



Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)

Subordinate Law SL2006-32

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 20 June 2006.

JOHN HARGREAVES
Minister

SIMON CORBELL
Minister

J2005-949

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au



Australian Capital Territory

Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)

Subordinate Law SL2006-32

made under the

Road Transport (Driver Licensing) Act 1999, the Road Transport (General) Act 1999, the Road Transport (Public Passenger Services) Act 2001 and the Road Transport (Safety and Traffic Management) Act 1999

Contents

	Page
1 Name of regulation	1
2 Commencement	1
3 Legislation amended	1
4 New section 5 (5)	1
5 Section 6, definition of <i>regulated service</i> , new paragraph (g)	1
6 Section 8 (2) (b)	2

J2005-949

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
7	New section 12 (4) (e)	2
8	New section 222 (d)	2
9	Sections 222 to 228	2
10	New chapter 6	3
11	Chapter 6 (Disciplinary action) and chapter 8	52
12	Parts 8.1 and 8.4 to 8.7	52
13	Schedule 1, new part 1.6	52
14	Dictionary, note 3, new dot points	54
15	Dictionary, new definitions	54
Schedule 1	Other amendments	55
Part 1.1	Road Transport (Driver Licensing) Regulation 2000	55
Part 1.2	Road Transport (General) Regulation 2000	55
Part 1.3	Road Transport (Offences) Regulation 2005	58
Part 1.4	Road Transport (Public Passenger Services) Regulation 2002	94
Part 1.5	Road Transport (Safety and Traffic Management) Regulation 2000	111

1 Name of regulation

This regulation is the *Road Transport (Public Passenger Services) Amendment Regulation 2006 (No 1)*.

2 Commencement

- (1) Schedule 1, amendments 1.40, 1.42 and 1.44 commence immediately after the commencement of the *Road Transport (Offences) Amendment Regulation 2006 (No 1)*, section 3.
- (2) The remaining provisions commence on 3 July 2006.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Road Transport (Public Passenger Services) Regulation 2002*.

Note This regulation also amends the following legislation (see sch 1):

- *Road Transport (Driver Licensing) Regulation 2000*
- *Road Transport (General) Regulation 2000*
- *Road Transport (Offences) Regulation 2005*
- *Road Transport (Safety and Traffic Management) Regulation 2000*.

4 New section 5 (5)

insert

- (5) The road transport authority may accredit people to operate a DRS.

5 Section 6, definition of *regulated service*, new paragraph (g)

insert

- (g) a demand responsive service.

6 Section 8 (2) (b)

omit

or taxi service

substitute

, taxi service or DRS

7 New section 12 (4) (e)

insert

(e) for a DRS—6 years.

8 New section 222 (d)

insert

(d) a DRS authorisation to operate a DRS.

9 Sections 222 to 228

renumber as sections 320 to 326

10 New chapter 6*insert***Chapter 6 Demand responsive services****Part 6.1 Demand responsive service authorisations****230 Application procedure for issue of authorisations**

- (1) A person (the *applicant*) may apply to the Minister for the issue (including renewal) of an authorisation to operate a DRS.

Note A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

- (2) The applicant must give the Minister a completed application form for the authorisation.
- (3) The Minister may require the applicant to give the Minister further stated information or a stated document that the Minister reasonably needs to decide the application.
- (4) The Minister may refuse to consider the application further if the requirement is made in writing and the applicant does not comply with the requirement.

231 Issue of authorisations

- (1) The Minister may refuse to issue (including renew) a DRS authorisation to an applicant if the Minister believes, on reasonable grounds, that the applicant—
 - (a) has contravened a condition of another DRS authorisation held (or previously held) by the person or, for a DRS authorisation renewal, a condition of the authorisation being renewed; or

- (b) has not complied with a requirement of the Act relating to the application.

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

- (2) The Minister must refuse to issue a DRS authorisation if—
 - (a) the applicant is not accredited to operate a DRS; or
 - (b) the applicant is disqualified under chapter 8 (Disciplinary action) from holding or applying for a DRS authorisation; or
 - (c) by issuing the authorisation, the proposed DRS would contravene the approved guidelines under the Act, section 83 (Demand responsive services—guidelines for giving authorisations); or

Note **Contravene** includes fail to comply with (see Legislation Act, dict, pt 1).

 - (d) a double-decker bus or a motorbike is to be used to operate the proposed DRS.
- (3) The Minister must issue a DRS authorisation to the applicant if the Minister does not refuse the application.
- (4) A DRS authorisation must be issued for a minimum period of 1 year and a maximum period of 6 years.

232 Issue or amendment of authorisations subject to conditions

- (1) A DRS authorisation may be issued (including renewed) subject to a condition imposed by the Minister.
- (2) A DRS authorisation may be amended by the Minister to impose a condition to which the authorisation is to be subject or to amend or revoke a condition to which the authorisation is already subject.

-
- (3) A condition mentioned in subsection (1) or (2) may be imposed, amended or revoked by the Minister—
- (a) on the Minister's own initiative or on the application of the applicant for a DRS authorisation or the holder of a DRS authorisation; and
 - (b) for a stated period or indefinitely.

233 Demand responsive service authorisations—procedure for imposition etc of conditions on Minister's initiative

- (1) This section applies to the holder of a DRS authorisation if the Minister proposes, on the Minister's own initiative, to take action under section 232 (2) to amend the authorisation to impose, amend or revoke a condition (the *proposed action*).
- (2) The Minister must give the authorisation-holder a written notice stating—
- (a) the proposed action; and
 - (b) if the proposed action is to impose a condition—the proposed condition; and
 - (c) if the proposed action is to amend a condition—the condition as proposed to be amended; and
 - (d) an explanation for the proposed action; and
 - (e) if appropriate, any action that must be taken by the authorisation-holder to avoid or reverse the proposed action; and
 - (f) the date when the proposed imposition, amendment or revocation of the condition takes effect (the *date of effect*); and
 - (g) that the proposed action takes effect on the date of effect unless the notice is revoked by the Minister before that date.

- (3) The notice may, but need not, provide an opportunity for the authorisation-holder to make representations about why the proposed action should not be taken.
- (4) The date of effect must not be earlier than 14 days after the notice is given to the authorisation-holder.
- (5) This section does not affect the taking of action under chapter 8 (Disciplinary action).

234 Conditions of authorisations

A DRS authorisation is subject to the conditions (if any) stated in the authorisation or in a document stated by the authorisation to form part of the authorisation.

235 Form of authorisations

- (1) A DRS authorisation issued to a person must—
 - (a) state the authorisation number allocated to the person; and
 - (b) state the person's full name and address; and
 - (c) describe the kind of public passenger service that may be operated under the authorisation (including, for example, the matters mentioned in the Act, section 83 (2) (a)); and
 - (d) state the kinds of vehicles that may be used to operate the DRS under the authorisation; and
 - (e) state the expiry date of the authorisation.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) An authorisation may also include any additional information that the Minister considers appropriate.

236 Authorisation labels—issue and display

- (1) If the Minister issues a DRS authorisation to a person, the Minister may also issue to the authorisation-holder a label (a ***DRS authorisation label***) for a DRS vehicle for which the authorisation relates.
- (2) A DRS authorisation label issued to the authorisation-holder must show—
 - (a) the authorisation number allocated to the authorisation-holder; and
 - (b) the registration number of the vehicle to be used to operate the DRS; and
 - (c) the hours of operation of the DRS; and
 - (d) the expiry date of the authorisation.
- (3) The authorised-holder must ensure that the DRS authorisation label is displayed—
 - (a) on the lower left side (or nearside) of the windscreen of the DRS vehicle; and
 - (b) so the information on the label is readable from the outside of the vehicle.
- (4) A person must not operate a DRS vehicle on a road or road related area if—
 - (a) the vehicle does not have the DRS authorisation label issued for it attached to the vehicle; or
 - (b) the label is not attached in accordance with subsection (3); or

- (c) any information on the label cannot, for any reason, be readily read.

Maximum penalty: 20 penalty units.

- (5) The authorised operator of a DRS vehicle operated by someone else in contravention of subsection (4) also commits an offence if the authorised operator failed to take reasonable precautions to prevent the contravention.

Maximum penalty: 20 penalty units.

- (6) An offence against this section is a strict liability offence.

237 Authorisation labels—replacement

- (1) The Minister may issue a replacement DRS authorisation label to a DRS authorisation-holder if satisfied that the authorisation label has been lost, stolen or destroyed.
- (2) For subsection (1), the Minister may require the authorisation-holder to give the Minister a statement, verified by statutory declaration, that the authorisation label has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

238 Authorisation-holders to notify change of name or address

- (1) If the name or residential address of a DRS authorisation-holder changes, the authorisation-holder must, as soon as practicable but no later than 14 days after the day the change happens, give the Minister—
 - (a) written notice of the change; and

(b) the authorisation issued to the authorisation-holder.

Maximum penalty: 20 penalty units.

- (2) If a DRS authorisation is returned to the Minister, the Minister must amend the authorisation or issue another authorisation for the remainder of the period of the authorisation that it replaces.
- (3) An offence against this section is a strict liability offence.

239 Authorisation-holder to comply with conditions

- (1) A DRS authorisation-holder must not contravene a condition to which the authorisation is subject.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

240 Replacement of authorisation

- (1) The Minister may issue a replacement DRS authorisation to a DRS authorisation-holder if satisfied that the authorisation has been lost, stolen or destroyed.
- (2) For subsection (1), the Minister may require the authorisation-holder to give the Minister a statement, verified by statutory declaration, that the authorisation has been lost, stolen or destroyed.

Note 1 A fee for the application may be determined under the *Road Transport (General) Act 1999*, s 96.

Note 2 The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

241 Production of authorisation

- (1) A DRS authorisation-holder must not fail to produce the person's authorisation for inspection when required to do so by the road transport authority, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
- (a) the authorisation-holder has a reasonable excuse for failing to produce the authorisation when required to do so; and
 - (b) as soon as practicable, but no later than 3 days after the day of being required to produce the authorisation, the authorisation-holder produces the authorisation at the place directed by the road transport authority, police officer or authorised person.

242 Surrender of authorisation

- (1) A DRS authorisation-holder may apply to the Minister to surrender the authorisation.
- (2) The application may be made personally by the authorisation-holder or by an agent who produces written evidence of his or her appointment as agent.
- (3) The person must, with the application—
- (a) return the authorisation to the Minister; or
 - (b) if the authorisation has been lost, stolen or destroyed—give the Minister a statement, verified by statutory declaration, that the authorisation has been lost, stolen or destroyed.

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

- (4) If the person complies with this section, the Minister must approve the application unless the Minister is taking action to suspend or cancel the authorisation.

243 Demand responsive service authorisations not transferable

A DRS authorisation is not transferable.

Part 6.2 Demand responsive services

Division 6.2.1 Preliminary

**244 Meaning of *authorised operator* and *DRS vehicle driver*—
pt 6.2**

In this part:

authorised operator means an authorised DRS operator.

DRS vehicle driver means a person who is driving a DRS vehicle while it is operating as a DRS vehicle.

Division 6.2.2 Demand responsive service vehicle operators

245 Maintenance of demand responsive service vehicles

- (1) The authorised operator of a DRS vehicle must not use the vehicle, or allow someone else to use the vehicle, to operate a DRS if the vehicle has not been serviced and maintained in accordance with the vehicle manufacturer's maintenance standards (however described) relating to the vehicle.

