



AUSTRALIAN CAPITAL TERRITORY

Road Transport (Public Passenger Services) Act 2001

No 62 of 2001

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AUSTRALIAN CAPITAL TERRITORY

Road Transport (Public Passenger Services) Act 2001

No 62 of 2001

An Act to regulate public transport services, and for other purposes

[Notified in ACT Gazette S66: 10 September 2001]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART 1—PRELIMINARY

Note This Act (including the regulations) forms part of the road transport legislation. Other road transport legislation includes the *Road Transport (Alcohol and Drugs) Act 1977*, the *Road Transport (Dimensions and Mass) Act 1990*, the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Vehicle Registration) Act 1999* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* about the administration and enforcement of the road transport legislation generally.

1 Name of Act

This Act is the *Road Transport (Public Passenger Services) Act 2001*.

2 Commencement

This Act commences on a day fixed by the Minister by notice in the *Gazette*.

Note 1 The provisions of an Act providing for its name and commencement automatically commence on the date of notification of the Act (see *Interpretation Act 1967*, s 10B).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see *Interpretation Act 1967*, s 10C (1)).

Note 3 If a provision has not commenced within 6 months beginning on the date of notification of the Act, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2)).

3 Objects (NSW s 4)

The objects of this Act include—

- (a) to provide for the accreditation of the operators of public passenger services that operate within or partly within the ACT; and
- (b) to provide for the operation of regular route services under service contracts; and
- (c) to encourage public passenger services that meet the reasonable expectations of the community for safe, reliable and efficient public passenger services.

4 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in the road transport legislation.

For example, the signpost definition '*bus service*—see section 11 (Meaning of *bus service*).' means that the expression 'bus service' is defined in section 11 of this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

5 Notes

(1) A note included in this Act is explanatory and is not part of this Act.

Note See *Interpretation Act 1967*, s 12 (1), (4) and (5) for the legal status of notes.

(2) In this Act:

note includes material enclosed in brackets in section headings.

Note For comparison, a number of sections contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviation:

- NSW: *Passenger Transport Act 1990* (NSW).

6 Functions of road transport authority

The functions of the road transport authority under this Act are—

- (a) to administer the accreditation scheme established under this Act for the accreditation of operators of public passenger services; and
- (b) to keep an accredited bus operators register under this Act; and
- (c) to provide information about accredited people in accordance with this Act and other laws in force in the Territory; and
- (d) to administer service contracts for regular route services entered into under this Act; and
- (e) to exercise any other functions given to the authority under this Act.

7 Register of accredited people

(1) The accredited bus operators register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

Note Section 6 (b) requires a register of accredited bus service operators to be kept.

(2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.

(3) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.

(4) This section does not limit the functions of the road transport authority in relation to the register.

8 Disclosure of information in registers

The road transport authority must ensure that information in the accredited bus operators register that is of a personal nature or has commercial sensitivity for a person about whom it is kept is released only in accordance with this Act or another law in force in the Territory.

9 Trade Practices Act authorisation

For the *Trade Practices Act 1974* (Cwlth) and the Competition Code of the Australian Capital Territory, the following are authorised by this Act:

- (a) everything done under this Act;
- (b) all service contracts made under this Act;
- (c) everything done under a service contract, or a provision of a service contract, authorised by this Act.

Note 1 For the Competition Code of the Australian Capital Territory, see the *Competition Policy Reform Act 1996*, s 5 and s 10.

Note 2 A reference to an Act includes a reference to statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

10 What is a *public passenger service*?

A *public passenger service* is a service for the transport of passengers for a fare or other consideration by public passenger vehicles along a road or road related area.

PART 2—BUS SERVICES

Division 2.1—Basic concepts

11 Meaning of *bus service*

(NSW s 3, def of *regular passenger service*)

A *bus service* is a service for the transport of passengers for a fare or other consideration by a bus along a road or road related area.

12 What is a *regular route service*?

(NSW s 3, def of *regular passenger service*)

A bus service is a *regular route service* if it is conducted according to regular routes and timetables, but does not include—

- (a) a bus service designed mainly to transport tourists; or
- (b) a long-distance service.

