Passenger Transport (General) Regulation 2017
[2017-473]

Status information

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Provisions in force
The provisions displayed in this version of the legislation have all commenced. See Historical Notes

Editorial note
The Parliamentary Counsel’s Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-rules (em-dashes). Text of the legislation is not affected.

This version has been updated.

Staged repeal status
This legislation is currently due to be automatically repealed under the Subordinate Legislation Act 1989 on 1 September 2022

Authorisation
This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel’s Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the Interpretation Act 1987.

File last modified 13 December 2019.
Passenger Transport (General) Regulation 2017

[2017-473]

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Part 1 Preliminary

1 Name of Regulation

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

2 Commencement

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

*Note.* This Regulation replaces the *Passenger Transport Regulation 2007*, which will be repealed on 1 September 2017 by section 10(2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation—

- **accredited operator** means a person accredited under the Act to carry on a public passenger service.

- **approved**, in relation to a duress alarm system or a security camera system, means complying with requirements established for the time being by TfNSW by order published in the Gazette.

- **assistance animal** means an animal referred to in section 9 (Disability discrimination—guide dogs, hearing assistance dogs and trained animals) of the *Disability Discrimination Act 1992* of the Commonwealth.

- **bus service** means a public passenger service provided by means of one or more buses.

- **bus stop** means a bus stop appointed under clause 104.

- **Corporations Act** means the *Corporations Act 2001* of the Commonwealth.

- **disability** has the same meaning as it has in the *Disability Discrimination Act 1992* of the Commonwealth.

- **drive** a vehicle (other than a vessel) includes cause or allow the vehicle to stand.

- **driver** means the following—

  (a) in relation to a bus—a holder of an authority under section 11 of the Act,

  (b) in relation to a ferry—the ferry master.
driver authority means an authority to drive a public passenger vehicle issued under Division 2 of Part 2.

driver authority card means an authority card in force under clause 31.

driver licence has the same meaning as it has in the Road Transport Act 2013.

duress alarm system, in relation to a public passenger vehicle, means a system by which the driver of the vehicle can, in a discreet manner, notify the location of the vehicle to another person or place.

ferry service means a public passenger service provided by means of one or more ferries.

non-compliance label and non-compliance notice mean a label and a notice (respectively) referred to in clause 232.

operator means—

(a) in relation to a bus service, the person who is accredited under Division 1 of Part 2 of the Act to operate the service, and

(b) in relation to a bus, the person who is accredited under Division 1 of Part 2 of the Act to operate the bus service for which the bus is used, and

(c) (Repealed)

(e) in relation to a ferry service, the person who carries on the service, and

(f) in relation to a ferry, the person who carries on the ferry service for which the ferry is used.

(g)–(j) (Repealed)

qualified accountant means—

(a) a member of CPA Australia who holds a Public Practice Certificate issued by CPA Australia, or

(b) a member of the Institute of Chartered Accountants in Australia who holds a Certificate of Public Practice issued by that Institute, or

(c) a member of the Institute of Public Accountants who holds a Professional Practice Certificate issued by that Institute.

registered training organisation means an NVR registered training organisation within the meaning of the National Vocational Education and Training Regulator Act 2011 of the Commonwealth.

regular ferry service means a ferry service that is a regular passenger service.

security camera system means a system that records images of persons in or about a bus.

Sydney Airport precinct means the area known as the Sydney Domestic Airport and the Sydney
International Airport terminals and operation district, Sydney, bounded by Airport Drive, Qantas Drive, Joyce Drive, General Holmes Drive, Marsh Street and the M5 Motorway.

_The Act_ means the _Passenger Transport Act 1990_.

_Tranport district_ has the same meaning as it has in the _Transport Administration Act 1988_.

**Note.** The Act and the _Interpretation Act 1987_ contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 **Regulation does not apply to conduct of certain ferry services**

This Regulation does not apply to the conduct of a road-ferry service that is under the control of a roads authority under the _Roads Act 1993_.

**Part 2 Accreditation to carry on public passenger services**

**Division 1 Preliminary**

5 **Definition**

In this Part, the _relevant service_, in relation to an applicant, an application, an accreditation or an accredited operator, means the public passenger service of the kind in respect of which accreditation is sought or has been obtained.

**Division 2 Applications for accreditation to carry on public passenger services**

6 **Standards to be met by applicants for accreditation to carry on public passenger services**

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

(2) If the applicant is a corporation, the directors or managers of the corporation who are nominated as designated directors or managers under section 8 of the Act must meet, to the satisfaction of RMS, the standards set out in this Division (other than the standards specifically to be met by corporate applicants).

7 **Applicant to be of good repute**

(1) The applicant must be of good repute.

(2) Evidence of the applicant’s good repute is to be provided in the form of references from 2 persons (being persons, excluding employees of the applicant, of any class approved by RMS) who have known the applicant for at least 2 years.

(3) (Repealed)

8 **Applicant to be fit and proper person to carry on relevant service**

(1) The applicant must be a fit and proper person to carry on the relevant service.
The applicant must declare in writing that the applicant is aware of the following—

(a) accreditation will be refused if the applicant is disqualified, under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act, from managing corporations,

(b) accreditation may be refused if the applicant (or a director or manager of an applicant corporation) has been the subject of proceedings under section 588G (Director’s duty to prevent insolvent trading by company) or 592 (Incurring of certain debts; fraudulent conduct) of the Corporations Act,

(c) if the applicant—

(i) is the director of a company that has been, or is in the course of being, wound up under Part 5.4 (Winding up in insolvency) of the Corporations Act, or

(ii) discloses any convictions or charges in accordance with subclause (3),

RMS may, for the purpose of determining the applicant’s fitness to be an operator, cause any investigation that RMS considers appropriate to be made into the winding up, conviction or charge concerned.

The applicant must give RMS written notice of the following—

(a) full details of all offences of which the applicant has been convicted (in any jurisdiction) at any time during the 5 years immediately preceding the date of the application,

(b) full details of all alleged offences with which the applicant has been charged (in any jurisdiction) but only if, as at the date of the application, proceedings are pending in respect of the charge.

If there are no convictions or pending proceedings against the applicant, the applicant must give RMS a written statement to that effect.

(5) (Repealed)

9 Applicant to be competent to carry on relevant service

(1) The applicant must demonstrate that the applicant has the necessary knowledge and competence to carry on the relevant service.

(2) In particular, the applicant must—

(a) satisfy RMS as to the applicant’s knowledge of the following—

(i) the relevant provisions of the Act and this Regulation,

(ii) other laws relating to traffic,

(iii) the relevant provisions of the *Work Health and Safety Act 2011*, and

(b) if required to do so by RMS, undertake and successfully complete (or pass an examination in respect of) such course relating to the operation of the relevant service as is approved by TfNSW and conducted by a registered training organisation or by a higher education
10 Applicant to be financially capable of carrying on relevant service

(1) The applicant must be financially capable of carrying on the relevant service.

