



Australian Capital Territory

Road Transport (Bus Services) Regulations 2000

Subordinate Law 2000 No 9

The Australian Capital Territory Executive makes the following regulations
under the *Road Transport (General) Act 1999*.

Dated 25 February 2000.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister



Australian Capital Territory

Road Transport (Bus Services) Regulations 2000

Subordinate Law 2000 No 9
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Road Transport (General) Act 1999

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DICTIONARY

PART 1—PRELIMINARY

1 Name of regulations

These regulations are the *Road Transport (Bus Services) Regulations 2000*.

2 Commencement

These regulations commence on the commencement of the *Road Transport (General) Act 1999*.

3 Definitions—the dictionary

The dictionary at the end of these regulations is part of these regulations.

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

For example, the signpost definition '*wheeled recreational device*—see the Australian Road Rules, dictionary' means that the expression 'wheeled recreational device' is defined in the dictionary to those rules and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of these regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G as applied by the *Subordinate Laws Act 1989*, s 9).

4 Notes

(1) A note in these regulations is explanatory and is not part of these regulations.

Note See *Interpretation Act 1967*, s 12 (1) and (4)–(5) (as applied by the *Subordinate Laws Act 1989*, s 9) for the legal status of notes.

(2) In this regulation—

note includes material enclosed in brackets in regulation headings.

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

- NSW Reg: *Passenger Transport (Bus Services) Regulation 1995* (NSW)
- NSW Act: *Passenger Transport Act 1990* (NSW).

PART 2—OPERATION OF BUS SERVICES

Division 2.1—Bus operators

5 Condition of buses (NSW Reg cl 5)

(1) The operator of a bus must ensure that, while the bus is operating as a bus, it's interior, exterior and fittings are clean and undamaged and that it's fittings are properly fitted and securely in place.

Maximum penalty: 10 penalty units.

(2) In this regulation—

exterior, of the bus, includes the body, door panels, bumper bars, trim and wheels of the bus.

6 Drivers to hold appropriate driver licence (NSW Reg cl 8 (1))

The operator of a bus must not allow someone to drive the bus while it is operating as a bus unless satisfied that the person is the holder of a public vehicle licence authorising the person to drive the bus for hire or reward.

Maximum penalty: 20 penalty units.

7 Records of drivers to be made (NSW Reg cl 8 (2))

The operator of a bus must make a written record of the following particulars for each person who drives the bus while it is operating as a bus:

- (a) the person's full name and home address;
- (b) the dates and times when the bus was driven by the person.

Maximum penalty: 10 penalty units.

8 Records about operation of bus to be kept etc (NSW Reg cl 9)

A person who is or has been the operator of a bus—

- (a) must keep every record required to be made by the person under the Act for at least 2 years after the making of the last entry in it; and
- (b) must produce it for inspection when required by a police officer or authorised person; and
- (c) must produce it to the road transport authority for inspection when required, in writing, by the authority.

Maximum penalty: 10 penalty units.

9 Noncompliance notices (NSW Reg cl 15)

(1) If a noncompliance notice has been attached to a bus and has not been removed in accordance with these regulations, the operator of the bus must not allow the bus to operate as a bus—

- (a) after the expiry time of the notice; or
- (b) if the operator knows the notice has been removed other than in accordance with these regulations.

Maximum penalty: 20 penalty units.

(2) Paragraph (1) (b) ceases to apply to the bus in relation to the noncompliance notice if a police officer or authorised person directs that the notice be taken to have been removed under subregulation 48 (3).

Note Regulation 48 deals with the attachment and removal of noncompliance notices.

Division 2.2—Bus drivers

10 Stopping for passengers (NSW Reg cl 12 (1), (3)-(5))

(1) A bus driver must—

- (a) stop the bus and drop off a passenger at a bus stop if the passenger indicates to the driver that the passenger wishes to get off the bus at the bus stop; and
- (b) stop the bus and pick up a person at a bus stop if the person indicates to the driver that the person wishes to get on the bus at the bus stop.

Maximum penalty: 5 penalty units.

(2) A bus driver may refuse to stop the bus to pick up a passenger if—

- (a) the driver would contravene section 140 or 150 of the Act (which are about carrying more than the licensed number of passengers) or regulation 12 (Transport of goods) if the driver picked up the passenger; or
- (b) if the intending passenger is a person mentioned in regulation 37 (Soiled clothing etc) or 38 (Intoxicated passengers).

11 Where bus driver must stop on a road (NSW Reg cl 12 (2))

If a bus driver stops on a road to drop off or pick up a passenger, the driver must stop parallel to, and as close as practicable to, the side of the road.