Maximum penalty: 20 penalty units.

- (2) The authorised operator of a DRS vehicle must not use the vehicle, or allow someone else to use the vehicle, to operate a DRS if—
- (a) the vehicle does not comply with the applicable vehicle standards for the vehicle; or
- (b) the use of the vehicle by the authorised operator or other person would contravene the *Road Transport (Vehicle Registration) Act 1999*.

Maximum penalty: 20 penalty units.

Example for par (b)

The vehicle must be maintained in a condition that enables it to be driven safely (see *Road Transport (Vehicle Registration) Regulation 2000*, s 107 (2)).

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) An offence against this section is a strict liability offence.

246 Fleet and maintenance records for demand responsive service vehicles to be made

- (1) The authorised operator of a DRS must make a written record of the following particulars for each DRS vehicle used to operate the service:
 - (a) the make, model and year of manufacture of the vehicle;
 - (b) the registration number of the vehicle;
 - (c) the insurance policies, and the expiry date of the policies, that apply in relation to the operation of the vehicle;
 - (d) if the vehicle is a bus—the maximum number of seated and standing passengers that may be carried on the bus in accordance with section 269 (Maximum number of passengers in demand responsive service vehicles);
 - (e) the date the vehicle was first used by the operator to operate the DRS and (if applicable) the date the vehicle ceased to be used by the operator to operate the DRS;
 - (f) the inspections of the vehicle for compliance with section 245 (Maintenance of demand responsive service vehicles);
 - (g) any defects that affect the roadworthiness or safe operation of the vehicle;
 - (h) the cleaning, servicing, maintenance and repair of the vehicle and any other work done to the vehicle;
 - (i) accidents or other incidents in which—
 - (i) the death of, or bodily injury to, a person is caused by, or arises out of the use of, the vehicle; or
 - (ii) damage to property is caused by, or arises out of the use of, the vehicle.

- (2) The authorised operator of a DRS must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

247 Notification of changes to demand responsive service vehicle fleet

- (1) This section applies to an authorised operator of a DRS who acquires (including under a lease) a vehicle to operate the DRS.

- (2) The authorised operator must, as soon as practicable (but no later than 7 days after the day the vehicle is acquired), give the road transport authority written notice of the matters mentioned in section 246 (1) (a) to (d).

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.

248 Notifiable incidents involving demand responsive service vehicles

- (1) The authorised operator of a DRS must, as soon as practicable (but within 24 hours) after a notifiable accident, give the road transport authority written notice of the time and date when, and the place where, the accident happened.

Maximum penalty: 20 penalty units.

- (2) The authorised operator of a DRS must, as soon as practicable (but no later than 5 days after the day of a notifiable accident), give the road transport authority written notice of the following information:

- (a) the make, model and registration number of the DRS vehicle involved in the accident;

-
- (b) the full name and home address of the driver of the DRS vehicle involved in the accident;
 - (c) the circumstances of the accident;
 - (d) the name and address of anyone killed or injured in the accident;
 - (e) for an injured person—the kind of injuries received by the person.

Maximum penalty: 20 penalty units.

- (3) An offence against subsection (1) or (2) is a strict liability offence.
- (4) The authorised operator of a DRS must give the road transport authority written notice of any incident (other than a notifiable accident) that—
 - (a) relates to a DRS vehicle; and
 - (b) significantly affects the operation of the DRS.

Maximum penalty: 20 penalty units.

- (5) In this section:

notifiable accident means an accident or other incident in which the death of, or bodily injury to, a person is caused by, or arises out of the use of, a DRS vehicle.

249 Condition of demand responsive service vehicles

- (1) The authorised operator of a DRS vehicle must not operate, or allow someone else to operate, the vehicle as a DRS vehicle if—
 - (a) the vehicle's exterior and interior are not clean and undamaged; and

- (b) the vehicle's fittings are not clean and undamaged, properly fitted and securely in place and, if appropriate, fully operational.

Maximum penalty: 10 penalty units.

Examples for par (b) of fittings to be fully operational

- 1 interior lights and window-winding mechanisms
- 2 fire-extinguisher
- 3 if the DRS vehicle is fitted with a security camera, the security camera

Note 1 The authorised operator must also comply with any standards about security cameras in DRS vehicles, see s 303 (5).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

exterior, of a DRS vehicle, includes the body, door panels, bumper bars, trim and wheels of the vehicle.

interior, of a DRS vehicle, includes the interior of the boot (if any) of the vehicle.

250 Demand responsive service vehicle drivers to hold appropriate driver licence or authority

- (1) The authorised operator of a DRS must ensure that a person who drives a DRS vehicle to operate the service is—
 - (a) the holder of a public vehicle licence authorising the person to drive the vehicle for hire or reward; or

- (b) exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A (Exemption of drivers of public vehicles driven for hire or reward—Act, s 31 (1) (b)).

Maximum penalty: 20 penalty units.

Note 1 A person does not hold a public vehicle licence if the public vehicle licence is suspended or has been cancelled under the road transport legislation or any other territory law.

Note 2 The *Road Transport (Driver Licensing) Regulation 2000*, s 94A (4) provides that a person ceases to be exempt from holding a public vehicle licence if—

- (a) an automatic disqualifying circumstance applies to the person (see *Road Transport (Driver Licensing) Regulation 2000*, s 91); or
- (b) the person is disqualified by the road transport authority from driving a vehicle on a road or road related area (in the ACT) under that regulation, s 103.

- (2) An offence against this section is a strict liability offence.

251 Records of demand responsive service vehicle drivers etc to be maintained by authorised operator

- (1) The authorised operator of a DRS must make a written record of the following particulars for each person who drives a DRS vehicle to operate the service:
- (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the authorised operator by the road transport authority;

Note **Prescribed driver authority information**—see the dictionary.

- (c) the dates and times when the DRS vehicle was driven by the person.

- (2) The authorised operator of a DRS must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

- (4) A person commits an offence if—

- (a) the person is an authorised operator of a DRS; and
- (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a DRS vehicle to operate the service; and
- (c) the driver was the holder of a public vehicle licence authorising the driver to drive a DRS vehicle for hire or reward; and
- (d) the driver's public vehicle licence is suspended or cancelled; and
- (e) the person knows, or ought reasonably to know, that the driver's public vehicle licence is suspended or cancelled; and
- (f) the person fails to make a written record of the following for the driver—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled; and
 - (iii) if the licence was suspended—when the suspension ends.

Maximum penalty: 10 penalty units.

- (5) A person commits an offence if—

- (a) the person is an authorised operator of a DRS; and
- (b) the person has a written record under subsection (1) of a person (the *driver*) who drives a DRS vehicle to operate the service; and

- (c) the driver was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A; and
- (d) the driver is no longer exempt from holding a public vehicle licence; and
- (e) the person knows, or ought reasonably to know, that the driver is no longer exempt under section 94A; and
- (f) the person fails to record for the driver that the driver is no longer exempt under section 94A.

Maximum penalty: 10 penalty units.

252 *Authorised operator to tell road transport authority about records of demand responsive service vehicle drivers etc*

- (1) The authorised operator of a DRS must, for each person for whom the authorised operator has a record under section 251 (1), tell the road transport authority about the following:
 - (a) the person's full name and home address;
 - (b) the prescribed driver authority information for the person, including any change to the information notified to the authorised operator by the road transport authority;
Note Prescribed driver authority information—see the dictionary.
 - (c) any change to the person's name, home address or prescribed driver authority information since the authorised operator last told the road transport authority about the information relating to the person;
 - (d) if the person no longer drives a DRS vehicle for the authorised operator—that the person no longer drives a DRS vehicle for the authorised operator.

- (2) The authorised operator of a DRS must not fail to comply with subsection (1).

Maximum penalty: 10 penalty units.

- (3) An offence against subsection (2) is a strict liability offence.

253 Road transport authority may tell authorised operator about demand responsive service drivers

- (1) This section applies if—
- (a) the authorised operator of a DRS has a record for a person under section 251 (1); and
 - (b) the authorised operator has told the road transport authority about the person under section 252 (1).

- (2) The road transport authority may tell the authorised operator about the following for the person:
- (a) any change in the prescribed driver authority information for the person;

Note **Prescribed driver authority information**—see the dictionary.

- (b) if the person was the holder of a public vehicle licence authorising the person to drive a DRS vehicle for hire or reward but the person's licence has been suspended or cancelled—
 - (i) the suspension or cancellation of the driver's licence; and
 - (ii) when the licence was suspended or cancelled;
- (c) if the person was exempt from holding a public vehicle licence under the *Road Transport (Driver Licensing) Regulation 2000*, section 94A but is no longer exempt and the road transport authority knows the person is no longer exempt—that the person has ceased to be exempt under section 94A.

254 Keeping and inspection etc of records about demand responsive service vehicles

- (1) This section applies to a person who is or has been the authorised operator of a DRS vehicle.
- (2) The person must—
 - (a) keep every record required to be made by the person under the Act for at least 4 years after the day the last entry was made in it; and
 - (b) produce the record for inspection when required by a police officer or authorised person; and
 - (c) provide the record, or a copy of the record, to the road transport authority for inspection within a stated reasonable time when required to do so, in writing, by the authority.

Maximum penalty: 10 penalty units.

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

- (3) An offence against this section is a strict liability offence.
- (4) The road transport authority, police officer or authorised person may take copies of any record produced or provided under subsection (2) (b) or (c).
- (5) This section does not apply to a recording made by a security camera in a DRS vehicle.

Note For the keeping and destruction of security camera recordings, see s 264 (2).

255 Display of notice about maximum number of passengers

- (1) This section applies if a DRS vehicle is a bus.

- (2) The authorised operator of the DRS must display in a conspicuous position at the rear of the bus a statement, in legible text at least 25mm high, of the maximum number of seated, and the maximum number of standing, passengers the bus is permitted to carry under section 269 (5) (Maximum number of passengers in demand responsive service vehicles).

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

256 Accreditation details to be displayed on demand responsive service vehicles

- (1) The authorised operator of a DRS vehicle must display on the vehicle in a position approved by the road transport authority a statement, in legible text at least 50mm high, of the name in which the operator's accreditation to operate a DRS is held and the accreditation number allocated to the operator by the authority.

Maximum penalty: 5 penalty units.

- (2) An approval under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (3) An offence against this section is a strict liability offence.

257 Advertisements for demand responsive services to display accreditation number

- (1) The authorised operator of a DRS must ensure that an advertisement for the service identifies the service by the accreditation number allocated to the operator for the DRS by the road transport authority.

Maximum penalty: 10 penalty units.

Note 1 A person who falsely represents that the person is entitled to operate a DRS, commits an offence against the Act, s 92.

Note 2 For the entitlement of a person to operate a DRS, see the Act, s 90.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to an advertisement appearing in a DRS vehicle.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

258 Information about fares to be displayed in demand responsive service vehicle

- (1) The authorised operator of a DRS vehicle must ensure that information about fares is displayed in accordance with subsection (2).

Maximum penalty: 5 penalty units.