(2) Evidence of the applicant’s financial standing is to be provided in the form of a signed statement from a qualified accountant (other than an employee of the applicant), on the accountant’s business letterhead, containing the following—

(a) a report on the applicant’s financial capacity to carry on the relevant service, with specific reference to the applicant’s financial ability to meet the requirements of this Regulation and other relevant laws as to—

(i) vehicle maintenance and roadworthiness, and
(ii) the safety of drivers, passengers and the public, and
(iii) the operation of a business,

(b) a statement specifying the number of public passenger vehicles that, in the opinion of the accountant, can be accommodated by the service proposed to be carried on by the applicant,

(c) if the applicant is a corporation—a statement of the accountant’s opinion as to the solvency and general financial standing of the corporation.

(3) (Repealed)

11 Applicant to have access to maintenance facilities for vehicles

(1) The applicant must have access to adequate maintenance facilities for the vehicles intended to be used to provide the relevant service.

(2) The applicant must provide RMS with full details of the premises at which the vehicles will normally be kept when not in use.

(3) (Repealed)

12 Additional requirement: bus services

(1) An applicant for accreditation to carry on a public passenger service by means of one or more buses must also provide RMS with a copy of an approval from the relevant council to keep the buses required for the service at the premises specified by the applicant in compliance with clause 11(2).

(2) Subclause (1) does not apply in the case of an application for renewal of accreditation by a person who is an accredited service operator on the commencement of this clause.

13 (Repealed)
Division 3 Conditions of accreditation to carry on public passenger services

14 Conditions of accreditation to carry on bus service

For the purposes of section 9B(1)(a) of the Act, compliance with the requirements of this Division is prescribed as a condition to which an accreditation to carry on a bus service is subject.

15 Safety of drivers, passengers and the public

The operator of a relevant service must ensure that—

(a) the vehicles used to provide the service at all times meet the requirements of the law as to registration and vehicle safety and roadworthiness, and

(b) each person engaged to drive a vehicle used to provide the service—

(i) holds an appropriate driver licence, and

(ii) holds an appropriate driver authority.

16 Vehicle maintenance

(1) The operator of a relevant service must have, and adhere to, a public passenger vehicle maintenance plan that—

(a) is consistent with the maintenance standards of the manufacturer of the vehicles used to provide the service, and

(b) specifies the steps taken to ensure that the vehicles are roadworthy, and

(c) specifies the way in which the vehicles are maintained, and

(d) specifies the way in which any defects are to be recorded and rectified, and

(e) is capable of being audited.

(1A) (Repealed)

(2) The operator of a relevant service must not carry out maintenance on, or repairs to, a vehicle used to provide the service, and must not permit any other person to do so, unless the person carrying out the maintenance or repairs is licensed under the Motor Dealers and Repairers Act 2013 to carry out the work concerned.

(3) Subclause (2) applies even if the person who is to carry out the work concerned is exempted under the Motor Dealers and Repairers Act 2013 from the operation of all or any of the provisions of that Act.

(4) However, for the purposes of subclause (2), maintenance and repairs do not include the following—

(a) adding approved oils or other fluids to engines, transmissions, differentials, power steering reservoirs, windscreen washer reservoirs, master cylinders, radiators or batteries,
(b) changing engine, transmission and differential oils,
(c) changing engine oil filters and fuel filters,
(d) carrying out general lubrication,
(e) changing spark plugs,
(f) changing wheels and tyres,
(g) changing light bulbs,
(h) replacing seats and floor coverings,
(i) replacing external rear vision mirrors.

17 **Condition of vehicles**

(1) The operator of a relevant service must ensure that the interior, exterior and fittings of the vehicles used to provide the service are, at all times during which the vehicles are being used to provide the service, clean and undamaged and (in the case of fittings) duly fitted, securely in place, in good condition and fully operational.

(2) Without limiting subclause (1), the interior, exterior and fittings of a vehicle include the following—

(a) the vehicle body and the door panels,
(b) the wheels and the bumper bars,
(c) the trim,
(d) the seats, seat covers and floor covers,
(e) the interior lights,
(f) any device or equipment that is fitted to the vehicle (whether or not it is required by or under the Act to be fitted).

(3) (Repealed)

Maximum penalty—10 penalty units.

18 **Changes to information provided**

(1) The operator of a relevant service must notify RMS in writing of any of the following changes—

(a) a change of address of the premises from which the service is carried on,
(b) a change of address of the premises at which the vehicles used to provide the service are kept.

(2) The notification is to be given no later than 7 days after the change.
Division 4 Other obligations of accredited operators

19 Records relating to operation of public passenger vehicles

A person who is or has been an accredited operator—

(a) must keep in the English language any record required to be kept by the person under the Act or this Regulation in a form that is capable of being audited, and

(b) unless otherwise provided by this Regulation, must retain the record for a period of at least—

(i) in the case of a bus service—5 years after the date of the last entry in it, and

(ii) in any other case—2 years after the date of the last entry in it, and

(c) must, on demand by an authorised officer, produce the record in written form for inspection, and

(d) must, if required by RMS in writing to do so, deliver the record to RMS when required.

Maximum penalty—10 penalty units.

20 Operator training

(1) An accredited operator must, whenever reasonably required to do so by RMS, undertake and satisfactorily complete (or pass an examination in respect of) such course, or refresher course, relating to the operation of the relevant service as is approved by TfNSW and conducted by a registered training organisation, or a higher education institution approved by TfNSW.

Maximum penalty—10 penalty units.

(2) RMS may—

(a) suspend an accreditation issued to an accredited operator pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or

(b) determine (either generally or in a particular case) that an accreditation issued to an accredited operator will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

(3) (Repealed)

21 Records of drivers

An accredited operator must keep a record in written or electronic form of the following particulars for each person who drives a vehicle used to provide the relevant service while the vehicle is being used for that purpose—

(a) the person’s full name and residential address,

(b) the dates and times during which the vehicle was driven by the person,

(c) the person’s driver authority number (that is, the number allocated by RMS and displayed on the person’s driver authority card) and the date of expiry of the person’s driver authority card,

(d) the person’s driver licence number and the date of expiry of the licence.
22 Vehicle insurance

(1) An accredited operator (unless otherwise notified in writing by RMS) must ensure that there is maintained one or more policies of insurance providing cover of at least $5,000,000 for each public passenger vehicle used to provide the relevant service against liability in respect of damage to property caused by or arising out of the use of the vehicle.

(2) The policies must be issued by a corporation authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business.

(3) (Repealed)

(4) An accredited operator must provide an authorised officer, on request, with evidence that the operator’s policies of insurance are current.

