



New South Wales

Passenger Transport (General) Amendment (Point to Point) Regulation 2017

under the

Passenger Transport Act 1990

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The object of this Regulation is to amend the *Passenger Transport (General) Regulation 2017* as follows:

- (a) to remove provisions relating to taxi-cabs and private hire vehicles, as a consequence of the commencement of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*,
- (b) to provide for applications for renewals of accreditation by persons who operate small buses for the purposes of regular passenger services or that are the subject of transitional accreditation arrangements established under that Act.

This Regulation is made under the *Passenger Transport Act 1990*, including sections 7 (3) (a) and (3A), 9A (2), 11 (3) and 63 (the general regulation-making power).

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Passenger Transport Act 1990

1 Name of Regulation

This Regulation is the *Passenger Transport (General) Amendment (Point to Point) Regulation 2017*.

2 Commencement

This Regulation commences on 1 November 2017 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Passenger Transport (General) Regulation 2017

[1] Clause 3 Definitions

Omit the definitions of *accredited private hire vehicle operator*, *accredited taxi-cab operator*, *area of operation*, *authorised fare* (both definitions), *authorised taxi-cab driver*, *authorised taxi-cab inspection station*, *authorised taxi-cab network provider*, *child restraint*, *driver's worksheet*, *exempt private hire vehicle operator*, *four-wheel drive tourist service*, *four-wheel drive vehicle*, *hirer*, *hiring*, *Manual of Inspection Standards for Taxi-Cabs*, *maxi-cab*, *motor cycle*, *motor cycle tourist service*, *multiple hiring*, *night-time surcharge rate*, *private hire vehicle service*, *registration number*, *stand-by taxi-cab*, *taxi-cab booking service*, *taxi-cab network*, *taxi-cab service*, *tourist service vehicles*, *vehicle tracking device*, *Western Division* and *wheelchair accessible taxi-cab* from clause 3 (1).

[2] Clause 3 (1), definition of "approved"

Omit " , a security camera system or a vehicle tracking device".

Insert instead "or a security camera system".

[3] Clause 3 (1), definition of "driver"

Omit "or tourist service vehicle" from paragraph (a).

[4] Clause 3 (1), definition of "driver", paragraphs (c) and (d)

Omit the paragraphs.

[5] Clause 3 (1), definition of "driver authority"

Omit the definition. Insert instead:

driver authority means an authority to drive a public passenger vehicle issued under Division 2 of Part 2.

[6] Clause 3 (1), definition of "operator"

Omit paragraphs (c), (d) and (g)–(j).

[7] Clause 3 (1), definition of "operator"

Omit "used, and" from paragraph (f). Insert instead "used."

[8] Clause 3 (1), definition of "security camera system"

Omit "or a taxi-cab".

[9] Clause 6 Standards to be met by applicants for accreditation to carry on public passenger services

Omit clause 6 (1) (including the note to the subclause). Insert instead:

- (1) An applicant for accreditation under Division 1 of Part 2 of the Act must meet, to the satisfaction of RMS, the standards set out in this Division.

[10] Clause 6 (2)

Omit "7, 35 or 41 of the Act (as the case may require)". Insert instead "section 8 of the Act".

[11] Clause 7 Applicant to be of good repute

Omit clause 7 (3).

- [12] **Clause 8 Applicant to be fit and proper person to carry on relevant service**
Omit clause 8 (5).
- [13] **Clause 9 Applicant to be competent to carry on relevant service**
Omit clause 9 (3).
- [14] **Clause 10 Applicant to be financially capable of carrying on relevant service**
Omit clause 10 (3).
- [15] **Clause 11 Applicant to have access to maintenance facilities for vehicles**
Omit clause 11 (3).
- [16] **Clause 13 Fees relating to accreditations to carry on certain public passenger services**
Omit the clause (including the note).
- [17] **Clause 14**
Omit the clause. Insert instead:
14 Conditions of accreditation to carry on bus service
For the purposes of section 9B (1) (a) of the Act, compliance with the requirements of this Division is prescribed as a condition to which an accreditation to carry on a bus service is subject.
- [18] **Clause 16 Vehicle maintenance**
Omit “(other than an accredited taxi-cab operator or an accredited private hire vehicle operator)” from clause 16 (1).
- [19] **Clause 16 (1A)**
Omit the subclause.
- [20] **Clause 17 Condition of vehicles**
Omit clause 17 (3).
- [21] **Clause 20 Operator training**
Omit clause 20 (3).
- [22] **Clause 22 Vehicle insurance**
Omit clause 22 (3).
- [23] **Clause 23 Evidence of accredited operator’s continuing financial capacity**
Omit clause 23 (3).
- [24] **Part 2, Division 5**
Omit the Division.

[25] Clause 28

Omit the clause. Insert instead:

28 Categories of driver authorities

- (1) The following categories of driver authorities are created under section 11 (3) of the Act:
 - (a) an authority to drive a bus,
 - (b) an authority to drive another public passenger vehicle of a kind specified in the authority.
- (2) A driver may be issued with an authority that is valid for 1 or more of the categories of driver authorities.

[26] Clause 29 Criteria for authorisation to drive public passenger vehicles

Omit “sections 12 (2), 33B (2) and 40B (2)” from clause 29 (1).

Insert instead “section 12 (2)”.