- (2) The information must be displayed inside the vehicle in a form approved by the road transport authority in a position where it can readily be read by a passenger.
- (3) An offence against this section is a strict liability offence.
- (4) An approval under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

259 Presence of security camera in demand responsive service vehicle to be indicated

- (1) The authorised operator of a DRS vehicle fitted with a security camera must ensure that signs telling people that they may be under video surveillance while in or near the vehicle are conspicuously placed inside and outside the vehicle.

Maximum penalty: 5 penalty units.

Note 1 The authorised operator must also comply with any standards about security cameras in DRS vehicles, see s 303 (5).

Note 2 In collecting personal information, the authorised operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth).

- (2) An offence against this section is a strict liability offence.

260 Airconditioning of demand responsive service vehicles

- (1) This section applies if a DRS vehicle is fitted with airconditioning.
(2) The authorised operator of the vehicle must ensure that the airconditioning is in good condition and fully operational.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

261 Demand responsive service vehicle livery

- (1) The authorised operator of a DRS vehicle must ensure that the vehicle is fitted with signs and livery (including colours) that comply with the requirements and design approved by the road transport authority for the DRS.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) An approval under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (4) This section applies only to something done or not done 3 months after the day this section commences.

- (5) This subsection and subsection (4) expire 3 months after the day this section commences.

262 Offensive material etc in or on demand responsive service vehicles

- (1) The authorised operator of a DRS vehicle must ensure that an advertisement or other document that a reasonable adult would consider indecent, insulting or offensive is not displayed in the vehicle.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (2) The road transport authority, a police officer or an authorised person may direct the authorised operator of a DRS vehicle to remove an advertisement or other document that the authority, officer or person believes, on reasonable grounds, contravenes subsection (1).
- (3) The authorised operator must comply with a direction under subsection (2).

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

263 Compliance with dress code of practice

- (1) The authorised operator of a DRS vehicle commits an offence if—
- (a) a code of practice approved under section 302 (Code of practice—dress of demand responsive service vehicle drivers) is in force; and
 - (b) the authorised operator allows a DRS vehicle driver to drive the vehicle; and
 - (c) the driver does not comply with the code of practice.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

264 Authorised operator's responsibilities for security camera recordings

- (1) This section applies to the authorised operator of a DRS vehicle if the vehicle is fitted with a security camera.
- (2) If a recording made by the security camera has not been given to a police officer or the road transport authority under subsection (4), the authorised operator must ensure that the recording is—
 - (a) kept by the authorised operator for 30 days after the day it is made; and
 - (b) destroyed as soon as practicable after the end of the 30-day period.
- (3) An authorised operator of a DRS vehicle must comply with subsection (2).

Maximum penalty: 10 penalty units.

Note The authorised operator must also comply with any standards about security cameras in DRS vehicles, see s 303 (5).

- (4) If a police officer or the road transport authority asks an authorised operator to give the police officer or authority a recording made by the security camera, the operator must comply with the request.

Maximum penalty: 10 penalty units.

- (5) An authorised operator must maintain, in good condition and fully operational, equipment that can display a recording made by the security camera.

Maximum penalty: 5 penalty units.

Note The authorised operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth) about the collection, storage, use and disclosure of the recordings.

- (6) An offence against this section is a strict liability offence.

265 Authorised operators to comply with service standard for lost property

- (1) This section applies to the authorised operator of a DRS vehicle who is given lost property found in or near a DRS vehicle.
- (2) The authorised operator must deal with the property in accordance with the operator's accepted service standard for the handling and disposal of lost property.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

266 Effect of noncompliance notices—authorised operators

- (1) This section applies to the authorised operator of a DRS vehicle if a noncompliance notice under the Act, section 120 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The authorised operator commits an offence if the notice is attached to the vehicle and the authorised operator uses, or allows someone else to use, the vehicle to operate a DRS after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see the Act, s 120 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see the Act, s 120 (4)).

- (3) The authorised operator commits an offence if—
 - (a) the authorised operator uses, or allows someone else to use, the vehicle to operate a DRS after the time of effect of the notice; and

- (b) the authorised operator knows the notice has been removed otherwise than in accordance with the Act, section 120.

Maximum penalty: 20 penalty units.

- (4) Strict liability applies to subsections (2) and (3) (a).
- (5) This section does not apply to the authorised operator if a police officer or authorised person has directed under the Act, section 120 that the notice be taken to have been removed.

Division 6.2.3 Demand responsive service vehicle drivers

Note For the licensing of DRS vehicle drivers, see the *Road Transport (Driver Licensing) Regulation 2000*.

267 Requirements about demand responsive service vehicle drivers stopping for passengers

- (1) A DRS vehicle driver must stop the vehicle and drop off a passenger at a place if the passenger indicates to the driver that the passenger wishes to get off the vehicle at the place.

Maximum penalty: 5 penalty units.

- (2) A DRS vehicle driver must stop the vehicle and pick up a person at a place if the person indicates to the driver that the person wishes to get on the vehicle at the place.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) Subsections (1) and (2) do not apply if stopping the vehicle to drop off or pick up a passenger would—
 - (a) be at a bus stop where the vehicle is not authorised to stop; or
 - (b) be unlawful; or

-
- (c) be, in the driver's opinion, unsafe; or
- (d) be in a place that is not within the scope of the operation of the DRS; or
- (e) contravene any of the following provisions:
- section 269 (Maximum number of passengers in demand responsive service vehicles)
 - section 272 (Restrictions on carriage of goods in demand responsive service vehicles) if the driver picked up the person
 - section 297 (Demand responsive service vehicle passengers—soiled clothing etc)
 - section 298 (Intoxicated demand responsive service vehicle passengers).
- (5) However, subsection (4) (b) does not apply if the DRS vehicle driver stops the vehicle at a place (the *preferred place*) where stopping the vehicle would otherwise be unlawful if—
- (a) the driver is dropping off or picking up a person with a significant disability that affects the person's mobility; and
- (b) there is no other place near the preferred place where the driver can lawfully and safely drop off or pick up the person; and
- (c) stopping the vehicle in the preferred place is, in the driver's opinion, safe.

Examples of people with significant disabilities affecting mobility

- 1 a wheelchair-dependent person
- 2 a person who ordinarily uses a walking stick, crutches or a walking frame to move around outdoors
- 3 a person who is blind

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (6) In this section:

authorised to stop, at a bus stop, for a DRS vehicle, means a bus stop that the DRS vehicle is authorised to stop at under an authority under section 305 (1) (DRS vehicles—bus stop and bus zone authorities).

268 Where demand responsive service vehicle drivers must stop on a road

- (1) If a DRS vehicle driver stops on a road or road related area 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 or area.

Maximum penalty: 5 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

269 Maximum number of passengers in demand responsive service vehicles

- (1) This section applies if a DRS vehicle is a bus.

- (2) A DRS vehicle driver must not, at any time—

- (a) carry in the bus more passengers, whether seated or standing, that the total number of passengers permitted to be carried in the bus; or
- (b) carry in the bus more passengers seated than the number of passengers permitted to be carried seated in the bus; or
- (c) carry in the bus more passengers standing than the number of passengers permitted to be carried standing in the bus.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

-
- (4) For subsection (2), in working out the number of passengers being carried, the following people are not to be taken into account:
- (a) any child apparently under 5 years old who is being carried on the lap of a seated passenger;
 - (b) every 3rd child, whether seated or standing, who is apparently under 12 years old unless the child is seated on a seat designed (either by way of fixed armrests or seating contours for individual passengers) so that it is impracticable for the seat to be used by more than the number of passengers for which it is designed.
- (5) The number of passengers who are permitted to be carried seated, or are permitted to be carried standing, in the bus is—
- (a) if the bus is registered under the *Road Transport (Vehicle Registration) Act 1999*—the number notified (or last notified) to the authorised operator by the road transport authority; or
 - (b) if the bus is registered under the law of another jurisdiction that corresponds to the *Road Transport (Vehicle Registration) Act 1999*—the number permitted to be carried by the bus under that law.

270 Wheelchair passengers in demand responsive service vehicles

- (1) This section applies in relation to a DRS vehicle if the vehicle has wheelchair access and has passenger seating positions fitted with seatbelts.
- (2) The DRS vehicle driver must not carry a wheelchair in the vehicle if the wheelchair is not safely and securely attached to the vehicle.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (3) The DRS vehicle driver must not carry a person in the vehicle while the person is seated in a wheelchair.

Maximum penalty: 10 penalty units.

- (4) Subsection (3) does not apply if—
- (a) the wheelchair cannot travel faster than 10km/h on level ground; and
 - (b) the wheelchair is not in another vehicle (for example, a motorised tricycle) while the wheelchair is in the DRS vehicle; and
 - (c) if a seatbelt is provided for the position where the wheelchair is attached—the person is wearing the seatbelt.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (5) However, subsection (4) (c) does not apply if the person is exempt under a territory law from wearing a seatbelt.

Note 1 A passenger in a motor vehicle (other than a bus), including a person in a wheelchair, must wear a suitable child restraint or a seatbelt if one is available unless the person is exempt from wearing a seatbelt (see *Road Transport (Safety and Traffic Management) Regulation 2000*, s 23B and Australian Road Rules, r 265 and r 266).

Note 2 For exemptions from wearing a seatbelt, including for medical reasons, see the *Road Transport (Safety and Traffic Management) Regulation 2000*, s 25 and the Australian Road Rules, r 267.

Note 3 A person who is exempt from wearing a seatbelt and who is a passenger in a motor vehicle with 2 or more rows of seats must not sit in the front row of seats (see Australian Road Rules, r 267 (1)).

- (6) Despite subsection (4) (a), the DRS vehicle driver must not carry a person in the vehicle while the person is seated in a motorised wheelchair of a kind known as, or that is similar to, a scooter or tricycle.

Maximum penalty: 10 penalty units.

- (7) The DRS vehicle driver must provide reasonable assistance in loading and unloading a wheelchair, or a person in a wheelchair, into or from the vehicle.

Maximum penalty: 10 penalty units.

- (8) An offence against this section is a strict liability offence.

271 Responsibilities of demand responsive service vehicle drivers for security cameras

- (1) This section applies to a DRS vehicle driver if the vehicle is fitted with a security camera.

- (2) The driver must—

- (a) at the beginning of each shift of the driver, check whether the security camera is operating; and
- (b) if the camera is not operating—tell the authorised operator of the DRS vehicle that the camera is not operating.

Maximum penalty: 5 penalty units.

Note The DRS vehicle driver must also comply with any standards about security cameras in DRS vehicles, see s 303 (5).

- (3) An offence against this section is a strict liability offence.

272 Restrictions on carriage of goods in demand responsive service vehicles

- (1) A DRS vehicle driver must not allow anyone to place or carry a thing in the DRS vehicle if, because of its size or dimensions, the thing cannot be carried in the vehicle without inconvenience or danger to anyone.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the person has a disability and the thing is used by the person to alleviate the effect of the disability.

273 Responsibility of demand responsive service vehicle drivers for lost property

- (1) This section applies to a DRS vehicle driver if the driver finds lost property in the vehicle or is given lost property under section 301 (Lost property found by demand responsive service vehicle passengers).