13 What is a *tour and charter service*?

A bus service is a *tour and charter service* if the bus service is not a regular route service or a long-distance service.

14 What is a *long-distance service*?

(NSW s 3, def of long-distance service)

A bus service is a *long-distance service* if—

- (a) it is conducted according to regular routes and timetables; and
- (b) each passenger travels at least 40km.

Division 2.2—Accreditation of bus service operators

15 Bus operators—purposes of accreditation (NSW s 7 (2))

The purpose of accreditation under the regulations to operate a bus service is to ensure that—

- (a) the accredited person has the financial capacity to meet the service standards for the service; and

- (b) the accredited person, and each person who is concerned with, or takes part in, the management of the service, are suitable people to operate the service; and
- (c) the accredited person, and each person who is concerned with, or takes part in, the management of the service, have demonstrated the capacity to comply with the relevant regulations and, in particular, the regulations about—
 - (i) the safety of passengers and the public; and
 - (ii) the maintenance of public buses.

16 Regulations about accreditation system

(1) The regulations are to provide a system for the accreditation of operators of bus services, including, for example—

- (a) the kinds of accreditations; and
- (b) the bus services that a person who holds a kind of accreditation is entitled to operate; and
- (c) the conditions of accreditations; and
- (d) matters relating to the giving, refusal or surrender of accreditations; and
- (e) the action that may be taken in relation to accreditations in circumstances prescribed under the regulations, including—
 - (i) the suspension or cancellation of an accreditation; and
 - (ii) the imposition of a condition on, or the amendment of a condition of, an accreditation; and
 - (iii) an order that an accredited person pay to the Territory an amount of not more than—
 - (A) for an individual—\$5,000; or
 - (B) for a corporation—\$25,000; and
 - (iv) the reprimanding of an accredited person.

(2) The regulations may make provision in relation to the accreditation of people to operate bus services, including, for example—

- (a) requirements about the suitability of the applicant and each person who will be concerned with, or take part in, the management of the network; and
 - (b) capacity to meet service standards; and
 - (c) financial viability.
- (3) For paragraph (1) (a), the regulations must provide for the accreditation of people to operate the following kinds of bus services:
- (a) regular route services;
 - (b) tour and charter services.
- (4) However, this section does not require the regulations to provide an accreditation system for all kinds of bus services.

Division 2.3—Service contracts for regular route services

17 Service contracts (NSW s 16 (1), s 17, s 21 (3), (5))

- (1) The road transport authority may, on behalf of the Territory, enter into a contract (a ***service contract***) for the operation of a regular route service with a person accredited to operate regular route services.
- (2) A service contract must state whether the right given under the contract to operate a route is an exclusive right to operate the route or a stated part of the route.
- (3) A service contract may make provision for or with respect to the operation of a regular route service and the administration of the contract, including, for example—
- (a) service requirements under the contract; and
 - (b) the transfer, suspension, cancellation and surrender of the contract; and
 - (c) the fees (if any) payable under the contract; and
 - (d) the adjustment of payments and refunds in relation to any contract fees; and
 - (e) financial or other penalties for breaches of the contract; and

- (f) the records (including accounts) to be made and kept by the holder of the contract, how they are to be made and kept, and their inspection; and
 - (g) the provision by the holder of the contract of information and reports about the regular route service and the verification of the information and reports; and
 - (h) the publication and the collection of fares payable by passengers; and
 - (i) the sale of tickets and the conditions under which tickets must be sold; and
 - (j) free or reduced fares for travel; and
 - (k) the issue and acceptance of free or concession passes.
- (4)** Subsection (3) does not limit the matters about which a service contract may make provision.

Division 2.4—Entitlement to operate certain bus services

18 Entitlement to operate regular route services

A person is entitled to operate a regular route service, within or partly within the ACT, if—

- (a) the person is accredited under the regulations to operate regular route services; and
- (b) the person holds a service contract for the service.

19 Entitlement to operate tour and charter services

A person is entitled to operate a tour and charter service, within or partly within the ACT, if the person is accredited under the regulations to operate tour and charter services.