Maximum penalty—10 penalty units.

23 Evidence of accredited operator’s continuing financial capacity

(1) An accredited operator must, on written request by RMS and within the time specified in the request, provide evidence, in the form specified in clause 10(2), of the operator’s continuing financial capacity to carry on the relevant service.

*Note.* RMS may, having regard to the purposes of accreditation, at any time vary, suspend or cancel a person’s accreditation—see section 10 of the Act.

(2) RMS is not to make a request under this clause unless RMS believes on reasonable grounds that the accredited operator may no longer be financially capable of carrying on the relevant service.

(3) (Repealed)

24 Operators to notify detrimental change in driver’s medical condition

If the operator of a public passenger service becomes aware of any apparent change in the physical or mental condition of a driver of a public passenger vehicle operated by the operator that may detrimentally affect the driver’s ability to drive public passenger vehicles safely, the operator must furnish RMS with written details of the apparent change within 48 hours after becoming aware of it.

Maximum penalty—10 penalty units.

25 Management of public passenger services

An accredited operator must not suffer or permit any person other than—

(a) a designated director or manager (if the accredited operator is a corporation), or

(b) another accredited operator (if the accredited operator is not a corporation),

to operate, manage, supervise or administer the relevant service (except for, in the case of a corporation, a person appointed under any law to manage the affairs of the corporation).

Maximum penalty—50 penalty units.
Operator not to permit vehicle subject to non-compliance notice or non-compliance label to be driven

An accredited operator must not permit a vehicle used to provide the relevant service to be driven if—

(a) the expiry date or expiry time of a non-compliance notice issued to the operator or a non-compliance label affixed to the vehicle has passed, or

(b) the operator is aware that a non-compliance label has been unlawfully removed from the vehicle.

Maximum penalty—10 penalty units.

Division 5

26A, 26B (Repealed)

Part 3 Authorities for drivers of public passenger vehicles

27 Definition

In this Part, public passenger vehicle means a public passenger vehicle other than a ferry.

28 Categories of driver authorities

(1) The following categories of driver authorities are created under section 11(3) of the Act—

(a) an authority to drive a bus,

(b) an authority to drive another public passenger vehicle of a kind specified in the authority.

(2) A driver may be issued with an authority that is valid for 1 or more of the categories of driver authorities.

29 Criteria for authorisation to drive public passenger vehicles

(1) For the purposes of section 12(2) of the Act, the criteria that an applicant for an authorisation to drive a public passenger vehicle must meet before the application is granted are the criteria set out in subclauses (2) and (3).

(2) The applicant for a driver authority—

(a) must be at least 20 years of age, and

(b) must hold an Australian driver licence that is an unrestricted licence, and

(c) must have held an Australian driver licence, that is an unrestricted licence, for a total of at least 12 months in the 2 years immediately preceding the date of the application, and

(d) must have passed an examination or assessment, at a level determined by TfNSW, in medical fitness, and

(e) must satisfy RMS that he or she—

(i) may lawfully work in Australia, and
(ii) is of good repute and in all other respects a fit and proper person to be the driver of the vehicle concerned, and

(iii) has sufficient responsibility to drive the vehicle concerned in accordance with law and custom.

(3) In the case of an application for authorisation to drive buses, the applicant must also have successfully completed a bus driver training course approved by TfNSW and conducted by a registered training organisation (or must have such competence as a driver of buses as RMS considers appropriate).

(4), (4A) (Repealed)

(5) In this clause—

**Australian driver licence** means—

(a) a driver licence, or

(b) a licence issued under a law in force in a State or internal Territory authorising the holder to drive a motor vehicle on a road or road related area.

**unrestricted licence** means a licence that is not a learner licence, probationary licence, provisional licence, restricted licence, driver licence receipt or conditional licence (other than a conditional licence the sole condition of which is that the holder must wear corrective lenses at all times while driving).

**Note.** See clause 237 for the TfNSW's power to exempt certain applicants from the requirement that they hold driver licences.

30 (Repealed)

31 **Driver authority cards**

(1) RMS may issue a driver authority card to a person who is authorised to drive a public passenger vehicle.

(2) A driver authority card must display—

(a) a photograph of the person, and

(b) the number of the authority, and

(c) the expiry date for the card.

(3) A driver authority card—

(a) may display such additional information or endorsement as RMS considers appropriate (either generally or in a particular case), and

(b) is to be in a form approved by RMS.

(4) A driver authority card expires at midnight on the date specified on the card as the expiry date.

(5) A person’s authority to drive public passenger vehicles and driver authority card do not have any
effect, either for the purposes of the Act or for the purposes of this Regulation, while the person’s driver licence is cancelled, suspended or expired, or while the person is otherwise disqualified from driving a motor vehicle.

32 Misuse of driver authority cards

A person must not—

(a) alter or deface any driver authority card, or
(b) lend or part with any driver authority card, or
(c) fraudulently obtain a driver authority card, or assist another person to obtain such a card fraudulently, or
(d) make, supply or use a counterfeit driver authority card.

Maximum penalty—10 penalty units.

33 Replacement of driver authority cards

(1) A driver authority card that has been altered or defaced is void and may be returned to RMS for replacement.

(2) On the return of a driver authority card, or on proof to the satisfaction of RMS that a driver authority card has been destroyed, stolen or lost, RMS may cause a duplicate of it to be issued.

(3) Before issuing a duplicate driver authority card, RMS may require—

(a) proof of the identity of the person seeking the duplicate, and
(b) a new photo of the person to be supplied for display on the card.

(4) Any duplicate driver authority card issued under this clause becomes, for the purposes of the Act and this Regulation, the driver authority card in respect of which the duplicate is issued, and the original driver authority card, if it is not already void, becomes void.

33A, 33B (Repealed)

Part 4 General obligations of drivers of public passenger vehicles

34 Definition

In this Part, public passenger vehicle means a public passenger vehicle other than a ferry.

35 Conduct of drivers

(1) The driver of a public passenger vehicle must—

(a) behave in an orderly manner and with civility and propriety towards any passenger, intending passenger, driver of another public passenger vehicle or authorised officer, and
(b) comply with every reasonable requirement of an authorised officer or passenger.

Maximum penalty—50 penalty units.
(2) (Repealed)

36 **Driver not to eat or drink in vehicle**

(1) The driver of a public passenger vehicle must not eat or drink in the vehicle while the vehicle is hired or available for hire, or is otherwise in use as a public passenger vehicle.

   Maximum penalty—5 penalty units.

(2) Nothing in this clause prohibits a driver of a public passenger vehicle from eating or drinking in the vehicle for medical reasons.

(3) (Repealed)

37 **Driver to ensure vehicles are clean**

(1) The driver of a public passenger vehicle must ensure that the vehicle is clean and tidy.