- (2) The driver must give the property to—
- (a) its owner; or
- (b) if the owner cannot be identified—the authorised operator of the vehicle as soon as practicable (but within 24 hours) after finding or being given the property.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

274 Behaviour of demand responsive service vehicle drivers generally

- (1) A DRS vehicle driver must not—
- (a) solicit for passengers; or

- (b) move the vehicle while a door is open; or
- (c) start or stop the vehicle in a way that subjects a passenger or anyone else to unnecessary risk of injury.

Maximum penalty: 10 penalty units.

Note 1 A DRS vehicle driver may not smoke in the DRS vehicle (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).

Note 2 A DRS vehicle driver must also comply with any standards about security cameras in DRS vehicles, see s 303 (5).

- (2) An offence against this section is a strict liability offence.

275 Dress and conduct of demand responsive service vehicle drivers

- (1) A DRS vehicle driver must—
 - (a) be clean and tidy; and
 - (b) behave in an orderly way and with politeness and propriety towards every passenger, police officer and authorised person and other road users.

Maximum penalty: 5 penalty units.

- (2) If a code of practice approved under section 302 (Code of practice—dress of demand responsive service vehicle drivers) is in force, a DRS vehicle driver must comply with the code of practice.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

276 Responsibility of drivers for condition of demand responsive service vehicle

- (1) A DRS vehicle driver must ensure that the vehicle is clean and tidy.
Maximum penalty: 5 penalty units.
- (2) An offence against this section is a strict liability offence.

277 Drivers to remain in vehicle

- (1) This section applies if a DRS vehicle is a bus.
- (2) A DRS vehicle driver must not leave the driver's seat of the bus during a journey of the bus.
Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) Subsection (2) does not apply if the driver has a reasonable excuse.

278 Passengers not to be carried on certain parts of a demand responsive service vehicle

- (1) This section applies if a DRS vehicle is a bus.
- (2) A DRS vehicle driver must not allow a passenger—
 - (a) to enter the driver's compartment (if any) of the bus; or
 - (b) to occupy the driver's seat or a part of the driver's seat.Maximum penalty: 5 penalty units.
- (3) A DRS vehicle 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.

Maximum penalty: 5 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) Subsection (3) (b) does not apply in relation to a passenger occupying a seat beside the driver that is designed for a passenger.
- (6) Without limiting subsection (2), the parts of a bus not designed to carry passengers include the roof, steps and footboard.

279 Effect of noncompliance notices—demand responsive service vehicle drivers

- (1) This section applies to the driver of a DRS vehicle if a noncompliance notice under the Act, section 120 (Attachment and removal of noncompliance notices) has been attached to the vehicle.
- (2) The driver commits an offence if the notice is attached to the vehicle and the driver uses, or allows someone else to use, the vehicle to operate a DRS after the time of effect of the notice.

Maximum penalty: 20 penalty units.

Note 1 For the *time of effect*, see the Act, s 120 (2) (b).

Note 2 Unauthorised removal of a noncompliance notice is an offence (see the Act, s 120 (4)).

- (3) The driver commits an offence if—
 - (a) the driver uses, or allows someone else to use, the vehicle to operate a DRS after the time of effect of the notice; and
 - (b) the driver knows the notice has been removed otherwise than in accordance with the Act, section 120.

Maximum penalty: 20 penalty units.

- (4) Strict liability applies to subsections (2) and (3) (a).

- (5) This section does not apply to the driver if a police officer or authorised person has directed under the Act, section 120 that the notice be taken to have been removed.

Division 6.2.4 Demand responsive service tickets

280 Validity of demand responsive service tickets

- (1) A DRS ticket is valid for travel only for the journey or journeys for which it is issued.
- (2) A DRS ticket transferred in contravention of section 282 (Demand responsive service tickets not transferable) is not a valid ticket.

Note The dictionary defines **DRS ticket** as meaning anything issued by or on behalf of the authorised operator of a DRS for the purpose of authorising a person to travel in a DRS vehicle.

281 Valid demand responsive service ticket required for travel

- (1) A person must not travel in a DRS vehicle if the person does not hold a valid DRS ticket for the travel.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the person has a reasonable excuse.
- (4) For subsection (1), if a DRS vehicle uses automatic equipment to read or record any details in a DRS ticket, a ticket may be validated—
- (a) for equipment that is operated by inserting a ticket into the equipment—by putting the ticket into the automatic equipment in accordance with any instructions provided by the authorised operator; or

- (b) for equipment operated by passing a ticket near the equipment—by passing the ticket near the equipment in accordance with any instructions provided by the authorised operator.

Example of ticket inserted into automatic equipment

a DRS ticket with a magnetic strip

Example of ticket passed near automatic equipment

a DRS ticket with a microchip

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

282 Demand responsive service tickets not transferable

- (1) A person who is issued with a DRS 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) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
- (a) the ticket was bought for the other person; or
 - (b) the transfer is authorised by the authorised operator of the DRS.

283 Damaged or changed demand responsive service tickets not to be used

- (1) A person must not travel in a DRS vehicle using a DRS ticket if the ticket has been—
- (a) damaged or defaced in a material respect; or

(b) changed in a material particular.

Maximum penalty: 5 penalty units.

Examples of a DRS ticket damaged or defaced in a material respect—par (a)

- 1 If the ticket has a magnetic strip or microchip, the ticket cannot be read or recorded by the automatic equipment used by a DRS vehicle to read or record any details in the ticket.
- 2 The information shown on the ticket by, or with the authorisation of, the authorised operator of the DRS for which the ticket is issued is missing or cannot be readily read.

Examples of a DRS ticket changed in a material particular—par (b)

- 1 The information shown on the ticket by, or with the authorisation of, the authorised operator of the DRS for which the ticket is issued has been changed or deleted without the authorised operator's authorisation.
- 2 If the ticket has a magnetic strip or microchip, the information recorded in the magnetic strip or microchip by, or with the authorisation of, the authorised operator of the DRS for which the ticket is issued, has been changed or deleted without the authorised operator's authorisation.

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) An offence against this section is a strict liability offence.

284 Concession tickets for demand responsive service vehicles

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

Maximum penalty: 5 penalty units.

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

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) A person must not fail to comply with a requirement under subsection (2).

Maximum penalty: 5 penalty units.

- (4) Subsection (3) does not apply if the person has a reasonable excuse.
- (5) A person may not be prosecuted for offences against both subsection (1) and subsection (3) in relation to the same journey.
- (6) For this section, a person is entitled to use a concession ticket for travel on a DRS if the authorised operator of the service has authorised the person to use the concession ticket.
- (7) A person must not provide a document containing information that 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 subsection (2).

Maximum penalty: 20 penalty units.

- (8) A person must not in or in relation to an application for a concession ticket or in purported compliance with a requirement under subsection (2)—
- (a) state anything that is false or misleading in a material particular; or

- (b) omit from a statement anything without which the statement is misleading in a material particular.

Maximum penalty: 20 penalty units.

- (9) In this section:

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

- (10) An offence against this section is a strict liability offence.

285 Inspection and processing of demand responsive service tickets

- (1) A person who is in a DRS vehicle must make the person's DRS ticket available for inspection or processing by an authorised person on the authorised person's request.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

Division 6.2.5 Conduct of demand responsive service vehicle passengers

286 Conduct of people in demand responsive service vehicles generally

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

Maximum penalty: 5 penalty units.

- (2) Without limiting subsection (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 within the meaning of the Australian Road Rules, dictionary.

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

- (3) An offence against this section is a strict liability offence.

287 Demand responsive service vehicle seats for older people and people with disabilities

- (1) A person commits an offence if—
 - (a) the authorised operator of a DRS has, by a notice in a DRS vehicle—
 - (i) set aside seats (a *designated seat*) for older people or people with a disability (a *designated person*); and
 - (ii) specified the people who may use the seats; and
 - (b) the person occupies or continues to occupy a designated seat if a designated person is standing or indicates that the person wishes to use the seat.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to a designated person.

288 Drinking of liquor in demand responsive service vehicles generally prohibited

- (1) A person must not drink, or be in possession of an open container of, liquor in a DRS vehicle.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the liquor is supplied in the vehicle by, or with the permission of, the authorised operator of the DRS.

289 Eating and drinking in demand responsive service vehicles

- (1) A person must not eat or drink in a DRS vehicle (or part of a DRS vehicle) if eating and drinking in the vehicle (or part of the vehicle) is prohibited by a notice displayed in the vehicle.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the person is eating or drinking—
- (a) with the permission of the authorised operator of the DRS; or
 - (b) for medical reasons.

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

290 Getting on and getting off demand responsive service vehicles

- (1) A person must not get on or off a DRS vehicle—
- (a) while the vehicle is moving; or

- (b) through a window of the vehicle (including a window used as an emergency exit) or a roof hatch (if any).

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if the person has a reasonable excuse.

291 No interference with demand responsive service vehicle equipment

- (1) A person must not—
 - (a) interfere with equipment attached to or forming part of a DRS vehicle; or
 - (b) block a door in a DRS vehicle; or
 - (c) open a locked door in a DRS vehicle; or
 - (d) open an unlocked door in a DRS vehicle while the vehicle is moving; or
 - (e) interfere with an automatically operated door in a DRS vehicle.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if a person has a reasonable excuse.

292 Throwing objects in or from demand responsive service vehicles

- (1) A person must not throw anything in or from a DRS vehicle.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

293 Travel not allowed on certain parts of demand responsive service vehicle

- (1) This section applies if a DRS vehicle is a bus.
- (2) A passenger on the bus must not—
 - (a) enter the driver's compartment (if any) of the bus; or
 - (b) occupy the driver's seat or a part of the driver's seat.Maximum penalty: 5 penalty units.
- (3) 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.Maximum penalty: 5 penalty units.
- (4) An offence against this section is a strict liability offence.
- (5) Subsection (3) (b) does not apply in relation to a passenger occupying a seat beside the driver that is designed for use by a passenger.
- (6) Without limiting subsection (3), the parts of a bus not designed to carry passengers include the roof, steps and footboard.

294 Property not to be removed from demand responsive service vehicles

- (1) A person must not remove from a DRS vehicle property of the authorised operator of the vehicle.
Maximum penalty: 5 penalty units.
- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to the authorised operator of the vehicle, a police officer or an authorised person.

295 No littering in demand responsive service vehicles

- (1) A person must not deposit, in a DRS vehicle, litter or anything that may endanger a person or property.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to litter or a thing placed in a container provided in the vehicle for the collection of litter.

296 Carriage of animals in demand responsive service vehicles

- (1) A person must not take an animal onto a DRS vehicle without the driver's permission.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply if—
- (a) the person has a disability and is accompanied by an animal trained to help the person to alleviate the effect of the disability; or
 - (b) the person is training an animal to help to alleviate the effect of a disability.

Note If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see *Discrimination Act 1991*, s 9).

297 Demand responsive service vehicle passengers—soiled clothing etc

- (1) A DRS vehicle driver, police officer or authorised person may direct a person not to get into, or to get out of, a DRS vehicle if the driver, police officer or authorised person believes, on reasonable grounds, that—
 - (a) the person, the person’s clothing or goods (or anything else on or carried by the person) may soil or damage the vehicle or the clothing or goods of someone else; or
 - (b) any of the person’s goods cannot, because of their size or dimensions, be carried in the vehicle without inconvenience or danger to someone else.
- (2) A person must comply with a direction given to the person under subsection (1).

Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.
- (4) Subsection (1) (b) does not apply to anything used by a person with a disability to alleviate the effect of the disability.

298 Intoxicated demand responsive service vehicle passengers

- (1) A DRS vehicle driver, police officer or authorised person may direct a person not to get into, or to get out of, a DRS vehicle if the driver, police officer or authorised person believes, on reasonable grounds, that the person—
 - (a) is under the influence of liquor or a drug; and
 - (b) is causing, or is likely to cause, a nuisance or annoyance to someone else.

-
- (2) A person must comply with a direction given to the person under subsection (1).

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

299 Offender to get out of demand responsive service vehicle when directed

- (1) A DRS vehicle driver, police officer or authorised person may direct a person to get out of a DRS vehicle if the driver, police officer or authorised person believes, on reasonable grounds, that the person is committing, or has just committed, an offence against this division or division 6.2.4 (Demand responsive service vehicle tickets).

- (2) A person must comply with a direction given to the person under subsection (1).

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

300 Removal of people from demand responsive service vehicles

A person who fails to comply with a direction under this division to get out of a DRS vehicle may be removed from the vehicle by a police officer.

301 Lost property found by demand responsive service vehicle passengers

- (1) A person who finds something in a DRS vehicle must return it to its owner or give it to the DRS vehicle driver, the authorised operator of the vehicle, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

Division 6.2.7 Other matters relating to demand responsive services

302 Code of practice—dress of demand responsive service vehicle drivers

- (1) The road transport authority may approve a code of practice for the dress of DRS vehicle drivers.
- (2) The approval of a code of practice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

303 Standards about security cameras in demand responsive service vehicles

- (1) The road transport authority may approve standards in relation to security cameras in DRS vehicles.
- (2) A standard may make provision in relation to security cameras in DRS vehicles, including, for example—
 - (a) when security cameras may be installed; and
 - (b) the kinds of security cameras that may be installed; and
 - (c) the position of security cameras; and
 - (d) the operation of security cameras; and
 - (e) requirements about notices to be included in a vehicle that has a security camera installed.

Note 1 The *Privacy Act 1988* (Cwlth) imposes obligations on some private sector organisations in relation to the collection, storage, use and disclosure of personal information collected about an individual.

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) An approval under subsection (1) is a disallowable instrument.

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

- (4) A standard 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 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (5) A person must not contravene a standard approved under subsection (1).

Maximum penalty: 20 penalty units.

- (6) An offence against this section is a strict liability offence.

304 Interference with demand responsive service vehicle security cameras and recordings

- (1) A person must not, without lawful authority or excuse, interfere with a security camera in a DRS vehicle.

Maximum penalty: 20 penalty units.

- (2) A person must not change or otherwise interfere with a recording made by a security camera in a DRS vehicle.

Maximum penalty: 20 penalty units.

Note For the destruction of recordings, see s 264.

- (3) An offence against this section is a strict liability offence.

305 DRS vehicles—bus stop and bus zone authorities

- (1) The road transport authority may give the authorised operator of a DRS an authority for DRS vehicles used to operate the service to stop at a stated bus stop or in a stated bus zone.
- (2) An authorisation is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

11 Chapter 6 (Disciplinary action) and chapter 8

renumber as chapters 8 and 9

12 Parts 8.1 and 8.4 to 8.7

renumber as parts 9.1 and 9.4 to 9.7

13 Schedule 1, new part 1.6

insert

Part 1.6 Demand responsive services

- 6 Standards in relation to the following:
 - (a) the inspection and servicing of DRS vehicles for compliance with section 245 (Maintenance of demand responsive service vehicles);
 - (b) the parking, cleaning, servicing, maintenance and repair of DRS vehicles;
 - (c) for servicing, maintenance or repairs to DRS vehicles carried out by an authorised operator—the operation of the facilities for those activities carried out by the authorised operator and the training of people to carry out the activities;

-
- (d) for servicing, maintenance or repairs to DRS vehicles carried out on behalf of an authorised operator—how the authorised operator will ensure that the vehicles will comply with the Act (including the person by whom, and the place where, the activities will be carried out);
 - (e) the advertising of the DRS;
 - (f) the making and management of records and systems required to be kept under the Act (including a service contract under the Act, section 89);

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation and service standards (see Legislation Act, s 104).

- (g) for the operation of a DRS—
 - (i) the operation of booking services by or for the DRS; and
 - (ii) systems for ensuring compliance with section 250 (Demand responsive service vehicle drivers to hold appropriate driver licence or authority); and
 - (iii) the training of DRS vehicle drivers; and
 - (iv) the driving hours of, and rest periods for, bus drivers; and
 - (v) the monitoring of the safety of DRS vehicle drivers; and
 - (vi) how contraventions of the road transport legislation by DRS vehicle drivers will be handled; and
 - (vii) how customer inquiries (including for lost property) and complaints will be handled; and
 - (viii) the recording and resolution of customer complaints; and
 - (ix) the handling and disposal of lost property; and
 - (x) the making available to the public of information about fares and services; and

- (xi) the training of people to manage, and the management of, any incident causing the death of, or bodily injury to, anyone caused by, or resulting from the use of, a DRS vehicle; and
- (xii) systems for ensuring compliance with the *Road Transport (General) Act 1999*, section 217 (Public vehicle insurance compulsory).

14 Dictionary, note 3, new dot points

insert

- authorisation
- demand responsive service
- demand responsive service vehicle

15 Dictionary, new definitions

insert

authorised operator, for part 6.2 (Demand responsive services)—see section 244.

DRS means demand responsive service.

DRS authorisation label means a label issued under section 236.

DRS ticket, in relation to a DRS vehicle, means anything issued by or on behalf of the authorised operator of a DRS for the purpose of authorising a person to travel in a DRS vehicle.

DRS vehicle driver, for part 6.2 (Demand responsive services)—see section 244.

Schedule 1 Other amendments

(see s 3)

Part 1.1 Road Transport (Driver Licensing) Regulation 2000

[1.1] New section 11 (3) and (4)

insert

- (3) For subsection (1), a person who holds a public vehicle licence with—
- (a) an O code is also authorised to drive, for hire or reward, a demand responsive service vehicle that is a bus; and
 - (b) a T, H, or W code is also authorised to drive, for hire or reward, a demand responsive service vehicle that seats 9 adults or less (including the driver).
- (4) In this section:

demand responsive service vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 81.

Part 1.2 Road Transport (General) Regulation 2000

[1.2] Schedule 1, part 1.7, item 1

omit

[1.3] Schedule 1, part 1.7, new item 4

insert

4	127	Minister—refuse to exempt vehicle or person from Act or provision of Act
---	-----	--

[1.4] Schedule 1, part 1.7

renumber items when regulation next republished under Legislation Act

[1.5] Schedule 1, part 1.8, new items 33A and 33B

insert

33A	240 (1)	Minister—refuse to issue replacement demand responsive service authorisation for authorisation that has been lost, stolen or destroyed
33B	269 (5) (a)	road transport authority—number of seated/standing passengers demand responsive service vehicle permitted to carry

[1.6] Schedule 1, part 1.8

renumber items when regulation next republished under Legislation Act

[1.7] Schedule 1, part 1.8, item 34, column 2

omit

225 (4)

substitute

323 (4)

[1.8] Schedule 1, part 1.8, item 35, column 2

omit

226 (3)

substitute

324 (3)

[1.9] Dictionary, definition of *bus service*

omit

[1.10] Dictionary, definition of *service authority*

omit

section 222

substitute

section 320

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.11]

Part 1.3 Road Transport (Offences) Regulation 2005

[1.11] Section 8 (1) (a)

omit

items 207 to 261

substitute

items 207 to 252 and 254 to 261

[1.12] Section 8 (1) (f)

omit

44

substitute

45, 46

[1.13] Schedule 1, part 1.10, item 24

substitute

24	85 (1)	DRS operator using vehicle to operate service without authorisation	50		
24A	86 (1)	representing vehicle as DRS vehicle	30		
24B	91 (1)	operating DRS without entitlement	50		
24C	92 (1)	representing entitlement to operate DRS	30		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.14]

[1.14] Schedule 1, part 1.10, new item 31

insert

31	125 (1)	unauthorised use of vehicle for paid passenger transport	50		
----	---------	--	----	--	--

[1.15] Schedule 1, part 1.10

renumber items when regulation next republished under Legislation Act

[1.16] Schedule 1, part 1.11, items 8.9 and 8.10, column 3

omit

bus accident details

substitute

bus accident

[1.17] Schedule 1, part 1.11, item 8.10, column 5

omit

20

substitute

200

[1.18] Schedule 1, part 1.11, item 9, column 2

omit

23

substitute

23 (2)

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.19]

[1.19] Schedule 1, part 1.11, item 12, column 2

omit

24 (3)

substitute

24 (4)

[1.20] Schedule 1, part 1.11, item 14, column 2

omit

26

substitute

26 (1)

[1.21] Schedule 1, part 1.11, new items 15A to 15C

insert

15A	27 (4)	bus operator not make record of suspension/cancellation of driver's licence	10		
15B	27 (5)	bus operator not record driver no longer exempt from holding licence	10		
15C	27A (2)				
15C.1	<ul style="list-style-type: none"> by contravening 27A (1) (a) 	bus operator not tell road transport authority driver's name and address	10		
15C.2	<ul style="list-style-type: none"> by contravening 27A (1) (b) 	bus operator not tell road transport authority prescribed driver authority information	10		
15C.3	<ul style="list-style-type: none"> by contravening 27A (1) (c) 	bus operator not tell road transport authority about change to driver's name/address/prescribed driver authority information	10		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.22]

15C.4	<ul style="list-style-type: none"> by contravening 27A (1) (d) 	bus operator not tell road transport authority driver no longer driving bus for bus operator	10		
-------	---	--	----	--	--

[1.22] Schedule 1, part 1.11, new items 20A to 20E

insert

20A	30B (2)	bus operator not ensure airconditioning operational/in good repair	10		
20B	30C (2)	bus operator not ensure bus fitted with approved signs/livery	10	150	
20C	30D (1)	bus operator not ensure inappropriate advertisement/document not displayed	10		
20D	30D (3)	bus operator not remove inappropriate advertisement/document as directed	10	200	
20E	30E (1)	bus operator not ensure driver complying with dress code of practice	10		

[1.23] Schedule 1, part 1.11, item 39, column 2

omit

40

substitute

40 (2)

[1.24] Schedule 1, part 1.11, items 43 and 44

substitute

43	42 (1) (a)	bus driver not clean and tidy	5		
43A	42 (1) (b)	bus driver not behave in orderly way/politely/with propriety	5		
44	42 (2)	bus driver not comply with dress code of practice	5	100	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.25]

[1.25] Schedule 1, part 1.11, item 59

substitute

59	50 (6) (a)	provide document containing false/ misleading/incomplete information for bus ticket concession application	20	100	
59A	50 (6) (b)	provide document containing false/ misleading/incomplete information for evidence of entitlement to bus ticket concession	20	100	

[1.26] Schedule 1, part 1.11, item 64, column 2

omit

53 (2)

substitute

53 (1)