Maximum penalty: 5 penalty units.

12 Transport of goods (NSW Reg cl 14)

(1) A bus driver must not allow anyone to place or carry in the bus something that, because of its size or dimensions, cannot be carried in the bus without inconvenience to someone else.

Maximum penalty: 5 penalty units.

(2) Subregulation (1) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

13 Passengers not to be carried on certain parts of a bus
(NSW Reg cl 15)

(1) A bus driver must not allow a passenger—

- (a) to enter the driver's compartment of the bus (if any); or
- (b) to occupy the driver's seat or a part of the driver's seat.

Maximum penalty: 5 penalty units.

(2) A bus driver must not, while the bus is moving, allow a passenger—

- (a) on a part of the bus not designed to carry passengers; or
- (b) on a part of the bus beside or in front of the driver's seat; or
- (c) if the bus is a double-decker—to stand on the upper deck of the bus.

Maximum penalty: 5 penalty units.

(3) Without limiting subregulation (2), the parts of a bus not designed to carry passengers include—

- (a) the roof, steps and footboard; and
- (b) if the bus is a double-decker—the stairs to the upper deck.

14 Behaviour of drivers (NSW Reg cl 17)

A bus driver must not—

- (a) solicit for passengers or for a hiring; or
- (b) move the bus while a door is open; or
- (c) start the bus in a way that subjects a passenger or intending passenger to unnecessary risk of injury.

Maximum penalty: 10 penalty units.

Note A bus driver is not allowed to smoke on a bus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

15 Dress and conduct of drivers (NSW Reg cl 18)

A bus driver must—

- (a) be clean and tidy and wear clean and respectable clothes; and
- (b) behave in an orderly way and with politeness and propriety towards every passenger, intending passenger, police officer or authorised person; and
- (c) comply with every reasonable request of a passenger.

Maximum penalty: 5 penalty units.

16 Driver to remain in bus (NSW Reg cl 19)

A person who is driving a bus must not, without reasonable excuse, leave the driver's seat of the bus during a journey of the bus.

Maximum penalty: 5 penalty units.

17 Noncompliance notices (NSW Reg cl 21)

(1) If a noncompliance notice has been attached to a bus and has not been removed in accordance with these regulations, a person must not operate the bus as a bus—

- (a) after the expiry time of the notice; or
- (b) if the person knows the notice has been removed from the vehicle other than in accordance with these regulations.

Maximum penalty: 20 penalty units.

(2) Paragraph (1) (b) ceases to apply to the bus in relation to the noncompliance notice if a police officer or authorised person directs that the notice be taken to have been removed under subregulation 48 (3).

Note Regulation 48 deals with the attachment and removal of noncompliance notices.

PART 3—TICKETS

18 Validity of tickets (NSW Reg cl 20)

- (1) A ticket is valid for travel only for the journey or journeys for which it is issued.
- (2) A ticket transferred in contravention of regulation 19 is not a valid ticket.

19 Tickets not transferable (NSW Reg cl 21)

- (1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a part of the ticket, to someone else.

Maximum penalty: 5 penalty units.

- (2) This regulation does not apply if—
 - (a) the ticket was bought for the other person; or
 - (b) the transfer is authorised by the operator of the bus service.

20 Changing, defacing etc tickets prohibited (NSW Reg cl 22)

A person must not, with intent to deceive, change or deface a ticket or make a ticket illegible (or, for a ticket with a magnetic strip, inoperative).

Maximum penalty: 5 penalty units.

21 Valid ticket required for travel (NSW Reg cl 23)

A person must not travel in a bus unless the person holds a valid ticket for the travel.

Maximum penalty: 5 penalty units.

22 Concession tickets (NSW Reg cl 24)

- (1) A person must not travel in a bus using a concession ticket unless the person is entitled to use the concession ticket.

Maximum penalty: 5 penalty units.

- (2) A bus driver, police officer or authorised person may require a person who uses (or attempts to use) a concession ticket to travel on a bus to produce satisfactory evidence that the person is entitled to use the ticket to travel on the bus.

- (3) A person must not, without reasonable excuse, fail to comply with a requirement under subregulation (2).

Maximum penalty: 5 penalty units.

(4) A person may not be prosecuted for offences against both subregulation (1) and subregulation (3) in relation to the same travel.

(5) A person must not provide a document containing information that the person knows is false, misleading or incomplete in a material particular—

- (a) in relation to an application for a concession ticket; or
- (b) in purported compliance with a requirement under subregulation (2).

Maximum penalty: 20 penalty units.