(2) (Repealed)

   Maximum penalty—10 penalty units (in the case of an offence committed in the Sydney Airport precinct) or 2 penalty units (in any other case).

38 (Not used)

39 **Driver not to drive vehicle subject to non-compliance label**

   The driver of a public passenger vehicle must not drive the vehicle if—

   (a) the expiry date or expiry time of a non-compliance label affixed to the vehicle has passed, or

   (b) the driver is aware that a non-compliance label has been unlawfully removed from the vehicle.

   Maximum penalty—10 penalty units.

40 **Driver to move and drive vehicles carefully**

   The driver of a public passenger vehicle must not—

   (a) move the vehicle while any door is open, or

   (b) negligently or wilfully move or drive or cause the vehicle to be moved or driven so that any person is subjected to the risk of injury.

   Maximum penalty—50 penalty units.

41 **Carriage of goods and animals**

   (1) The driver of a public passenger vehicle must not permit any person to place or carry in or on the vehicle any article that is of such size or has such dimensions that it cannot be accommodated in or on the vehicle without inconvenience or danger to any other person.

   Maximum penalty—2 penalty units.

   (2) The driver of a public passenger vehicle must not permit any person to place or carry in or on the vehicle any dog, cat, bird or other animal unless it is suitably confined in a box, basket or other
32 Container.

Maximum penalty—2 penalty units.

(3) Subclause (2) does not apply to an assistance animal or an assistance animal in training.

(4) The driver of a public passenger vehicle must not refuse to carry an assistance animal or an assistance animal in training in or on the vehicle.

Maximum penalty—10 penalty units.

42 Lost property given to drivers

(1) A driver of a public passenger vehicle who is given lost property under this Regulation or who finds such property must, within 24 hours after being given or finding the property, give the property to the owner of the property, to the accredited operator of the public passenger service or to a police officer at a police station.

(2) (Repealed)

Maximum penalty—5 penalty units.

43 Training of drivers

(1) The driver of a public passenger vehicle must, whenever reasonably required to do so by RMS, undertake and satisfactorily complete (or pass an examination in respect of) any one or more of the following training courses, being a training course approved by TfNSW and conducted by a registered training organisation—

(a) a public passenger vehicle driver training course,

(b) a public passenger vehicle driver training refresher course,

(c) a training course concerning the driving of public passenger vehicles in specified places, or in specified circumstances, or in both (for example, a course concerning the driving of public passenger vehicles in the Kosciuszko National Park during winter).

(2) RMS may—

(a) suspend a driver’s authorisation to drive public passenger vehicles pending the satisfactory completion of (or the passing of an examination in respect of) such a course, or

(b) determine (either generally or in a particular case) that a driver’s authorisation to drive public passenger vehicles will be renewed only on the satisfactory completion of (or on the passing of an examination in respect of) such a course.

(3) (Repealed)

44 Driver to notify RMS of alleged offence

(1) The driver of a public passenger vehicle must, in accordance with this clause, furnish RMS with written details of the following—

(a) any alleged offence (other than a parking offence) with which the driver is charged by a police officer,
any penalty notice issued to the driver in respect of an alleged offence (other than a parking
offence) that relates to the driving of a motor vehicle.

Maximum penalty—10 penalty units.

(2) (Not used)

(3) In the case of a charge that is laid by a police officer, or a penalty notice relating to the driving of
a motor vehicle that is issued, on or after the commencement of this clause (other than a charge
or a penalty notice in respect of a parking offence), the details are to be furnished within 7 days
after the laying of the charge or the issue of the notice.

45 Driver to provide driver licence for inspection

(1) If an authorised officer requests a driver of a public passenger vehicle to produce the driver’s
driver licence, the driver must—

(a) hand the driver’s driver licence to the authorised officer for inspection, or

(b) display the driver’s digital driver licence.

Note. Section 61C of the Road Transport Act 2013 sets out the requirements for the display of a digital
driver licence.

Maximum penalty—5 penalty units.

(2) In this clause—

*driver* includes a person who—

(a) is occupying the driver seat of a vehicle that is on a road or road related area, or

(b) is otherwise apparently in charge of such a vehicle.

46 Driver to hand over driver authority card for inspection

The driver of a public passenger vehicle must, at the request of an authorised officer, hand the
appropriate driver authority card to the officer for inspection.

Maximum penalty—10 penalty units (in the case of an offence committed by the driver of a bus in
the Sydney Airport precinct) or 5 penalty units (in any other case).

47 Medical condition of drivers

(1) On attaining the age of 60 years and from then on at intervals of 12 months, the driver of a
public passenger vehicle must, at the driver’s own expense, furnish RMS with a certificate from
a medical practitioner containing the medical practitioner’s assessment, in accordance with any
requirements of RMS, of the driver’s medical condition.

Maximum penalty—10 penalty units.

(2) RMS may, by notice in writing, require a driver of a public passenger vehicle to attend a medical
practitioner specified in the notice, by a date specified in the notice, for the purposes of
undergoing a medical fitness examination.
(3) The driver of a public passenger vehicle must (in so far as the driver is capable of doing so) furnish RMS, within 48 hours after any change in the physical or mental condition of the driver of which the driver is aware that may affect the driver’s ability to drive public passenger vehicles safely, with written details of the change.

Maximum penalty—10 penalty units.

Part 5 Conduct of passengers and other persons in or on public passenger vehicles, trains and railway premises

Division 1 Preliminary

48 Definitions

(1) In this Part—

hold, in relation to a ticket or reservation, means be able to produce the ticket or reservation on request.

passenger has the same meaning as in the Act and includes an intending passenger but does not include the driver or crew of a train.

public area means any part of railway premises that the public uses or is entitled to use.

rail infrastructure has the same meaning as in the Rail Safety National Law (NSW).

rail infrastructure manager has the same meaning as in the Rail Safety National Law (NSW).

rail transport operator means—

(a) a rail infrastructure manager, or

(b) a rolling stock operator, or

(c) a person who is both a rail infrastructure manager and a rolling stock operator.

railway crossing does not include any crossing over the running lines of a light rail system in a road or road related area.

restricted area of a station has the same meaning as in Part 6.

road and road related area have the same meanings as in the Road Transport Act 2013.

rolling stock operator means a person who has effective management and control of the operation or movement of rolling stock on rail infrastructure for a particular railway but does not include a person merely because the person drives the rolling stock or controls the network or the network signals.

running line means all railway tracks (other than sidings) that are used for the through movement of trains.

station has the same meaning as in Part 6.

(2) In this Part, a reference to a bus or ferry is a reference to a bus or ferry used to provide a public
passenger service.

49 Exemptions for authorised officers

An authorised officer is not liable for an offence under this Part for anything done in the course of the officer’s duty.