[1.27] Schedule 1, part 1.11, item 83

substitute

83	63 (3)				
83.1	<ul style="list-style-type: none"> by contravening 63 (1) (a) 	bus passenger not comply with direction by driver/police officer/authorised person because soil/damage bus/person	5	100	
83.2	<ul style="list-style-type: none"> by contravening 63 (1) (b) 	bus passenger not comply with direction by driver/police officer/authorised person because goods inconvenience/endanger person	5	100	

[1.28] Schedule 1, part 1.11, item 86

substitute

86	67 (1)	bus passenger not deal with lost property on bus as required	5	100	
----	--------	--	---	-----	--

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.29]

[1.29] Schedule 1, part 1.11, new items 98A to 98C

insert

98A	77 (4)	taxi network not make record of suspension/cancellation of driver's licence	10		
98B	77 (5)	taxi network not record driver no longer exempt from holding licence	10		
98C	77A (2)				
98C.1	<ul style="list-style-type: none"> by contravening 77A (1) (a) 	taxi network not tell road transport authority about driver's name and address	10		
98C.2	<ul style="list-style-type: none"> by contravening 77A (1) (b) 	taxi network not tell road transport authority about prescribed driver authority information	10		
98C.3	<ul style="list-style-type: none"> by contravening 77A (1) (c) 	taxi network not tell road transport authority about change to driver's name/address/prescribed driver authority information	10		

98C.4	<ul style="list-style-type: none"> by contravening 77A (1) (d) 	taxi network not tell road transport authority about driver no longer driving taxi for network	10		
-------	---	--	----	--	--

[1.30] Schedule 1, part 1.11, item 113, column 2

omit

97

substitute

97 (1)

[1.31] Schedule 1, part 1.11, new items 115A and 115B

insert

115A	99 (4)	taxi operator not make record of suspension/cancellation of driver's licence	10		
115B	99 (5)	taxi operator not record driver no longer exempt from holding licence	10		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.32]

[1.32] Schedule 1, part 1.11, items 125 and 126

substitute

125	107 (1)	taxi operator not ensure taxi fitted with approved signs/livery	10	150	
-----	---------	---	----	-----	--

[1.33] Schedule 1, part 1.11, item 213

substitute

213	150 (3)				
213.1	<ul style="list-style-type: none"> by contravening 150 (1) (a) 	taxi passenger not comply with direction by driver/police officer/authorised person because soil/damage taxi/person	5	100	
213.2	<ul style="list-style-type: none"> by contravening 150 (1) (b) 	taxi passenger not comply with direction by driver/police officer/authorised person because goods inconvenience/endanger person	5	100	

[1.34] Schedule 1, part 1.11, items 224 to 224.3

substitute

224	177E (4) (a)	person operating without stand-by hire car permit label attached to car	20	300	
224A	177E (4) (b)	person operating with stand-by hire car permit label not properly attached to car	20	300	
224B	177E (4) (c)	person operating with stand-by hire car permit label not readable	20	300	
224C	177E (5)				
224C.1	<ul style="list-style-type: none"> by contravening 177E (4) (a) 	stand-by hire car operator not prevent use of car without permit label attached to car	20		
224C.2	<ul style="list-style-type: none"> by contravening 177E (4) (b) 	stand-by hire car operator not prevent use of car with permit label not properly attached to car	20		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.35]

224C.3	<ul style="list-style-type: none"> by contravening 177E (4) (c) 	stand-by hire car operator not prevent use of car with permit label not readable	20		
224D	177H (1)	stand-by hire car driver not produce permit when required by road transport authority/police officer/authorised person	5	100	

[1.35] Schedule 1, part 1.11, new items 233A to 233C

insert

233A	182 (3)	hire car operator not make record of suspension/cancellation of driver's licence	10		
233B	182 (4)	hire car operator not record driver no longer exempt from holding licence	10		
233C 233C.1	182A (2) <ul style="list-style-type: none"> by contravening 182A (1) (a) 	hire car operator not tell road transport authority about driver's name and address	10		

233C.2	<ul style="list-style-type: none"> by contravening 182A (1) (b) 	hire car operator not tell road transport authority about prescribed driver authority information	10		
233C.3	<ul style="list-style-type: none"> by contravening 182A (1) (c) 	hire car operator not tell road transport authority about change to driver's name/ address/prescribed driver authority information	10		
233C.4	<ul style="list-style-type: none"> by contravening 182A (1) (d) 	hire car operator not tell road transport authority about driver no longer driving hire car for operator	10		

[1.36] Schedule 1, part 1.11, items 239 to 241

substitute

239	186 (2) (a)	person operating without restricted hire car licence label attached to car	20	300	
240	186 (2) (b)	person operating with restricted hire car licence label not properly attached to car	20	300	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.37]

241	186 (2) (c)	person operating with restricted hire car licence label not readable	20	300	
-----	-------------	--	----	-----	--

[1.37] Schedule 1, part 1.11, item 281

substitute

281	213 (2)				
281.1	<ul style="list-style-type: none"> by contravening 213 (1) (a) 	hire car passenger not comply with direction by driver/police officer/authorised person because soil/damage hire car/person	5	100	
281.2	<ul style="list-style-type: none"> by contravening 213 (1) (b) 	hire car passenger not comply with direction by driver/police officer/authorised person because goods inconvenience/endanger person	5	100	

[1.38] Schedule 1, part 1.11, item 288

substitute

288	236 (4) (a)	person operating without DRS authorisation label attached to vehicle	20	300	
289	236 (4) (b)	person operating with DRS authorisation label not properly attached to vehicle	20	300	
290	236 (4) (c)	person operating with DRS authorisation label not readable	20	300	
291	236 (5)				
291.1	<ul style="list-style-type: none"> by contravening 236 (4) (a) 	DRS operator failing to prevent use of vehicle without authorisation label attached to vehicle	20		
291.2	<ul style="list-style-type: none"> by contravening 236 (4) (b) 	DRS operator failing to prevent use of vehicle with authorisation label not properly attached to vehicle	20		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

291.3	<ul style="list-style-type: none"> by contravening 236 (4) (c) 	DRS operator failing to prevent use of vehicle with authorisation label not readable	20		
292	238 (1)	DRS authorisation-holder not notify change in name/address	20	300	
293	239 (1)	DRS authorisation-holder contravene condition of authorisation	20	300	
294	241 (1)	DRS authorisation-holder not produce authorisation when required by road transport authority/police officer/authorised person	5	100	
295	245 (1)	DRS operator not service/maintain DRS vehicle	20		
296	245 (2)	DRS operator not ensure DRS vehicle complies with applicable vehicle standards etc	20		

297	246 (2)				
297.1	• by contravening 246 (1) (a)	DRS operator not record DRS vehicle manufacture details	10	200	
297.2	• by contravening 246 (1) (b)	DRS operator not record DRS vehicle registration number	10	200	
297.3	• by contravening 246 (1) (c)	DRS operator not record DRS vehicle insurance policies	10	200	
297.4	• by contravening 246 (1) (d)	DRS operator not record DRS vehicle passenger capacity if vehicle is a bus	10	200	
297.5	• by contravening 246 (1) (e)	DRS operator not record DRS vehicle operation start/end dates	10	200	
297.6	• by contravening 246 (1) (f)	DRS operator not record DRS vehicle safety inspections	10	200	
297.7	• by contravening 246 (1) (g)	DRS operator not record DRS vehicle safety defects	10	200	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

297.8	<ul style="list-style-type: none"> by contravening 246 (1) (h) 	DRS operator not record DRS vehicle maintenance	10	200	
297.9	<ul style="list-style-type: none"> by contravening 246 (1) (i) (i) 	DRS operator not record details of DRS vehicle accident causing death/injury	10	200	
297.10	<ul style="list-style-type: none"> by contravening 246 (1) (i) (ii) 	DRS operator not record details of DRS vehicle accident causing property damage	10	200	
298	247 (2)	DRS operator not give notice of additional DRS vehicle	20	100	
299	248 (1)	DRS operator not give immediate notice of notifiable accident	20	200	
300	248 (2)	DRS operator not give follow-up notice of notifiable accident	20	200	
301	248 (4)	DRS operator not give notice of incident	20	200	
302	249 (1)	DRS operator not ensure interior/exterior/fittings of DRS vehicle clean/undamaged/properly fitted/securely in place	10	200	

303	250 (1)	DRS operator allow unlicensed/unauthorised person drive DRS vehicle	20	300	
304	251 (2)				
304.1	<ul style="list-style-type: none"> by contravening 251 (1) (a) 	DRS operator not record driver's name and address	10		
304.2	<ul style="list-style-type: none"> by contravening 251 (1) (b) 	DRS operator not record prescribed driver authority information	10		
304.3	<ul style="list-style-type: none"> by contravening 251 (1) (c) 	DRS operator not record driving dates/times	10		
305	251 (4)	DRS operator not make record of suspension/cancellation of driver's licence	10		
306	251 (5)	DRS operator not record driver no longer exempt from holding licence	10		
307	252 (2)				
307.1	<ul style="list-style-type: none"> by contravening 252 (1) (a) 	DRS operator not tell road transport authority about driver's name and address	10		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

307.2	<ul style="list-style-type: none"> by contravening 252 (1) (b) 	DRS operator not tell road transport authority about prescribed driver authority information	10		
307.3	<ul style="list-style-type: none"> by contravening 252 (1) (c) 	DRS operator not tell road transport authority about change to driver's name/ address/prescribed driver authority information	10		
307.4	<ul style="list-style-type: none"> by contravening 252 (1) (d) 	DRS operator not tell road transport authority about driver no longer driving DRS vehicle	10		
308	254 (2) (a)	not keep DRS vehicle records as required	10	200	
309	254 (2) (b)	not produce DRS vehicle records as required	10	200	
310	254 (2) (c)	not provide DRS vehicle records as required	10	200	

311	255 (2)	DRS operator not state on DRS vehicle maximum number of bus passengers permitted	5	100	
312	256 (1)	DRS operator not display accreditation information	5	100	
313	257 (1)	DRS operator not ensure advertisement includes accreditation number	10	200	
314	258 (1)	DRS operator not ensure required fare information displayed in DRS vehicle	5	100	
315	259 (1)	DRS operator not display security camera notice	5	100	
316	260 (2)	DRS operator not ensure airconditioning operational/in good repair	10		
317	261 (1)	DRS operator not ensure DRS vehicle fitted with approved signs/livery	10	150	
318	262 (1)	DRS operator not ensure inappropriate advertisement/document not displayed	10		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

319	262 (3)	DRS operator not remove inappropriate advertisement/document as directed	10	200	
320	263 (1)	DRS operator not ensure driver complying with dress code of practice	10		
321	264 (3)				
321.1	<ul style="list-style-type: none"> • by contravening 264 (2) (a) 	DRS operator not keep security camera recording as required	10		
321.2	<ul style="list-style-type: none"> • by contravening 264 (2) (b) 	DRS operator not destroy security camera recording as required	10		
322	264 (4)	DRS operator not produce security camera recording to police officer/authority	10		
323	264 (5)	DRS operator not maintain equipment to display security camera recordings	5		
324	265 (2)	DRS operator not deal with lost property as required	5		

