Clause 181A Grant of annual licences**
Omit “the Director-General” from clause 181A (2) (b). Insert instead “RMS”.
- [103] **Clause 181A (2) (c)**
Omit “the Director-General”. Insert instead “TfNSW”.
- [104] **Clause 182 Performance reports**
Omit “the Director-General” wherever occurring in clause 182 (1).
Insert instead “RMS”.
- [105] **Clause 182 (1)**
Omit “the Director-General’s”. Insert instead “RMS’s”.
- [106] **Clause 182 (2)**
Omit “the Director-General”. Insert instead “TfNSW”.

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- [107] **Clause 183 Appointment of taxi zones**
Omit “The Director-General” from clause 183 (1). Insert instead “TfNSW”.
- [108] **Clause 183 (5)**
Omit “the RTA”. Insert instead “RMS”.
- [109] **Clause 184 RMS to be notified of lease or licence of taxi-cab**
Omit “the Director-General” from clause 184 (1). Insert instead “RMS”.
- [110] **Clause 185 Condition of licence: information concerning transfer**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [111] **Clause 186 Reduction or waiver of fees for licences of taxi-cabs**
Omit “the Director-General” wherever occurring in clause 186 (1).
Insert instead “TfNSW”.
- [112] **Clause 187 Specifications for private hire vehicles**
Omit “The Director-General” wherever occurring in clause 187 (1) and (3).
Insert instead “TfNSW”.
- [113] **Clause 199 Alteration of a private hire vehicle**
Omit “the Director-General”. Insert instead “RMS”.
- [114] **Clause 200 Condition of licence: information concerning transfer**
Omit “the Director-General” wherever occurring. Insert instead “RMS”.
- [115] **Clause 201 Reduction or waiver of fees for licences for private hire vehicles**
Omit “the Director-General” wherever occurring in clause 201 (1).
Insert instead “TfNSW”.
- [116] **Clause 212 Records in relation to operation of ferry**
Omit “the Director-General” wherever occurring in clause 212 (d).
Insert instead “TfNSW”.
- [117] **Clause 234 False advertising**
Omit “the Director-General” from clause 234 (1) (c). Insert instead “RMS”.

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- [118] **Clause 235 Change of name or address of operator or driver**
Omit “the Director-General” from clause 235 (1). Insert instead “RMS”.
- [119] **Clause 236 Additional agencies with which information may be exchanged**
Omit “the RTA” from clause 236 (b). Insert instead “RMS”.
- [120] **Clause 236 (c)**
Omit “and Reliability”.
- [121] **Clause 237 Exemptions**
Omit “The Director-General” from clause 237 (1). Insert instead “TfNSW”.
- [122] **Clause 237 (3)**
Omit “the Director-General” wherever occurring. Insert instead “TfNSW”.
- [123] **Clause 239**
Omit the clause. Insert instead:
- 239 Authorised officers**
- (1) For the purposes of section 46W (1) and (2) of the Act, the following classes of persons are prescribed:
 - (a) persons employed in the Department of Transport,
 - (b) persons employed in the Transport Service within the meaning of the *Transport Administration Act 1988*,
 - (c) persons employed in the Independent Transport Safety Regulator Division of the Government Service,
 - (d) persons employed in the State Transit Authority Division of the Government Service,
 - (e) persons employed by RailCorp,
 - (f) persons holding an examiner’s authority that is in force under regulations made under the *Road Transport (Vehicle Registration) Act 1997*,
 - (g) persons engaged by RMS or TfNSW under a contract for services,
 - (h) persons engaged by Sydney Airport Corporation Limited to provide road traffic management services.
 - (2) A person referred to in subclause (1) (g) or (h) may only exercise the functions of an authorised officer if the exercise of those functions is subject to the control and direction of TfNSW or

RMS (whichever of those statutory corporations appointed the person as an authorised officer).

- (3) A person who, immediately before the commencement of this subclause, was an authorised officer appointed by TfNSW to exercise functions relating to public passenger services carried on by means of a bus is taken from that commencement to be an authorised officer appointed by RMS until such time as RMS revokes the appointment.

[124] Clause 239B

Insert after clause 239A:

239B Transfer of functions

- (1) Any act, matter or thing done or omitted to be done by the Director-General of the Department of Transport, the Department of Transport or RMS relating to a transferred function that had effect immediately before the commencement of the amending Regulation continues to have effect as if it had been done by the transferee authority.
- (2) In this clause:
amending Regulation means the *Passenger Transport Amendment (Rail Safety National Law) Regulation 2012*.
transferred function means a function of the Director-General of the Department of Transport, the Department of Transport or RMS under this Regulation that, as a result of amendments made by the amending Regulation, is conferred on a different person (the *transferee authority*).

[125] Schedule 1 Approved security camera systems

Omit “the Director-General” from clause 4 (a). Insert instead “TfNSW”.

[126] Schedule 1, clause 5 (2) (b)

Omit “an officer of the Department authorised by the Director-General”.

Insert instead “an officer authorised by RMS”.

[127] Schedule 1, clause 5 (3)

Omit “the Director-General”. Insert instead “RMS”.

[128] Schedule 1, clause 5 (3)

Omit “an officer of the Department”.

Insert instead “an officer authorised by RMS”.

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[129] Schedule 2 Standards for taxi-meters

Omit “the Director-General” from clause 15 (d). Insert instead “RMS”.

Schedule 2 Amendment of Passenger Transport (Drug and Alcohol Testing) Regulation 2010

- [1] **Clause 14 Analysis of samples**
Omit “a regulator” wherever occurring in clause 14 (3) (b) and (4).
Insert instead “RMS”.
- [2] **Clause 27 Person is test supervisor**
Omit “a regulator”. Insert instead “RMS”.
- [3] **Clause 28 Effect of positive test**
Omit “The Director-General” from clause 28 (1). Insert instead “RMS”.
- [4] **Clause 28 (2)**
Omit “The Director-General is to exercise his or her functions”.
Insert instead “RMS is to exercise its functions”.
- [5] **Clause 29 Operator to notify RMS of certain matters**
Omit clause 29 (1).
- [6] **Clause 29 (2) and (4)**
Omit “the regulator” wherever occurring. Insert instead “RMS”.
- [7] **Clause 29 (4)**
Omit “The regulator”. Insert instead “RMS”.
- [8] **Clause 30 Authorisation of test supervisors**
Omit “regulator” from clause 30 (1). Insert instead “RMS”.
- [9] **Clause 30 (2) (c)**
Omit “a regulator”. Insert instead “RMS”.
- [10] **Clause 30 (4)**
Omit the subclause. Insert instead:
- (4) An operator or RMS must furnish a person it authorises by name as a test supervisor with a certificate of authorisation and may furnish such a certificate to any other person that it authorises to be a test supervisor.

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[11] Clause 30 (6)

Omit the subclause. Insert instead:

- (6) An operator or RMS may revoke an authorisation made by the operator or RMS by notice in writing to the person concerned.

[12] Clause 30 (7)

Omit “A regulator”. Insert instead “RMS”.

[13] Clause 30 (8)

Omit “the regulator or operator on behalf of whom the person exercises the functions of a test supervisor”.

Insert instead “RMS or the operator on behalf of whom the person exercises the functions of a test supervisor.”