Division 2 Conduct generally

50 No offensive behaviour or language

A person must not, in or on a public passenger vehicle or train or in a public area—

(a) behave in an offensive manner, or

(b) use any offensive language, or

(c) wilfully interfere with the comfort or safety of other persons, or

(d) put any of the person’s feet on a seat, or

(e) spit.

Maximum penalty—10 penalty units.

51 No smoking

(1) A person must not smoke in or on any public passenger vehicle or train or in any public area.

   Maximum penalty—5 penalty units.

(2) This clause does not apply to a part of a public area in or on which smoking is permitted by signs displayed by or with the authority of the operator of the public passenger service or the rail transport operator concerned.

(3) In this clause, smoke has the same meaning as in the Smoke-free Environment Act 2000.

52 Limitation on eating and drinking in certain public passenger vehicles and trains

(1) (Repealed)

(2) A person must not drink any alcohol on any bus, ferry or train or in any public area.

   Maximum penalty—10 penalty units.

(3) Subclause (2) does not apply if the alcohol was supplied by, or with the permission of, the operator of the bus or ferry or the rail transport operator of the train concerned.

(4) A passenger must not eat or drink on any bus, ferry or train (or part of a bus, ferry or train) in which eating and drinking is prohibited by signs displayed, by or with the authority of the operator of the bus or ferry or the rail transport operator concerned, in the bus, ferry or train (or part), except with the written permission of the operator or the permission of an authorised officer.

   Maximum penalty—5 penalty units.
(5) However, nothing in this clause prohibits a person from drinking water, or from eating or drinking for medical reasons, in or on a public passenger vehicle or train.

(6) In this clause, drink, in relation to alcohol, includes be in possession of an opened container of alcohol.

53 Control of animals

(1) A person must not take into or on any public passenger vehicle or any train intended for the conveyance of passengers any dog, cat, bird or other animal—

(a) in the case of a public passenger vehicle—unless the animal is suitably confined in a box, basket or other container, and

(b) in the case of a train—except under the conditions imposed by the rail transport operator of the relevant railway for the conveyance of the animal.

Maximum penalty—5 penalty units.

(2) A person must not allow an animal under the person’s care or control on, or to stray onto, railway premises unless the animal is being taken onto or from a train in accordance with the conditions referred to in subclause (1).

Maximum penalty—5 penalty units.

(3) Subclauses (1) and (2) do not apply in respect of an assistance animal or an assistance animal in training.

(4) A person must not, without the permission of an authorised officer, take a dog onto any part of a station, or have a dog in the person’s charge on a station, unless the dog is under the person’s direct physical control by means of a lead, chain or frame (such as those used to control assistance animals) or otherwise.

Maximum penalty—5 penalty units.

54 Conveyance of petrol and things containing petrol and things intended for vandalism

(1) A person must not have any of the following in the person’s possession on any public passenger vehicle, train or any part of railway premises—

(a) any petrol or substance containing petrol,

(b) any vehicle, article or other thing that contains petrol or a substance containing petrol.

Maximum penalty—10 penalty units.

(2) Subclause (1) does not apply to—

(a) an employee of the operator of a public passenger service or a rail transport operator in the execution of the employee’s duty, or

(b) a person authorised by the operator of a public passenger service or a rail transport operator.

(3) A person must not, without reasonable excuse, have in the person’s possession on any public
passenger vehicle, train or any part of railway premises any thing intended for use in damaging property.

Maximum penalty—10 penalty units.

55 Direction to leave public passenger vehicle, train or railway premises

(1) A driver of a public passenger vehicle or train or an authorised officer may direct a person to leave, or not to enter, a public passenger vehicle or train if the driver or authorised officer is of the opinion that—

(a) the person’s body, clothing or luggage (or any other thing on or carried by the person)—

(i) may soil or damage the public passenger vehicle or train or the clothing or luggage of other passengers, or

(ii) is of such a size or has such dimensions that it cannot be accommodated in the public passenger vehicle or train without inconvenience or danger to other passengers or to the driver, or

(b) the person is otherwise causing, or is likely to cause, inconvenience to other passengers or to the driver of the public passenger vehicle or train (whether because the person is under the influence of alcohol or another drug, or for any other reason), or

(c) the person is committing an offence under this Regulation in or on the public passenger vehicle or train, or

(d) the person is committing an offence under section 4 of the *Graffiti Control Act 2008* in relation to the public passenger vehicle or train.

(2) An authorised officer may direct a person to leave, or not to enter, railway premises if the authorised officer is of the opinion that—

(a) the person is causing, or is likely to cause, inconvenience to other persons on those railway premises (whether because the person is under the influence of alcohol or another drug, or for any other reason), or

(b) the person is committing an offence under this Regulation in or on those railway premises, or

(c) the person is committing an offence under section 4 of the *Graffiti Control Act 2008* in relation to any part of the infrastructure of a railway or any property on those railway premises.

(3) A person who is given a direction under subclause (1) or (2) must comply with it.

Maximum penalty—10 penalty units.

(4) A person who has been directed to leave a public passenger vehicle, train or railway premises must not, without a reasonable excuse, re-enter the public passenger vehicle, train or railway premises within 2 hours of the direction being given.

Maximum penalty—10 penalty units.
A person who refuses or fails to comply with a direction given under this clause may be removed from the relevant public passenger vehicle, train or railway premises by an authorised officer.

56 Lost property

(1) A person who finds any article that appears to be lost in or on a public passenger vehicle must—
   (a) return the article to its owner, or
   (b) give it to the driver of the public passenger vehicle, an employee of the operator of the public passenger service concerned or an authorised officer.

   Maximum penalty—5 penalty units.

(2) A person who finds any article that appears to be lost in a train or any public area must—
   (a) return it to its owner, or
   (b) give it, or report its location, to an employee of the relevant rail transport operator or an authorised officer.

   Maximum penalty—5 penalty units.

(3) A rail transport operator must develop and implement procedures that comply with this clause for dealing with any lost property that is found in a train or any public area for which the operator is responsible.

   Maximum penalty—5 penalty units.

(4) Those procedures are to include (but are not limited to) procedures involving—
   (a) the keeping of registers of—
       (i) lost property that is found, and
       (ii) enquiries as to lost property, and
   (b) the keeping of written records as to when and how lost property, when found, is to be returned or disposed of.

(5) Those procedures must be capable of being audited.

57 No interference with equipment of, or damage to, vehicle

A person must not—

   (a) without reasonable excuse, interfere with any equipment attached to, or forming part of, a public passenger vehicle or train, or
   (b) wilfully damage any part of a public passenger vehicle or train.

   Maximum penalty—50 penalty units.

58 No removal of property

A person (other than the owner of the property concerned) must not, without reasonable excuse,
remove from any public passenger vehicle or train any property of the driver or operator of the vehicle or train or of the crew of the vehicle or train.