[27] Clause 29 (1)

Omit “subclauses (2)–(4A)”. Insert instead “subclauses (2) and (3)”.

[28] Clause 29 (2)

Omit “(other than an authority to drive a taxi-cab or a private hire vehicle)”.

[29] Clause 29 (4) and (4A)

Omit the subclauses.

[30] Clauses 30, 33A and 33B

Omit the clauses.

[31] Part 4 General obligations of drivers of public passenger vehicles

Omit the note to the Part.

[32] Clause 35 Conduct of drivers

Omit “(other than a taxi-cab or a private hire vehicle)” from clause 35 (2).

[33] Clause 36 Driver not to eat or drink in vehicle

Omit clause 36 (3).

[34] Clause 37 Driver to ensure vehicles are clean

Omit clause 37 (2).

[35] Clause 41 Carriage of goods and animals

Omit “(other than a taxi-cab or a private hire vehicle)” wherever occurring in clause 41 (1) and (2).

[36] Clause 41 (4)

Omit “other than a motor cycle”.

[37] Clause 42 Lost property given to drivers

Omit clause 42 (2).

[38] Clause 43 Training of drivers

Omit clause 43 (3).

[39] Clause 46 Driver to hand over driver authority card for inspection

Omit “, taxi-cab or private hire vehicle” from the penalty provision.

[40] Clause 52 Limitation on eating and drinking in certain public passenger vehicles and trains

Omit clause 52 (1).

[41] Part 8 Special provisions relating to taxi-cabs

Omit the Part.

[42] Part 9 Special provisions relating to private hire vehicles

Omit the Part.

[43] Part 10 Special provisions relating to tourist service vehicles

Omit the Part.

[44] Clause 232 Non-compliance labels and notices

Omit clause 232 (1). Insert instead:

- (1) An authorised officer carrying out an inspection under Division 2 of Part 4C of the Act of a vehicle used for the purposes of a public passenger service may affix a label (a non-compliance label) to the vehicle if it appears to the authorised officer that the vehicle does not meet the requirements set out in clause 17.

[45] Clause 232A

Insert after clause 232:

232A Only tourists to be carried on tourist service

- (1) The operator of a tourist service, and the driver of a bus or ferry used in the provision of a particular tour by the service, must not allow a person to be carried as a passenger in or on the bus or ferry if the operator or driver has reason to believe that the person is not a tourist.
Maximum penalty: 10 penalty units
- (2) Subclause (1) does not apply to a person who is carried in connection with the provision of the relevant tour (such as a relief driver, cook, guide or interpreter).

[46] Clause 234 False advertising

Omit “or” from clause 234 (1) (b).

[47] Clause 234 (1) (c) and (d)

Omit the paragraphs.

[48] Clause 234 (1)

Omit “, or the vehicle concerned is so licensed (as the case may be)”.

[49] Clause 234 (2)

Omit the subclause.

[50] Clause 241

Insert after clause 240:

241 Transitional accreditation for small buses

- (1) This clause applies to the following persons:
 - (a) a person who operates a regular passenger service using a vehicle that seats not more than 12 persons and not less than 8 persons,
 - (b) a person who is taken to be the operator of a public passenger service under clause 14 of Schedule 2 to the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.
- (2) Clauses 7, 9, 10, 11 and 12 of this Regulation do not apply in respect of an application by the person for renewal of accreditation to carry on a public passenger service only by means of a motor vehicle seating not more than 12 persons and not less than 8 persons.

[51] Schedule 1 Approved security camera systems

Omit “or a taxi-cab” wherever occurring in the definitions of *authorised purpose* and *vehicle* in clause 1.

[52] Schedule 1, clauses 3–5

Omit “or taxi-cab” wherever occurring.

[53] Schedule 1, clause 4 (a)

Omit “or a taxi-cab service (or both a bus service and a taxi-cab service)”.

[54] Schedule 2 Standards for taxi-meters

Omit the Schedule.

[55] Schedule 3 Penalty notice offences

Omit the matter relating to sections 30 (1) (a), 30 (1) (b), 31D (3), 33 (2), 34D (3), 37 (1) (a), 37 (1) (b), 38D (3), 40 (2) and 53B (2) of the *Passenger Transport Act 1990* from the Table to the Schedule.

[56] Schedule 3, matter relating to offences under the Passenger Transport (General) Regulation 2017

Omit the matter relating to clauses 52 (1), 108, 109 (1), 111 (1) and (4), 112 (1) and (2), 113 (1), 114 (1), (2) and (2A), 118 (1), 121 (6) (b), 121 (7), 121 (8), 121 (9), 122, 123 (1) and (2), 124 (2), 124 (3), 126, 129, 130, 131 (1), 132, 133 (1), 134 (1) and (2), 137 (1), 138 (1), 139, 143 (1), 144 (2), 145 (2), 146 (1), 148 (1) and (2), 149 (2), 150, 151, 153 (1), 157 (2), 158, 159 (2) and (3), 160, 161, 162 (1), 163 (1), 163 (2), 163A (3), 163A (4), 163A (5), 163A (6), 163A (8), 163B (3), 163B (4), 163B (5), 163B (6), 163B (8), 187 (4), 189, 192, 195 (1), 196 (1), 197 (2), 198 (2), 203, 204, 205, 206, 207, 208, 209 and 210 (1).