325	266 (2)	DRS operator allow DRS vehicle operation after time of effect of noncompliance notice	20		
326	266 (3)	DRS operator allow DRS vehicle operation after unauthorised removal of noncompliance notice	20		
327	267 (1)	DRS vehicle driver not drop off passenger	5		
328	267 (2)	DRS vehicle driver not pick up passenger	5		
329	268 (1)	DRS vehicle driver not stop DRS vehicle parallel/close to side of road	5	100	
330	269 (2) (a)	DRS vehicle driver carry more than maximum number of bus passengers permitted in DRS vehicle	5	100	
331	269 (2) (b)	DRS vehicle driver carry more than maximum number of seated bus passengers than permitted in DRS vehicle	5	100	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

332	269 (2) (c)	DRS vehicle driver carry more than maximum number of standing bus passengers than permitted in DRS vehicle	5	100	
333	270 (2)	wheelchair-accessible DRS vehicle driver not carry wheelchair in safe way	10	200	
334	270 (3)	wheelchair-accessible DRS vehicle driver not carry person in wheelchair in safe way	10		
335	270 (6)	wheelchair-accessible DRS vehicle driver carry person in scooter/tricycle	10	200	
336	270 (7)	wheelchair-accessible DRS vehicle driver not provide loading assistance for person in wheelchair when asked	10		
337	271 (2) (a)	DRS vehicle driver not check security camera operating	5		
338	271 (2) (b)	DRS vehicle driver not tell authorised operator security camera not operating	5		

339	272 (1)	DRS vehicle driver allow inconvenient/dangerous thing in vehicle	5		
340	273 (2)	DRS vehicle driver not deal with lost property as required	5		
341	274 (1) (a)	DRS vehicle driver solicit passenger	10		
342	274 (1) (b)	DRS vehicle driver move DRS vehicle with door open	10	200	
343	274 (1) (c)	DRS vehicle driver start/stop vehicle in way to subject person to unnecessary risk of injury	10		
344	275 (1) (a)	DRS vehicle driver not clean and tidy	5		
345	275 (1) (b)	DRS vehicle driver not behave in orderly way/politely/with propriety	5		
346	275 (2)	DRS driver not comply with dress code of practice	5	100	
347	276 (1)	DRS vehicle driver operate dirty/untidy DRS vehicle	5		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

348	277 (2)	DRS vehicle driver leave driver's seat	5	100	
349	278 (2) (a)	DRS vehicle driver allow passenger in bus driver's compartment	5		
350	278 (2) (b)	DRS vehicle driver allow passenger on bus driver's seat	5		
351	278 (3) (a)	DRS vehicle driver allow passenger on unauthorised part of bus	5		
352	278 (3) (b)	DRS vehicle driver allow passenger beside/in front of bus driver's seat	5		
353	279 (2)	DRS vehicle driver operate vehicle after time of effect of noncompliance notice	20	300	
354	279 (3)	DRS vehicle driver operate vehicle after unauthorised removal of noncompliance notice	20		
355	281 (1)	travel on DRS vehicle without valid DRS ticket	5	100	
356	282 (1)	transfer DRS ticket to someone else	5	100	

357	283 (1) (a)	use damaged/defaced DRS ticket	5	100	
358	283 (1) (b)	use changed DRS ticket	5	100	
359	284 (1)	use concession DRS ticket when not entitled	5	100	
360	284 (3)	not produce evidence of entitlement to DRS ticket concession	5	100	
361	284 (7) (a)	provide document containing false/misleading/incomplete information for DRS ticket concession application	20		
362	284 (7) (b)	provide document containing false/misleading/incomplete information for evidence of entitlement to DRS ticket concession	20		
363	284 (8) (a)	state false/misleading thing for DRS ticket concession application/evidence of entitlement to DRS ticket concession	20		

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

364	284 (8) (b)	omit thing from statement for DRS ticket concession application/evidence of entitlement to DRS ticket concession so it is misleading	20		
365	285 (1)	not make DRS ticket available to authorised person for inspection/processing	5	100	
366	286 (1)	interfere with comfort/safety of person in DRS vehicle	5		
367	287 (1)	occupy reserved DRS vehicle seat	5	100	
368	288 (1)	drink/possess open container of liquor in DRS vehicle	5	100	
369	289 (1)	eat/drink on DRS vehicle contrary to sign	5	100	
370	290 (1) (a)	get on/get off moving DRS vehicle	5	100	
371	290 (1) (b)	get on/get off DRS vehicle through window/roof hatch	5	100	
372	291 (1) (a)	interfere with DRS vehicle equipment	5	100	

373	291 (1) (b)	block DRS vehicle door	5	100	
374	291 (1) (c)	unlock DRS vehicle door	5	100	
375	291 (1) (d)	open door while DRS vehicle moving	5	100	
376	291 (1) (e)	interfere with automatic DRS vehicle door	5	100	
377	292 (1)	throw thing in/from DRS vehicle	5	100	
378	293 (2) (a)	DRS vehicle passenger enter bus driver's compartment	5	100	
379	293 (2) (b)	DRS vehicle passenger occupy bus driver's seat	5	100	
380	293 (3) (a)	DRS vehicle passenger travel on unauthorised part of bus	5	100	
381	293 (3) (b)	DRS vehicle passenger beside/in front of bus driver's seat	5	100	
382	294 (1)	remove property of DRS operator from DRS vehicle	5	100	

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.38]

383	295 (1)	deposit litter/dangerous thing in DRS vehicle	5	100	
384	296 (1)	DRS vehicle passenger take animal on DRS vehicle without permission	5	100	
385	297 (2)				
385.1	<ul style="list-style-type: none"> by contravening 297 (1) (a) 	DRS vehicle passenger not comply with direction by driver/police officer/authorised person because soil/damage DRS vehicle/person	5	100	
385.2	<ul style="list-style-type: none"> by contravening 297 (1) (b) 	DRS vehicle passenger not comply with direction by driver/police officer/authorised person because goods inconvenience/endanger person	5	100	
386	298 (2)	intoxicated DRS vehicle passenger not comply with direction by driver/police officer/ authorised person	5	100	

387	299 (2)	DRS vehicle passenger offender not comply with direction by driver/police officer/authorised person	5	100	
388	301 (1)	DRS vehicle passenger not deal with lost property on DRS vehicle as required	5	100	
389	303 (5)	not comply with DRS vehicle security camera standard	20		
390	304 (1)	interfere with DRS vehicle security camera	20	300	
391	304 (2)	interfere with DRS vehicle security camera recording	20	300	
392	326 (1)	not return suspended/cancelled certificate of accreditation/hire car licence/taxi licence as required	5	100	

[1.39] Schedule 1, part 1.11

renumber items when regulation next republished under Legislation Act

Schedule 1 Other amendments
Part 1.3 Road Transport (Offences) Regulation 2005

Amendment [1.40]

[1.40] Schedule 1, part 1.13, item 45

omit

[1.41] Schedule 1, part 1.13

renumber items when regulation next republished under Legislation Act

[1.42] Schedule 1, part 1.14, new item 1A

before item 1, insert

1A	17B (5)	not comply with requirement by police officer/authorised person for approved premises enforcement purposes	20	80	
----	---------	--	----	----	--

[1.43] Schedule 1, part 1.14

renumber items when regulation next republished under Legislation Act

[1.44] Schedule 1, part 1.15, item 100

omit

[1.45] Schedule 1, part 1.15

renumber items when regulation next republished under Legislation Act

[1.46] Dictionary, new definition of *DRS*

insert

DRS—see the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

Part 1.4 Road Transport (Public Passenger Services) Regulation 2002

[1.47] Section 4A, note 1, new dot points

insert

- s 23 (Notification of changes to bus fleet)
- s 24 (Notifiable incidents involving buses)
- s 27 (Records of bus drivers etc to be maintained by accredited operator)
- s 27A (Accredited operator to tell road transport authority about records of bus drivers etc)
- s 30B (Airconditioning of buses)
- s 30C (Bus service vehicle livery)
- s 30D (Offensive material etc in or on buses)
- s 30E (Compliance with dress code of practice)
- s 40 (Responsibility of bus drivers for lost property)
- s 42 (Dress and conduct of bus drivers)
- s 53 (Bus seats for older people and people with disabilities)
- s 67 (Lost property found by bus passengers)
- s 77 (Records of taxi drivers etc to be maintained by accredited network provider)
- s 77A (Accredited network provider to tell road transport authority about records of taxi drivers etc)
- s 99 (Records of taxi drivers etc to be maintained by accredited operator)
- s 107 (Taxi network livery)
- s 133 (Where taxi drivers must stop)
- s 154 (Lost property found by taxi passengers)

[1.48] Section 4A, note 1

omit

- a provision of ch 6 (Disciplinary action).

substitute

- a provision of ch 6 (Demand responsive services)
- a provision of ch 8 (Disciplinary action).

[1.49] Sections 23 and 24

substitute

23 Notification of changes to bus fleet

- (1) This section applies to an accredited operator of a bus service who acquires (including under a lease) a bus to operate the bus service.
- (2) The accredited operator must, as soon as practicable (but no later than 7 days after the day the bus is acquired), give the road transport authority written notice of the matters mentioned in section 22 (1) (a) to (d).

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.

24 Notifiable incidents involving buses

- (1) The accredited operator of a bus service must, as soon as practicable (but within 24 hours) after a notifiable accident, give the road transport authority written notice of the time and date when, and the place where, the accident happened.

Maximum penalty: 20 penalty units.

- (2) The accredited operator of a bus service must, as soon as practicable (but no later than 5 days after the day of a notifiable accident), give the road transport authority written notice of the following information:
- (a) the make, model and registration number of the bus involved in the accident;
 - (b) the full name and home address of the driver of the bus involved in the accident;
 - (c) the circumstances of the accident;
 - (d) the name and address of anyone killed or injured in the accident;
 - (e) for an injured person—the kind of injuries received by the person.

Maximum penalty: 20 penalty units.

- (3) Strict liability applies to subsections (1) and (2).
- (4) The accredited operator of a bus service must give the road transport authority written notice of any incident (other than a notifiable accident) that—
- (a) relates to a bus; and
 - (b) significantly affects the operation of the bus service.

Maximum penalty: 20 penalty units.

- (5) In this section:

notifiable accident means an accident or other incident in which the death of, or bodily injury to, a person is caused by, or arises out of the use of, a bus used to operate the bus service.

[1.50] Section 27 (4) (f)

substitute

- (f) the person fails to make a written record of the following for the driver:
- (i) the suspension or cancellation of the driver's licence;
 - (ii) when the licence was suspended or cancelled;
 - (iii) if the licence was suspended—when the suspension ends.

[1.51] Section 28 (1) (a)

substitute

- (a) keep every record required to be made by the person under the Act for at least 4 years after the day the last entry was made in it; and

[1.52] New sections 30B to 30E

insert

30B Airconditioning of buses

- (1) This regulation applies if a bus is fitted with airconditioning.
- (2) The accredited operator of the bus must ensure that the airconditioning is in good condition and fully operational.
Maximum penalty: 10 penalty units.
- (3) An offence against this section is a strict liability offence.

30C Bus service vehicle livery

- (1) This section applies to a bus service that is a regular route service.

- (2) The accredited operator of a bus service must ensure that the vehicle is fitted with signs and livery (including colours) that comply with the requirements and design approved by the road transport authority for the bus service.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) An approval under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (5) This section applies only to something done or not done 3 months after the day this section commences.