Maximum penalty—10 penalty units.

59 No littering

(1) A person must not in or on any public passenger vehicle or train or in any public area—
   (a) deposit any litter otherwise than in a receptacle provided for that purpose, or
   (b) deposit any thing that may endanger any person or property.

   Maximum penalty—10 penalty units.

(2) A person must not abandon any building material on any train, any part of a railway or any railway premises.

   Maximum penalty—10 penalty units.

60 No throwing

A person must not, without reasonable excuse—

(a) throw any thing in or from a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure, or

(b) throw any thing at a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure, or

(c) drop any thing on or towards a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure.

Maximum penalty—20 penalty units.

61 Vandalism

A person must not destroy or damage any public passenger vehicle or train, any rail infrastructure or any property on railway premises.

Maximum penalty—20 penalty units.

Note. Offences relating to graffiti are contained in Part 2 of the Graffiti Control Act 2008.

62 Lighting fires

A person must not—

(a) light a fire on, or

(b) bring any burning substance into or onto, or cause a burning substance to be brought into or onto, or

(c) throw or drop any burning substance on or from, or cause any burning substance to be thrown or dropped on or from,
any public passenger vehicle or train, any part of a railway or any railway premises.

Maximum penalty—10 penalty units.

63 Driver to take action in relation to dangerous conduct

The driver of a public passenger vehicle must take such action as is appropriate (for example, contacting the operator or the police for help) if the driver believes on reasonable grounds that the conduct of a passenger is endangering the safety of any person.

Division 3 Additional conduct offences relating to buses, ferries, trains and railway premises

64 No unauthorised commercial activities

(1) A person must not carry on a commercial activity on any bus, ferry or train or public area except with the written permission of the bus, ferry or railway operator concerned.

Maximum penalty—5 penalty units.

(2) For the purposes of this clause, a **commercial activity** means any one or more of the following—

(a) the sale or hire (or the offer for sale or hire) of any thing to a person who is present on the bus, ferry or train in the public area concerned,

(b) the touting or soliciting for custom, hire or employment if it is directed at one or more persons who are present on the bus, ferry or train in the public area concerned,

(c) the distribution of handbills to any person,

(d) the soliciting of money (whether by way of busking or otherwise) from any person who is present on the bus, ferry or train or in the public area concerned.

65 Entry to and exit from buses, ferries, trains and railway premises

A passenger must not, without reasonable excuse—

(a) enter or leave a ferry except at a place designated by the ferry operator for passengers to enter or leave the ferry, or

(b) enter or leave a train operated on a railway other than a light rail system—except at a place designated by the rail transport operator of the railway for persons to enter or leave the train, or

(c) enter or leave a train operated on a railway that is a light rail system—except at the side of the train adjoining the light rail stop designated by the rail transport operator for persons to enter or leave the train, or

(d) enter or leave a bus, ferry or train—

(i) while the bus, ferry or train is in motion, or

(ii) through a window, or

(e) enter or leave a station, platform or other work or premises connected with a railway otherwise
than by a place designated by the rail transport operator of the railway for entry or exit.

Maximum penalty—5 penalty units.

66 Limited stop buses, ferries and trains

(1) A passenger must not, without the permission of an authorised officer—
   (a) board a bus at a bus stop at which the bus is not scheduled to pick up passengers, or
   (b) board a ferry used for a regular ferry service or a long-distance ferry service at a ferry wharf at which the ferry is not scheduled to pick up passengers, or
   (c) board a train at a station at which the train is not scheduled to pick up passengers.

   Maximum penalty—5 penalty units.

(2) A passenger must not, without the permission of an authorised officer—
   (a) leave a bus at a bus stop at which the bus is not scheduled to set down passengers, or
   (b) leave a ferry used for a regular ferry service or a long-distance ferry service at a ferry wharf at which the ferry is not scheduled to set down passengers, or
   (c) leave a train at a station at which the train is not scheduled to set down passengers.

   Maximum penalty—5 penalty units.

67 No travel allowed on certain parts of bus, ferry or train

(1) A passenger must not, without reasonable excuse, travel on any portion of a bus, ferry or train not intended for the conveyance of passengers.

   Maximum penalty—5 penalty units.

(2) Without limiting subclause (1)—
   (a) the portions of a bus not intended for the conveyance of passengers include the roof, steps and footboard and the stairs of a double-decker bus, and
   (b) the portions of a train not intended for the conveyance of passengers include the engine or locomotive, the roof, steps and footboard and the stairs of a double-decker train.

(3) A passenger must not stand on the top deck of a double-decker bus otherwise than in the course of entering or exiting the top deck.

   Maximum penalty—5 penalty units.

(4) A passenger must not sit or stand on the side rails of a ferry (whether or not the ferry is moving).

   Maximum penalty—5 penalty units.

(5) A person who is on a train must not, without reasonable excuse—
   (a) protrude any part of the person’s body from an open door or window of the train, or
(b) touch any building, structure or other object outside the train with any part of the person’s body or with an object.

Maximum penalty—5 penalty units.

68 **No entry to driver’s compartment of bus, ferry or train**

(1) A passenger must not enter the driver’s compartment of a bus, ferry or train.

Maximum penalty—10 penalty units.

(2) A passenger must not—

(a) enter the crew compartment of a ferry without the permission of the driver of the ferry or an authorised officer, or

(b) remain in the crew compartment of a ferry after having been requested to leave the compartment by the driver of the ferry or an authorised officer.

Maximum penalty—10 penalty units.

(3) A passenger must not—

(a) enter any crew compartment of a train without the permission of an authorised officer, or

(b) remain in the crew compartment of a train after having been requested to leave the compartment by an authorised officer.

Maximum penalty—10 penalty units.

68A **No hindering or distracting of bus driver**

A passenger on a bus must not—

(a) hinder the driver of the bus in the exercise of the driver’s functions, or

(b) distract the driver of the bus in a manner that is likely to affect the driving of the bus.

Maximum penalty—10 penalty units.

68B **No interference with equipment on buses, ferries or trains**

(1) A passenger must not, without reasonable excuse—

(a) interfere with any equipment attached to or forming part of a bus, ferry or train, or

(b) interfere with any part of a security camera system or duress alarm system fitted to a bus in accordance with clause 82 or cause or permit any such interference, or

(c) block a bus door or train door, or

(d) open a locked bus door or train door at any time, or

(e) open an unlocked bus door while the bus is in motion, or

(f) open an unlocked train door (other than an internal door or a door between carriages) while
the train is moving, or

(g) in any way interfere with an automatically operated bus door or train door, or

(h) use the public address or other communications system of a ferry.

Maximum penalty—50 penalty units.