20 Unaccredited operators not to operate certain bus services
(NSW s 7 (1))

(1) A person must not operate, within or partly within the ACT, a regular route service unless the person is accredited under the regulations to operate regular route services.

Maximum penalty: 50 penalty units.

(2) A person must not operate, within or partly within the ACT, a tour and charter service unless the person is accredited under the regulations to operate tour and charter services.

Maximum penalty: 50 penalty units.

21 Pretending to be accredited

A person must not pretend to be accredited.

Maximum penalty: 30 penalty units.

22 Operators of regular route services to hold service contracts
(NSW s 16 (3))

(1) A person must not operate, within or partly within the ACT, a regular route service unless the person holds a service contract for the service.

Maximum penalty: 50 penalty units.

(2) However, if a regular route service is discontinued because of a variation or termination of a service contract, the road transport authority may make arrangements with an appropriately accredited person to operate a temporary regular route service to replace the discontinued service even though the person does not hold a service contract for the replacement service.

Division 2.5—Regulation of bus services

23 Regular route services—power to determine maximum fares

(1) The Minister may determine maximum fares, and ways of calculating maximum fares, payable by passengers on regular route services.

(2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

24 Regulations about operation of bus services by accredited people

The regulations may make provision in relation to the operation of bus services by accredited bus service operators, including, for example—

- (a) the conduct of bus services, including, for example—
 - (i) the safety of passengers and the public; and
 - (ii) the qualifications, training and experience of bus drivers and other people providing services on behalf of accredited bus service operators; and
 - (iii) maximum driving times and minimum rest times of bus drivers; and

- (iv) insurance; and
- (v) the issue of tickets; and
- (vi) customer complaints and inquiries; and
- (b) the preparation and publication of, and compliance with, timetables for regular route services; and
- (c) the obligations of drivers of public buses and other people providing services on behalf of accredited bus service operators; and
- (d) the requirements that public buses, and their equipment and fittings (internal and external), must comply with; and
- (e) the maintenance and cleaning of public buses; and
- (f) maintenance, parking and other facilities for public buses; and
- (g) the making and keeping of records and their inspection; and
- (h) the auditing of records and systems; and
- (i) the provision of information and reports to the road transport authority.

25 Regulations about operation of public buses

The regulations may make provision in relation to the operation of public buses, including, for example—

- (a) the regulation or prohibition of the use of public buses on certain roads or road related areas; and
- (b) the picking-up and dropping-off of passengers and other matters relating to the transport of passengers; and
- (c) the records to be made and kept by drivers, how they are to be made and kept, and their inspection; and
- (d) the transport of passengers' luggage or other goods, and animals; and
- (e) the regulation or prohibition of the transportation of passengers standing in or on any part of a public bus; and
- (f) the maximum speed of public buses; and

- (g) the prohibition of anyone from soliciting for passengers or for a hiring; and
- (h) the design, equipment and fittings (internal or external) of public buses; and
- (i) the sections, terminal points and bus stops on bus routes; and
- (j) the regulation or prohibition of notices, signs and advertisements inside or on the outside of public buses.

26 Regulations about bus drivers

The regulations may make provision for or with respect to drivers of public buses, including, for example—

- (a) the powers, duties and conduct of drivers; and
- (b) how drivers must dress.

27 Regulations about conduct of passengers

The regulations may make provision for or with respect to the conduct of passengers on public buses, including, for example—

- (a) the regulation or prohibition of eating and drinking; and
- (b) the authority of public bus drivers, police officers and authorised people to direct people contravening a regulation to leave a bus and to remove them if they fail to leave.

28 Regulations about enforcement

The regulations may make provision for or with respect to the powers and duties of police officers and authorised officers in relation to bus services, including, for example, in relation to buses, drivers of public buses and passengers.

PART 3—MISCELLANEOUS

29 Regulation-making power (NSW s 63 (1), (4))

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may create offences for contraventions of the regulations and prescribe maximum penalties of not more than 20 penalty units for offences against the regulations.