- (6) This subsection and subsection (5) expire 3 months after the day this section commences.

30D Offensive material etc in or on buses

- (1) The accredited operator of a bus must ensure that an advertisement or other document that a reasonable adult would consider indecent, insulting or offensive is not displayed in the bus.

Maximum penalty: 10 penalty units.

Note The dictionary definition of *in* a vehicle includes on the vehicle.

- (2) The road transport authority, a police officer or an authorised person may direct the accredited operator of a bus to remove an advertisement or other document that the authority, officer or person believes, on reasonable grounds, contravenes subsection (1).

- (3) The accredited operator must comply with a direction under subsection (2).

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

30E Compliance with dress code of practice

- (1) The accredited operator of a bus used to operate a bus service commits an offence if—
 - (a) a code of practice approved under section 67B (Code of practice—dress of bus drivers) is in force; and
 - (b) the accredited operator allows a person to drive the bus; and
 - (c) the person does not comply with the code of practice.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.

[1.53] Section 31, note 2

substitute

Note 2 In collecting personal information, the accredited operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth).

[1.54] Section 32 (5), note

substitute

Note The accredited operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth) about the collection, storage, use and disclosure of the recordings.

[1.55] Section 37 (2)

omit

In working out

substitute

For this section, in working out

[1.56] Section 37 (3)

omit

For this regulation,

substitute

In this section,

[1.57] Section 40

substitute

40 Responsibility of bus drivers for lost property

- (1) This section applies to a bus driver if the driver finds lost property in the bus or is given lost property under section 67 (Lost property found by bus passengers).
- (2) The driver must give the property to—
 - (a) its owner; or
 - (b) if the owner cannot be identified—the accredited operator of the bus as soon as practicable (but within 24 hours) after finding or being given the property.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

[1.58] Section 42

substitute

42 Dress and conduct of bus drivers

- (1) A bus driver must—
 - (a) be clean and tidy; and

- (b) behave in an orderly way and with politeness and propriety towards every passenger, police officer and authorised person and other road users.

Maximum penalty: 5 penalty units.

- (2) If a code of practice approved under section 67B (Code of practice—dress of bus drivers) is in force, a bus driver must comply with the code of practice.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.

[1.59] Section 53

substitute

53 Bus seats for older people and people with disabilities

- (1) A person commits an offence if—
- (a) the accredited operator of a bus service has, by a notice in a bus operating the service—
- (i) set aside seats (a *designated seat*) for older people or people with a disability (a *designated person*); and
- (ii) specified the people who may use the seats; and
- (b) the person occupies or continues to occupy a designated seat if a designated person is standing or indicates that the person wishes to use the seat.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) Subsection (1) does not apply to a designated person.

[1.60] Section 67

substitute

67 Lost property found by bus passengers

- (1) A person who finds something on a bus must return it to its owner or give it to the bus driver, the accredited operator of the bus, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

[1.61] New section 67B

in part 3.4, insert

67B Code of practice—dress of bus drivers

- (1) The road transport authority may approve a code of practice for the dress of bus drivers.
- (2) The approval of a code of practice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

[1.62] Section 77 (4) (f)

substitute

- (f) the person fails to make a written record of the following for the driver:
- (i) the suspension or cancellation of the driver's licence;
 - (ii) when the licence was suspended or cancelled;
 - (iii) if the licence was suspended—when the suspension ends.

[1.63] Section 78 (1) (a) (i) and (ii)

substitute

- (i) for a record mentioned in section 77 (1) (c) and (d)—for at least 1 year after the day the last entry was made in it; and
- (ii) for any other record—for at least 4 years after the day the last entry was made in it; and

[1.64] Section 79, note

substitute

Note The network provider may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth) about the collection, storage, use and disclosure of the recordings.

[1.65] Section 99 (4) (f)

substitute

- (f) the person fails to make a written record of the following for the driver:
 - (i) the suspension or cancellation of the driver's licence;
 - (ii) when the licence was suspended or cancelled;
 - (iii) if the licence was suspended—when the suspension ends.

[1.66] Section 100 (1) (a)

substitute

- (a) keep every record required to be made by the person under the Act for at least 4 years after the day the last entry was made in it; and

[1.67] Section 103, note

substitute

Note In collecting personal information, the accredited operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth).

[1.68] Section 107

substitute

107 Taxi network livery

- (1) The accredited operator of a taxi must ensure that the taxi is fitted with signs and livery (including colours) that comply with the requirements and design approved by the road transport authority for the accredited taxi network provider with which the operator is affiliated.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) An approval under subsection (1) is a notifiable instrument.
Note A notifiable instrument must be notified under the Legislation Act.
- (4) This section applies only to something done or not done 3 months after the day this section commences.
- (5) This subsection and subsection (4) expire 3 months after the day this section commences.

[1.69] Section 109 (3), example 1

omit

approved network decal signs mentioned in section 107

substitute

signs and livery in accordance with section 107

[1.70] Section 154

substitute

154 Lost property found by taxi passengers

- (1) A person who finds something in a taxi must return it to its owner or give it to the taxi driver, the accredited taxi network provider with which the taxi service is affiliated, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

[1.71] Section 182 (3) (f)

substitute

- (f) the person fails to make a written record of the following for the driver:
- (i) the suspension or cancellation of the driver's licence;
 - (ii) when the licence was suspended or cancelled;
 - (iii) if the licence was suspended—when the suspension ends.

[1.72] Section 183 (2) (a)

substitute

- (a) keep every record required to be made by the person under the Act for at least 4 years after the day the last entry was made in it; and

[1.73] Section 189 (1), note

substitute

Note In collecting personal information, the accredited operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth).

[1.74] Section 194 (5), note

omit

[1.75] Section 194 (6), new note

insert

Note The accredited hire car operator may also have to comply with the National Privacy Principles under the *Privacy Act 1988* (Cwlth) about the collection, storage, use and disclosure of the recordings.

[1.76] Section 217 (1)

substitute

- (1) A person who finds something in a hire car must return it to its owner or give it to the hire car driver, the accredited operator of the hire car, a police officer or an authorised person.

Maximum penalty: 5 penalty units.

[1.77] Section 222 heading

omit

ch 6

substitute

ch 8

[1.78] Section 224 (1) (c)

omit

section 223 (2) (f)

substitute

section 321 (2) (f)

[1.79] Section 225 (2) (a)

omit

section 226

substitute

section 324

[1.80] Section 513 heading

substitute

513 Expiry—pt 9.4

[1.81] Section 514 heading

substitute

514 Application—pt 9.5

[1.82] Section 518 heading

substitute

518 Expiry—pt 9.5

[1.83] Section 520 heading

substitute

520 Expiry—pt 9.6

[1.84] Section 522 heading

substitute

522 Expiry—pt 9.7

[1.85] Dictionary, definition of *immediate suspension notice*

omit

section 226 (3)

substitute

section 324 (3)

[1.86] Dictionary, definition of *service authority*

omit

section 222

substitute

section 320

[1.87] Further amendments, references to *section 225*

omit

section 225

substitute

section 323

in

- section 223
- section 224
- section 226
- dictionary, definition of *disciplinary notice*

[1.88] Further amendments, references to *chapter 6*

omit

chapter 6

substitute

chapter 8

in

- section 8 (3) (b)
- section 9 (2)
- section 11 (5)
- section 83G (2)
- section 84B (1) (c)
- section 84B (2)
- section 84H (1) (a)
- section 86 (5)
- section 167 (2) and (3) (b)
- section 170 (5)
- dictionary, definition of *service authority*

[1.89] Further amendments, references to *in writing*

omit

, in writing,

in

- section 18B (1)
- section 19 (1)
- section 30 (1)
- section 68 (1)
- section 95A (1)
- section 101 (3)

- section 102 (2)
- section 106 (2) (a)
- section 142A (2)
- section 155 (1)
- section 156 (1)
- section 158 (1)
- section 162 (1)
- section 218 (1)
- section 219 (1)
- section 221 (2)

[1.90] Further amendments, references to *other than*

omit

other than

substitute

otherwise than

in

- section 34 (3) (b)
- section 45 (3) (b)
- section 112 (3) (b)
- section 126 (3) (b)
- section 196 (3) (b)
- section 205 (3) (b)

[1.91] Further amendments, new note

insert

Note **Prescribed driver authority information**—see the dictionary.

in

- section 27 (1) (b)
- section 27A (1) (b)
- section 27B (2) (a)
- section 77 (1) (b)
- section 77A (1) (b)
- section 77B (2) (a)
- section 99 (1) (b)
- section 182 (1) (b)
- section 182A (1) (b)
- section 182B (2) (a)

Part 1.5 Road Transport (Safety and Traffic Management) Regulation 2000

[1.92] Division 2.2.1, note 2, table, new items 8A and 8B

insert

8A	183 (1)	13B
8B	195 (1)	13C

[1.93] Section 12 (c) and note

substitute

(c) demand responsive service vehicles;

(d) motorbikes.

Note Section 27A applies the B light rules to drivers of taxis, hire cars, demand responsive service vehicles and motorbikes.

[1.94] New sections 13B and 13C

insert

13B ARR r 183—stopping in a bus zone

- (1) Despite the Australian Road Rules, rule 183 (1), the driver of a demand responsive service vehicle may stop in a bus zone if—
- (a) the driver is dropping off, or picking up, a passenger; and
 - (b) the vehicle is authorised to stop in the bus zone.
- (2) In this section:

authorised to stop, in a bus zone, for a DRS vehicle, means a bus zone that the demand responsive service vehicle is authorised to stop in under an authority under the *Road Transport (Public Passenger Services) Regulation 2002*, section 305 (1) (DRS vehicles—bus stop and bus zone authorities).

13C ARR r 195—stopping at or near a bus stop

- (1) Despite the Australian Road Rules, rule 195 (1), the driver of a demand responsive service vehicle may stop at a bus stop, or on the road, within 20m before a sign on the road that indicates the bus stop, and 10m after the sign, if—
- (a) the driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or
 - (b) the driver is dropping off, or picking up, passengers and the vehicle is authorised to stop at the bus stop.

(2) In this section:

authorised to stop, at a bus stop, for a DRS vehicle, means a bus stop that the demand responsive service vehicle is authorised to stop at under an authority under the *Road Transport (Public Passenger Services) Regulation 2002*, section 305 (1) (DRS vehicles—bus stop and bus zone authorities).

[1.95] Section 23B (2) (c)

substitute

- (c) the motor vehicle is a taxi or hire car, or a demand responsive service vehicle that is not a bus, and a seating position (other than a front passenger seat) fitted with a suitable approved child restraint or seatbelt is not available for the passenger.

[1.96] Section 27A

substitute

27A ARR r 280 (2) (a)—other vehicles to which B light rules apply

The following classes of vehicles are specified:

- (a) taxis;
- (b) hire cars;
- (c) demand responsive service vehicles;
- (d) motorbikes.

Note This section applies the B light rules to drivers of taxis, hire cars, demand responsive service vehicles and riders of motorbikes who, under s 12, are allowed to drive in bus lanes.

[1.97] Dictionary, new definition of *demand responsive service vehicle*

insert

demand responsive service vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, section 81.

Endnotes

1 Notification

Notified under the Legislation Act on 26 June 2006.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