(6) A person must not in or in relation to an application for a concession ticket or in purported compliance with a requirement under subregulation (2)—

- (a) state anything that the person knows is false or misleading in a material particular; or
- (b) omit from a statement anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty: 20 penalty units.

23 Inspection and processing of tickets (NSW Reg cl 25)

A person who is in a bus must make his or her ticket available for inspection or processing by an authorised person on the authorised person's request.

Maximum penalty: 5 penalty units.

24 Tickets to be offered for processing (NSW Reg cl 26)

(1) A person must not, without reasonable excuse, get on a bus without offering the person's ticket for processing in accordance with this regulation.

Maximum penalty: 5 penalty units.

- (2) For this regulation, a person offers a ticket for processing—
- (a) by putting it into automatic equipment provided to read or record any details on the ticket; or
 - (b) by showing the ticket to the driver or authorised person.
- (3) A person must offer his or her ticket for processing as mentioned in subregulation (2) (a), unless—

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- (a) the person's ticket is not designed for insertion in automatic equipment; or
- (b) the bus is not supplied with automatic equipment; or
- (c) the person has a reasonable excuse for not using the automatic equipment.

PART 4—CONDUCT OF PASSENGERS

25 Conduct generally (NSW Reg cl 27)

(1) A person in a bus must not unreasonably interfere with the comfort or safety of anyone else.

Maximum penalty: 5 penalty units.

(2) Without limiting subregulation (1), a person unreasonably interferes with the comfort or safety of someone else if the person—

- (a) puts a foot on a seat; or
- (b) spits; or
- (c) uses offensive language; or
- (d) behaves offensively; or
- (e) uses a wheeled recreational device.

Note A person is not allowed to smoke on a bus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

26 Seats for older people and people with disabilities (NSW Reg cl 28)

(1) The operator of a bus may, by notices on the bus, set aside seats for older people or people with a disability and specify the people who may use the seats.

(2) If a seat on a bus is set aside for particular people under subregulation (1), a person for whom the seat is not set aside must not continue to occupy the seat if a person for whom the seat is set aside is standing.

Maximum penalty: 5 penalty units.

27 Drinking of liquor generally prohibited (NSW Reg cl 29)

(1) A person must not drink liquor in a bus.

Maximum penalty: 5 penalty units.

(2) This regulation does not apply if the liquor is supplied in the bus by, or with the permission of, the bus operator.

(3) Is this regulation—

liquor—see the *Liquor Act 1975*, section 4.

28 Eating and drinking (NSW Reg cl 30)

(1) A person must not eat or drink in a bus (or part of a bus) if eating and drinking is prohibited by signs displayed in the bus or part, except with the written permission of the bus operator.

Maximum penalty: 5 penalty units.

(2) This regulation does not prohibit a person from eating or drinking in a bus for medical reasons.

29 Getting on and getting off buses (NSW Reg cl 32)

A person must not, without reasonable excuse, get on or get off a bus—

- (a) while the bus is moving; or
- (b) through a window.

Maximum penalty: 5 penalty units.

30 Limited stop buses (NSW Reg cl 33)

(1) A person must not get on a bus at a bus stop where the bus is not scheduled to pick up passengers.

Maximum penalty: 5 penalty units.

(2) A person must not get off a bus at a bus stop where the bus is not scheduled to set down passengers.

Maximum penalty: 5 penalty units.

31 No interference with bus equipment (NSW Reg cl 34)

A person must not, without reasonable excuse—

- (a) interfere with equipment attached to or forming part of a bus; or
- (b) block a bus door; or
- (c) open a locked bus door; or
- (d) open an unlocked bus door while the bus is moving; or
- (e) interfere with an automatically operated bus door.

Maximum penalty: 5 penalty units.

32 Throwing objects (NSW Reg cl 35)

A person must not throw anything in or from a bus.

Maximum penalty: 5 penalty units.

33 Travel not allowed on certain parts of bus (NSW Reg cl 36, 37)

- (1) A passenger must not—
- (a) enter the driver's compartment of the bus (if any); or
 - (b) occupy the driver's seat or a part of the driver's seat.

Maximum penalty: 5 penalty units.

- (2) A passenger must not, while the bus is moving—
- (a) be on a part of the bus not designed to carry passengers; or
 - (b) be on a part of the bus beside or in front of the driver's seat; or
 - (c) if the bus is a double-decker—stand on the upper deck of the bus.

Maximum penalty: 5 penalty units.

- (3) Without limiting subregulation (2), the parts of a bus not designed to carry passengers include—

- (a) the roof, steps and footboard; and
- (b) if the bus is a double-decker—the stairs to the upper deck.