30 Regulations may apply certain documents etc

The regulations may apply, adopt or incorporate (with or without change) an instrument, or a provision of an instrument, as in force from time to time.

Note 1 A statutory instrument may also apply, adopt or incorporate (with or without change) a law or instrument (or a provision of a law or instrument) as in force at a particular time (see *Legislation Act 2001*, s 47 (1)).

Note 2 If a statutory instrument applies, adopts or incorporates a law or instrument (or a provision of a law or instrument), the law, instrument or provision may be taken to be a notifiable instrument that must be notified under the *Legislation Act 2001* (see s 47 (2)-(6)).

31 Minister may exclude vehicles and people from Act

- (1) The Minister may, in writing, exempt a vehicle or person from this Act (or a stated provision of this Act).
- (2) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the *Legislation Act 2001*.

32 Regulations may exclude vehicles and people from Act (NSW s 63 (3))

- (1) The regulations may—
- (a) exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act); or

- (b) authorise the road transport authority to exempt a vehicle or person, or a kind of vehicle or person, prescribed under the regulations from this Act (or a stated provision of this Act).
- (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.
- (3) The regulations may provide for the road transport authority to—
- (a) suspend the operation of a regulation mentioned in paragraph (1) (a) in the way and circumstances prescribed under the regulations; or
 - (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.

PART 4—TRANSITIONAL PROVISIONS

Division 4.1—General

33 Definitions for pt 4

In this Part—

bus operator’s licence—see the General Act, subsection 138 (1).

bus service licence—see the General Act, subsection 142 (1).

commencement means the commencement of this Part.

General Act means the *Road Transport (General) Act 1999*.

Motor Omnibus Act means the *Motor Omnibus Services Act 1955*.

motor omnibus service means a motor omnibus service conducted under the Motor Omnibus Act.

34 Transitional regulations

(1) The regulations may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of this Act.

(2) Without limiting the scope of subsection (1), the regulations may prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(3) Regulations made for this section must not be taken to be inconsistent with—

- (a) this Act as far as they can operate concurrently with this Act; or
- (b) any other provision of the road transport legislation as far as they can operate concurrently with the provision.

(4) This section is additional to, and does not limit, section 35.

35 Modification of pt 4’s operation

The regulations may modify the operation of this Part to make provision with respect to any matter that is not, or not adequately, dealt with in this Part.

36 Expiry of div 4.1

This Division expires 18 months after it commences.

Division 4.2—Bus services under Motor Omnibus Act

37 Existing bus services operated under the Motor Omnibus Act

- (1) The section applies to motor omnibus services conducted under the Motor Omnibus Act immediately before the commencement.
- (2) The Minister is taken, after the commencement—
 - (a) to be accredited under the regulations to operate regular route services; and
 - (b) to hold a service contract with the road transport authority for the operation of the motor omnibus services mentioned in subsection (1) as regular route services.
- (3) The contract the Minister is taken to hold under paragraph (2) (b) may be varied or ended by the road transport authority.
- (4) Without limiting subsection (3), the contract may be varied to give the Minister an exclusive right to operate a route or a stated part of a route.
- (5) The accreditation and, if the contract has not been ended under subsection (3), the contract expire 12 months after this section commences.
- (6) For paragraph (2) (b), subsection 17 (2) (Service contracts) does not apply to the contract.

38 Fares, concession cards and refunds under Motor Omnibus Act

- (1) A determination under section 4 of the Motor Omnibus Act in force immediately before the commencement continues to apply, after the commencement, in relation to the bus services mentioned in section 37 despite the repeal of the Act.
- (2) A notification of a class of concession cards or documents under paragraph 4BA (2) (a) of the Motor Omnibus Act in force immediately before the commencement continues to apply, after the commencement, in relation to the bus services mentioned in section 37 despite the repeal of the Act.

(3) The Minister may make arrangements for the refund of tickets sold for travel on a bus service mentioned in section 37.

39 Expiry of div 4.2

This Division expires 12 months after it commences.