(2) A person must not, without reasonable excuse, do any of the following—

(a) use the public address system of a train or on a station or at a light rail stop,

(b) use any other communications system or information system of a train or on a station or at a light rail stop or on any other part of the infrastructure of a railway, or any emergency help point for passengers, for a purpose other than the purpose for which it is provided,

(c) apply or release any brake on a train,

(d) use or interfere with any emergency or safety equipment on a station or at a light rail stop or on any other part of the infrastructure of a railway,

(e) operate or otherwise interfere with any electrical or mechanical apparatus or device that is on railway premises or is attached to, or forms part of, any train,

(f) throw any article or thing at or towards, or otherwise interfere with, any electricity supply line or any electrical or mechanical apparatus on railway premises.

Maximum penalty—50 penalty units.

(3) In this clause, emergency or safety equipment includes closed circuit television cameras, emergency help points for passengers, emergency breakdown equipment, alarms, stretchers, fire extinguishers and the like.

68C Persons not to hinder use of ferry facilities or facilities in public areas

(1) A person must not, without reasonable excuse—

(a) obstruct any ferry facility or facility in a public area, or

(b) hinder (whether by obstruction or by any other means) another person’s use of any ferry facility or facility in a public area.

Maximum penalty—10 penalty units.

(2) Without limiting subclause (1)—

(a) ferry facilities include the following—

(i) the entrance to a ferry wharf,

(ii) the exit from a ferry wharf,

(iii) stairways and escalators on, or leading to, a ferry wharf,

(iv) the gangplank between a ferry and a ferry wharf, and
facility in a public area includes the following—

(i) the entrance to a station or light rail stop,

(ii) the exit from a station or light rail stop,

(iii) stairways and escalators at a station or light rail stop, and

(c) a person who sits on a stairway on a ferry, or on a stairway on or leading to a ferry wharf, is taken to hinder another person’s use of ferry facilities.

68D Use of escalators and lifts

(1) A person must not, while in any public area—

(a) ride on a travelling handrail of an escalator, or

(b) without reasonable excuse, move while on an escalator in a direction opposite to that in which it is travelling, or

(c) without reasonable excuse, convey any goods on an escalator or in a lift, or

(d) without reasonable excuse, interfere in any manner with an escalator or lift or the working of an escalator or lift.

Maximum penalty—5 penalty units.

(2) In this clause, goods does not include shopping, strollers, prams, bicycles, surfboards or luggage.

68E Person not to use a scooter, skateboard, rollerblades or the like or drive in certain areas

(1) A passenger must not use a scooter or skateboard, or rollerblades or roller skates, or the like, on a bus, ferry or train.

Maximum penalty—5 penalty units.

(2) A person must not drive a vehicle or use a scooter or skateboard, or rollerblades or roller skates, or the like, on or along a platform or a pathway, subway or other way on railway premises.

Maximum penalty—5 penalty units.

(3) This clause does not apply—

(a) to vehicles designed to carry persons unable to walk or who have difficulty in walking (such as motorised wheelchairs or mobility scooters), or

(b) to a motorised trolley being used by an employee of the operator of the public passenger service or the rail transport operator concerned in the execution of the employee’s duty.

68F No touching of moving trains

A person on railway premises who is not on a train must not touch, or attempt to touch, any part of a moving train with any part of the person’s body or with an object.

Maximum penalty—5 penalty units.
68G Seating for aged persons or persons with a disability

(1) An operator of a bus service or ferry service or a rail transport operator may, by appropriate notices, set aside seating on a bus, ferry or train for persons who are aged or have a disability.

(2) A person who is not aged and does not have a disability must not continue to occupy a seat on a bus, ferry or train set aside as referred to in subclause (1) for aged persons and persons with disabilities if the person has been asked by another person who wants to use the seat and is aged or has a disability (or by someone on their behalf) to vacate the seat.

Maximum penalty (subclause (2)): 5 penalty units.

68H Pedestrians

A person must not, while proceeding on foot in any public area, proceed at a pace or in a manner that may cause injury or damage or that may endanger any person or property.

Maximum penalty—5 penalty units.

68I Gates to be closed

A person who uses a gate at a railway crossing, or any other gate set up at the side of the railway, must shut and securely fasten the gate immediately after use.

Maximum penalty—5 penalty units.

68J No trespassing

(1) A person must not, without reasonable excuse, go onto or into, or remain on or in—

(a) the restricted area of a station, or

(b) any running lines or associated part of any rail infrastructure, or

(c) any workshops forming part of rail infrastructure, or

(d) any offices or administrative areas of a railway, or

(e) any other railway premises.

Maximum penalty—50 penalty units.

(2) Subclause (1) does not apply to a person who has the permission of the rail transport operator of the railway to enter the railway premises.

(3) An authorised officer who has reason to believe that a person is committing an offence under subclause (1) may direct the person to leave the restricted area of the station, running lines, associated part of the rail infrastructure, workshop, office or administrative area or railway premises.

(4) A person must comply with a direction given to the person under subclause (3).

Maximum penalty—5 penalty units.

68K (Not used)
68L Restrictions on vehicles driven on certain railway structures

(1) The rail transport operator of a railway may, by notice exhibited conspicuously on or near a railway road bridge or other railway structure, fix a vehicle’s maximum loaded mass, maximum axle load or other load limit in respect of the bridge or structure.

(2) A person must not drive on or over a railway road bridge or other railway structure a vehicle whose loaded mass, axle load or other load exceeds the maximum limit so fixed and notified unless—

(a) the person has obtained the written permission of the rail transport operator of the railway concerned to do so, and

(b) the vehicle is driven in conformity with any conditions determined by the rail transport operator in respect of it.

Maximum penalty—5 penalty units.

(3) In this clause, a reference to a railway road bridge or other railway structure is a reference to a bridge or other structure that is provided for the purpose of enabling vehicles to cross a running line.

68M Bicycles not to be left in certain areas

A person must not leave a bicycle on railway premises or chained or otherwise attached to any building, fence or other railway installation on railway premises, except in a cloak room, parcels office or other place designated by the rail transport operator of the relevant railway for that purpose.

Maximum penalty—5 penalty units.

Division 4 Offences relating to sleeping berths and reserved seats on trains

68N Compulsory reservation of sleeping berths or seats

(1) A person must not, except with the permission of an authorised officer, travel on a train on which booking is compulsory without holding—

(a) both a valid ticket for the travel concerned and a reservation for a sleeping berth or seat, or

(b) a combined travel and reservation ticket.

Maximum penalty—5 penalty units.

(2) This clause does not apply to a person who is travelling with another person who holds a valid ticket and reservation, or a combined travel and reservation ticket (or tickets and reservations, or combined travel and reservation tickets) authorising, for both persons, travel on the train concerned.

(3) A person is not liable to be punished under both this clause and clause 77A(1) in respect of the same travel.