34 Property not to be removed (NSW Reg cl 38)

A person other than an authorised person must not remove property of the bus operator from a bus.

Maximum penalty: 5 penalty units.

35 No littering (NSW Reg cl 39)

A person must not, in a bus, deposit litter or anything that may endanger a person or property, other than in a container provided for that purpose.

Maximum penalty: 5 penalty units.

36 Animals (NSW Reg cl 40)

- (1) A person must not take a dog, cat, bird or any other animal onto a bus without the driver's permission.

Maximum penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) an animal accompanying a person with a disability that is trained to help the person alleviate the effect of the disability; or
 - (b) an animal that is being trained to help alleviate the effect of a disability.

37 Soiled clothing etc (NSW Reg cl 41)

(1) A bus driver, police officer or authorised person may direct a person not to get on, or to get off, the bus if the driver, police officer or authorised person believes on reasonable grounds that—

- (a) the person's clothing or goods (or anything else on or carried by the person) may soil or damage the bus or the clothing or goods of another passenger; or
- (b) any of the person's goods cannot, because of their size or dimensions, be carried on the bus without inconvenience to another passenger.

(2) Paragraph (1) (b) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

(3) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

38 Intoxicated passengers (NSW Reg cl 42)

(1) A bus driver, police officer or authorised person may direct a person not to get on, or to get off, a bus if the driver, police officer or authorised person believes on reasonable grounds that the person—

- (a) is under the influence of alcohol or another drug; and
- (b) is causing, or is likely to cause, a nuisance or annoyance to another passenger.

(2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

39 Offender to get off bus when directed (NSW Reg cl 43)

(1) A bus driver, police officer or authorised person may direct a person to get off the bus if the driver, police officer or authorised person believes on reasonable grounds that the person is committing an offence against this Part.

(2) A person must not fail to comply with a direction under this regulation.

Maximum penalty: 5 penalty units.

40 Removal of people from buses (NSW Reg cl 44)

A person who fails to comply with a direction under this Part to get off a bus may be removed from the bus by a police officer.

41 Lost property (NSW Reg cl 45)

A person who finds something on a bus must return it to its owner or give it to the bus driver, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

PART 5—ENFORCEMENT

42 Purpose of powers under pt 5 (NSW s 42 (1))

The powers under this Part may be exercised by a police officer or authorised person to decide whether there has been compliance with or a contravention of—

- (a) Part 9 (Public vehicles) of the Act or these regulations; or
- (b) the conditions of a licence or exemption issued or given under Part 9 of the Act or the regulations.

43 Power to require records or information (NSW s 42 (1), sch 1 cl 1)

(1) A police officer or authorised person may, by written notice, require a person to provide records or information within the reasonable time stated in the notice.

(2) The notice may only require a person to provide records that are in the person's possession or are within the person's power to obtain lawfully.

(3) The police officer or authorised person may take copies of any record provided in response to the notice.

(4) A record required by a notice must be provided in written form unless the notice provides otherwise.

(5) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty: 20 penalty units.

44 Power to inspect and test vehicles (NSW s 42 (5) (a), sch 1 cl 4, 5)

(1) A police officer or authorised person may inspect a bus, or any other vehicle that the police officer or authorised person believes on reasonable grounds is operating, or has operated, as a bus, and may inspect and test its equipment and fittings.

(2) Without limiting subregulation (1), the police officer or authorised person may, for that subregulation, do 1 or more of the following:

- (a) request or signal the driver of the vehicle to stop the vehicle;
- (b) get into and remain in the vehicle;
- (c) operate the vehicle and any of its equipment;

- (d) request the driver to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle;
 - (e) request the driver to do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.
- (3) If a vehicle is stopped because of a request or signal under paragraph (2) (a), any inspection or testing of the vehicle must be carried out—
- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
 - (b) as soon as practicable, and in any case within 1 hour after the vehicle is stopped.
- (4) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer or authorised person under this regulation.

Maximum penalty (for subregulation (4)): 20 penalty units.

45 Power to require vehicles or equipment to be inspected and tested (NSW s 42 (5) (b), sch 1 cl 6)

- (1) A police officer or authorised person may, by written notice given to the responsible person for a vehicle that is a bus or that the police officer or authorised person believes on reasonable grounds is operating, or has operated, as a bus, require the person to have the vehicle and its equipment and fittings (or stated equipment) inspected or tested.
- (2) The notice may require any of the following:
- (a) the inspection and testing to be carried out within or at a stated reasonable time;
 - (b) the inspection and testing to be carried out by or in the presence of a police officer, an authorised person or anyone else;
 - (c) the inspection and testing to be carried out at a stated reasonable place;
 - (d) a report of the inspection and testing to be given to a police officer or authorised person within a stated reasonable time;
 - (e) anything else reasonably necessary or convenient for the inspection and testing.