***Division 4.3—Infringement notices under
Motor Omnibus Act***

40 Existing infringement notices

An infringement notice served on a person in accordance with section 12 (Infringement notices) of the Motor Omnibus Act is taken, after the commencement, to be an infringement notice served on the person in accordance with section 24 (Service of infringement notices generally) of the General Act.

41 Existing final notices

A final notice served on a person in accordance with section 13 (Final infringement notices) of the Motor Omnibus Act is taken, after the commencement, to be a reminder notice served on a person in accordance with section 33 (Reminder notices) of the General Act.

42 Existing notices disputing liability under infringement notices

An application lodged by a person in accordance with section 16 of the Motor Omnibus Act is taken, after the commencement, to be a notice given by the person in accordance with section 51 (Disputing liability for an infringement notice offence) of the General Act.

43 Existing applications for extension of time

An application lodged by a person in accordance with section 18 of the Motor Omnibus Act is taken, after the commencement, to be an application given by the person in accordance with section 52 (Extension of time to dispute liability) of the General Act.

44 Suspension of concession card in force under Motor Omnibus Act

(1) The suspension of a concession card under section 4BB of the Motor Omnibus Act continues, after the commencement, in relation to the bus services mentioned in section 37 (Existing bus services operated under the Motor Omnibus Act), despite the repeal of the Act, until—

- (a) the amounts payable under the infringement notice are paid; or
- (b) the institution of a proceeding to prosecute the person for the offence.

(2) A person whose concession card was suspended under section 4BB of the Motor Omnibus Act is not entitled to apply for the issue of another concession card while the suspension is in force.

45 Expiry of div 4.3

This Division expires 6 months after it commences.

Division 4.4—Bus operator’s licences

46 Existing bus operator’s licences

(1) This section applies to a person who, immediately before the commencement, was the holder of—

- (a) a bus operator’s licence (including a licence that is taken under section 271 of the General Act to be a bus operator’s licence); or
- (b) if the person operates a bus service designed mainly to transport tourists—a bus service licence.

(2) The person is taken, after the commencement, to be accredited under the regulations to operate a tour and charter service.

(3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.

(4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 12 months after this section commences.

47 Expiry of div 4.4

This Division expires 12 months after it commences.

Division 4.5—Bus service licences

48 Existing bus service licences

- (1) This section applies to a person (other than a person who operates a bus service designed mainly to transport tourists) who, immediately before the commencement, was the holder of a bus service licence (including a licence that is taken under section 274 of the General Act to be a bus service licence).
- (2) The person is taken, after the commencement—
 - (a) to be accredited under the regulations to operate a regular route service; and
 - (b) to hold a service contract for the operation of the service as a regular route service.
- (3) If the bus service licence held by the person was issued subject to conditions, the accreditation the person is taken to hold under paragraph (2) (a) is taken to be subject to the conditions.
- (4) The accreditation the person is taken to hold under paragraph (2) (a) may be varied or ended by the road transport authority in accordance with the regulations.
- (5) If the accreditation the person is taken to hold under paragraph (2) (a) has not been ended in accordance with the regulations, the accreditation expires 12 months after this section commences.
- (6) The contract the person is taken to hold under paragraph (2) (b) may be varied or ended by agreement between the road transport authority and the person.
- (7) If the contract the person is taken to hold under paragraph (2) (b) has not been ended in accordance with subsection (6), the contract expires 12 months after this section commences.

49 Expiry of div 4.5

This Division expires 12 months after it commences.

Division 4.6—Small buses

50 Existing small buses

- (1) This section applies to a person who, immediately before the commencement, operated a registered vehicle built mainly to carry people that seated up to 9 adults (including the driver) and had a distinguishing registration number with the letters 'MO' followed by 1 to 3 numerals.
- (2) The person is taken, after the commencement, to be accredited under the regulations to operate a tour and charter service.
- (3) The accreditation the person is taken to hold under subsection (2) may be varied or ended by the road transport authority in accordance with the regulations.
- (4) If the accreditation the person is taken to hold under subsection (2) has not been ended in accordance with the regulations, the accreditation expires 18 months after it commences.

51 Expiry of div 4.6

This Division expires 18 months after it commences.

Part 5 Repeals and consequential amendments

52 Repeals

- (1) The *Motor Omnibus Services Act 1955* is repealed.
- (2) The following subordinate laws are repealed:
 - (a) the *Motor Omnibus Services Regulations SL 1955 No 14*;
 - (b) the *Road Transport (Bus Services) Regulations 2000 SL 2000 No 9*.
- (3) If this section commences before the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register), the *Road Transport Legislation Amendment Act 2001* is repealed.

53 Schedule 1

Schedule 1 amends the Acts and subordinate laws mentioned in that schedule.

54 Expiry of pt 5 and schedule 1

This part and schedule 1 expire on 31 December 2001.

Schedule 1 Consequential amendments

(see s 52)

Part 1.1 Magistrates Court Act 1930

[1.1] Section 116AA (2), definition of *road transport legislation*, paragraphs (d) to (g)

renumber as paragraphs (e) to (h)

[1.2] Section 116AA (2), definition of *road transport legislation*, new paragraph (d)

insert

(d) the *Road Transport (Public Passenger Services) Act 2001*;

[1.3] Section 116AA (2), definition of *road transport legislation*, paragraph (g)

omit

(f)

substitute

(g)

Part 1.2 Road Transport (Alcohol and Drugs) Act 1977

[1.4] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

[1.5] Section 4B (1) (f) (iv)

substitute

Road Transport (Public Passenger Services) No 62, 2001

(iv) a public vehicle within the meaning of the *Road Transport (General) Act 1999*, section 158;

Part 1.3 Road Transport (Dimensions and Mass) Act 1990

[1.6] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

Part 1.4 Road Transport (Driver Licensing) Act 1999

[1.7] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

[1.8] Section 4, note 1

omit all the words after

For example,

substitute

the signpost definition '*public vehicle*—see the *Road Transport (General) Act 1999*, section 158.' means the expression 'public vehicle' is defined in section 158 of that Act and the definition applies to this Act

[1.9] Dictionary, definition *public vehicle*

substitute

public vehicle—see the *Road Transport (General) Act 1999*, section 158.

Part 1.5 Road Transport (General) Act 1999

[1.10] Part 1, note

after

the *Road Transport (Driver Licensing) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

[1.11] Section 6

insert

(da) the *Road Transport (Public Passenger Services) Act 2001*;

[1.12] Section 6

renumber paragraphs when Act next republished under Legislation Act 2001

[1.13] Section 100, definition of *private hire car*

omit

bus

substitute

public bus

[1.14] Section 100, definition of *public vehicle*

omit

bus,

[1.15] Section 100, definition of *restricted hire vehicle*

omit

bus

substitute

public bus

[1.16] Section 100, definition of *taxi*

omit

bus

substitute

public bus

[1.17] Section 100, definitions of *bus*, *bus operator's licence*, *bus service licence*, *visiting bus* and *visiting bus operator's licence*

omit

[1.18] Divisions 9.6 to 9.8

omit

[1.19] Section 155

omit

A person

substitute

(1) A person

[1.20] Section 155

insert

(2) This section does not apply to a public bus.

[1.21] Section 156

omit

, bus operator's licence

[1.22] Section 158

insert

public vehicle means a private hire car, public bus, restricted hire vehicle, restricted taxi or taxi.

[1.23] Dictionary, definitions of *bus*, *bus operator's licence*, *bus service licence*, *visiting bus* and *visiting bus operator's licence*

omit

[1.24] Dictionary, definition of *public vehicle*

substitute

public vehicle—

- (a) for part 9 (Public vehicles)—see section 100; and
- (b) for part 10 (Compulsory vehicle insurance)—see section 158.