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(3) A person must not, without reasonable excuse, fail to comply with a notice given to the person under this regulation.

Maximum penalty (for subsection (3)): 20 penalty units.

PART 6—MISCELLANEOUS

46 Appointment of bus stops (NSW Reg cl 47)

(1) The road transport authority may appoint bus stops, to be indicated by signs erected or displayed with the authority's approval and on which the words 'bus stop', 'bus stand' or 'bus zone', or some suitable pictorial representation, appear.

(2) The operator of a bus service may appoint bus stops, but only in accordance with a prior written approval of the road transport authority.

(3) If times are stated on a sign mentioned in this regulation, the sign operates only during those times, but if no times are stated the sign operates at all times.

47 Notification of change in licence particulars (NSW Reg cl 48)

If a change happens in a particular mentioned in a bus service licence, the holder of the licence must give written notice of the change to the road transport authority as soon as practicable (but within 14 days).

Maximum penalty: 10 penalty units.

48 Noncompliance notices (NSW Reg cl 52)

(1) A police officer or authorised person, or a person inspecting a vehicle under Part 5, may attach a notice (a *noncompliance notice*) to the vehicle if it appears to the officer or person that the vehicle or its equipment or fittings do not comply with these regulations.

(2) The notice must state—

- (a) the action necessary for the vehicle, equipment or fittings to comply with these regulations; and
- (b) an expiry time after which the vehicle must not be operated as a bus unless the notice has been removed by a police officer or authorised person.

(3) A police officer or authorised person may remove the noncompliance notice from the vehicle, or direct in writing that it be taken to have been removed, if satisfied on inspection or testing of the vehicle or its equipment or fittings that the necessary action mentioned in the notice has been taken.

(4) A person, other than a police officer or authorised person, must not remove a noncompliance notice from a bus.

Maximum penalty (for subregulation (4)): 20 penalty units.

49 Police officer or authorised person may require name and address (NSW Reg cl 55)

(1) If a police officer or authorised person suspects on reasonable grounds that a person has contravened these regulations, the police officer or authorised person may require the person to state his or her name and home address.

(2) A person must not—

- (a) without reasonable excuse, fail to state his or her name and home address when required to do so under subregulation (1); or
- (b) state a false name or home address in purported compliance with a requirement under that subregulation.

Maximum penalty: 10 penalty units.

DICTIONARY

(See reg 3)

Australian Road Rules—see the *Road Transport (Safety and Traffic Management) Regulations 2000*, regulation 5.

authorised person—see the Act, dictionary.

bus means a bus (as defined in section 100 of the Act) operated for a bus service for which a bus service licence is in force.

bus driver means the person driving the bus if the person holds a public vehicle licence authorising the person to drive the bus for hire or reward.

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

bus stop means a bus stop appointed under regulation 46.

concession ticket means a ticket issued free or at a reduced fare.

drive a bus includes stop or park the bus.

driver, of a bus—see **bus driver**.

fittings, of a vehicle, includes the seats, seat covers and floor coverings of the vehicle.

goods includes luggage.

home address—see the Act, dictionary.

in a bus includes on the bus.

inspect a vehicle includes observe the performance of the vehicle or any of its equipment, with or without the use of instruments.

noncompliance notice—see regulation 48.

operate a bus includes drive a bus.

operator means—

- (a) for a bus service—the holder of the bus service licence for the bus service; or
- (b) for a bus—the holder of the bus service licence for the bus service for which the bus is operated.

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

responsible person, for a vehicle—see the Act, sections 10 and 11.

road—see the Act, dictionary.

road transport authority—see the Act, dictionary.

DICTIONARY—continued

road transport legislation—see the Act, section 6 (What is the road transport legislation?).

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

ticket means anything issued by or on behalf of the operator of a bus service for the purpose of authorising a person to travel in a bus operated in the service.

valid ticket—see regulation 18 (Validity of tickets).

wheeled recreational device—see Australian Road Rules, dictionary.

Endnotes

Notification

1 Notified in the Gazette on 29 February 2000.

Penalty units

2 Section 33AA of the *Interpretation Act 1967* (as applied by section 9 of the *Subordinate Laws Act 1989*) deals with the meaning of offence penalties that are expressed in penalty units.