[1.25] Dictionary, new definition of *public bus*

insert

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

Part 1.6 Road Transport (Safety and Traffic Management) Act 1999

[1.26] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

the *Road Transport (Public Passenger Services) Act 2001*,

Part 1.7 Road Transport (Vehicle Registration) Act 1999

[1.27] Part 1, note

after

the *Road Transport (General) Act 1999*,

insert

Road Transport (Public Passenger Services) No 62, 2001

the *Road Transport (Public Passenger Services) Act 2001*,

Part 1.8 **Victims of Crime (Financial Assistance) Act 1983**

[1.28] Section 66 (3), definition of *infringement notice*, paragraph (d)

omit

, the *Motor Omnibus Services Act 1955*

Part 1.9 **Dangerous Goods Regulations 1978**

[1.29] Regulation 14 (8) (b) (vii) to (ix)

renumber as paragraphs 14 (8) (b) (viii) to (x)

[1.30] Regulation 14 (8), new paragraph (b) (vii)

insert

(vii) the *Road Transport (Public Passenger Services) Act 2001*; or

[1.31] Regulation 14 (8) (b) (ix)

omit

(viii)

substitute

(ix)

Part 1.10 Road Transport (Driver Licensing) Regulations 2000

[1.32] Dictionary, definitions of *public bus* and *public vehicle*

substitute

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

public vehicle—see the *Road Transport (General) Act 1999*, section 158.

[1.33] Dictionary, definition of *public vehicle regulations*, paragraphs (a) and (b)

substitute

- (a) the *Road Transport (Hire Vehicle Services) Regulations 2000*;
- (b) the *Road Transport (Public Passenger Services) Regulations 2001*;

Part 1.11 Road Transport (General) Regulations 2000

[1.34] Regulation 14 (1) (e) and (f)

after

a driving instructor's accreditation

insert

or accreditation to operate a bus service

[1.35] Regulation 14 (3) (d)

omit

if the driving instructor surrenders the accreditation

substitute

or accreditation to operate a bus service if the accreditation is surrendered

[1.36] Regulation 16 (1) (b)

after

driving instructor's accreditation

insert

or accreditation to operate a bus service

[1.37] Dictionary, new definition of *bus service*

insert

bus service—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

**Part 1.12 Road Transport (Safety and
Traffic Management)
Regulations 2000**

[1.38] Regulation 33 (1), definition of *public bus*

substitute

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

[1.39] Regulation 57A (1) (b)

substitute

(b) is stopping for a regular route service.

[1.40] Regulation 57A (3) (c)

substitute

(c) is stopping for a regular route service.

[1.41] Regulation 57A (4)

insert

regular route service—see the *Road Transport (Public Passenger Services) Act 2001*, section 9 (What is a *regular route service*?).

[1.42] Dictionary, definition of *public bus*

substitute

public bus—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

DICTIONARY

(See s 4)

accredited, in relation to a person, means accredited under the regulations to operate a bus service.

accredited bus operators register means the register required to be kept under paragraph 6 (b) (Functions of road transport authority).

another jurisdiction means a jurisdiction other than the ACT.

authority—see **road transport authority**.

bus means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

bus service—see section 11 (Meaning of **bus service**).

fare means the amount payable by passengers for transport, or for the transport of passengers' luggage or other goods, on public passenger vehicles.

function includes power.

holder, of a service contract, means the person who (apart from the road transport authority) is a party to the contract.

jurisdiction means a State, the Commonwealth or an internal Territory, including the ACT.

long-distance service—see section 14 (What is a **long-distance service**?)

motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle.

public bus means a bus used to provide a bus service.

public passenger service—see section 10 (What is a **public passenger service**?)

public passenger vehicle means a bus.

regular route service—see section 12 (What is a **regular route service**?).

road means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of

DICTIONARY—continued

motor vehicles, but does not include an area that would otherwise be a road so far as an order under section 15 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act does not apply to the area.

road related area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as an order under section 15 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as an order under that section declares that this Act does not apply to the area.

road transport authority (or ***authority***) means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

service contract—see section 17 (Service contracts).

tour and charter service—see section 13 (What is a ***tour and charter service?***)

vehicle means—

DICTIONARY—continued

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed under the regulations;

and includes anything else that, under the regulations, is to be treated as a vehicle.

Endnote

Penalty units

Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.

[Presentation speech made in Assembly on 7 September 2000]