(4) In this clause, *valid ticket* has the same meaning as in Part 6.
68O Unauthorised occupation of reserved seats

(1) The rail transport operator of a railway may, by an appropriate notice attached to (or in the vicinity of) a seat in a train used on the railway, reserve the seat for a passenger.

(2) An authorised officer may direct a person to leave a seat reserved for another person if the officer is not satisfied that the person is occupying the seat with the permission of either the person for whom it is reserved or an authorised officer.

(3) A person must comply with a direction given to the person under this clause.

Maximum penalty—5 penalty units.

68P Unauthorised occupation of sleeping berths

(1) A person must not, except with the permission of an authorised officer, occupy a sleeping berth on a train—

(a) other than the berth allotted to the person, or

(b) without holding or having delivered up on the train a sleeping berth ticket or other receipt for the fare for the berth.

Maximum penalty—5 penalty units.

(2) An authorised officer may direct a person contravening subclause (1) to leave the berth.

(3) A person must comply with a direction given to the person under this clause.

Maximum penalty—5 penalty units.

Division 5 Crossing running lines

68Q Crossing running lines—generally

(1) A person must not cross or drive a vehicle over a running line except by means of a railway crossing, bridge or subway constructed for that purpose.

Maximum penalty—10 penalty units.

(2) This clause does not apply to or in respect of—

(a) an employee of a rail transport operator in the execution of the employee’s duty, or

(b) an officer of the National Rail Safety Regulator or the Office of Transport Safety Investigations in the execution of the officer’s duty, or

(c) a person who takes any action referred to in this clause at the request or direction of an authorised officer, an employee of a rail transport operator or an officer referred to in paragraph (b) in the execution of the officer’s or employee’s duty, or

(d) a running line used in a road or road related area for the purpose of a light rail system.
68R Pedestrians crossing running line

(1) A person on foot (unless in charge of an animal) must not, without reasonable excuse, cross over a running line at ground level at a railway crossing if a bridge or subway is provided at the crossing.

Maximum penalty—10 penalty units.

(2) A person on foot must not cross over a running line at a railway crossing—
   (a) if warned not to do so by an authorised officer, or
   (b) contrary to a warning displayed at the railway crossing.

Maximum penalty—10 penalty units.

(3) A person on foot must not cross over a running line at a railway crossing at which are installed barriers or a bell, alarm, red light or other warning device—
   (a) if barriers are installed—while those barriers are in any position other than the fully open position, or
   (b) whether or not barriers are installed—while any bell, alarm, red light or other warning device is operating.

Maximum penalty—10 penalty units.

(4) This clause does not apply to—
   (a) an employee of a rail transport operator in the execution of the employee’s duty, or
   (b) a person who takes any action referred to in this clause at the request or direction of an authorised officer or employee of a rail transport operator in the execution of the officer’s or employee’s duty.

68S Certain vehicles crossing running line at railway crossing

(1) A person must not drive a vehicle across a railway crossing—
   (a) if the vehicle is carrying a load that is likely to cause any damage to railway property or to cause an obstruction, or
   (b) contrary to a sign displayed at the railway crossing, or
   (c) if directed not to do so by an authorised officer.

Maximum penalty—10 penalty units.

(2) Subclause (1)(a) does not apply if the vehicle and load comply with the relevant statutory rules under the Road Transport Act 2013 or Heavy Vehicle National Law (NSW) (or are the subject of a relevant permit under the Act or Law).

68T Driving animals across running line at ground level

A person (with or without a vehicle) must not, at ground level, drive an animal across a running line
at a railway crossing—

(a) if warned not to do so by an authorised officer, or
(b) if a train is in sight and moving towards the railway crossing, or
(c) if warning of the approach of a train has been given by a whistle or other device.

Maximum penalty—10 penalty units.

68U No placing of objects on running lines

(1) A person must not leave any object on a running line.

   Maximum penalty—50 penalty units.

(2) This clause does not apply to anything done by—

   (a) an employee of a rail transport operator in the execution of the employee’s duty, or

   (b) any other person in the course of carrying out work in relation to the running line concerned
       on behalf of, or at the request of, the rail transport operator.

Part 6 Tickets

Division 1 Preliminary

69 Definitions

In this Part—

approved payment device means a smartcard that is a credit or debit card, or other payment device,
of a class approved by TfNSW, by notice published in the Gazette, for the payment of fares by
scanning at a smartcard reader.

concession ticket means a ticket intended to provide free travel, or travel at a reduced fare, on a
public passenger vehicle or train.

paid area of a ferry wharf means all parts of a ferry wharf (being a wharf for which ticket barriers or
smartcard readers are installed) that are located between the place where ferries dock and the ticket
barriers or smartcard readers.

public passenger service means the carriage of passengers for a fare or other consideration—

   (a) by a bus along a road or road related area, or along the whole or part of a transitway route, or

   (b) by vessel within any New South Wales waterway.

public passenger vehicle means—

   (a) a bus used to provide a regular passenger service, or

   (b) a ferry used to provide a regular passenger service.

read means—
(a) in relation to a smartcard (other than an approved payment device)—ascertain the amount, or travel entitlement, recorded on the smartcard and includes add an amount to or deduct an amount from any amount so recorded, and

(b) in relation to an approved payment device—obtain information from the device for the purpose of processing the payment of a fare or ascertaining whether the device is valid for travel in accordance with clause 77D.

**restricted area of a station** means—

(a) if the station has no ticket barriers or smartcards readers—the platform, or

(b) if the station has ticket barriers or smartcard readers—the platform and all other parts of the station between the platform and the ticket barriers or smartcard readers.

**scan**, in relation to a smartcard, means hold the smartcard in front of a smartcard reader until such time as the smartcard reader indicates (by means of a display, sound or other signal) that it has read the smartcard.

**Note.** Scanning a smartcard is also commonly referred to as tapping on or tapping off.

**station** means any station on railway premises, and includes any place designated for the picking up and setting down of passengers on a railway.

**ticket** means an authority to travel on a public passenger vehicle or train that may take any of the following forms—

(a) a printed ticket,

(b) a smartcard,

(c) any other thing issued by or on behalf of the operator of a public passenger service or rail passenger service or TfNSW for the purpose of authorising a person to travel on a public passenger vehicle or train used to carry on the service concerned.

**valid ticket** means—

(a) a ticket (other than a smartcard) that is valid for travel in accordance with Division 2, or

(b) a smartcard that is valid for travel in accordance with Division 3.

70 **Meaning of “smartcard”**

(1) For the purposes of the definition of **smartcard** in section 3(1) of the Act, the following are types of smartcard—

(a) a card issued by or on behalf of TfNSW—

(i) on which an amount, or an entitlement to travel on public passenger vehicles or trains, may be recorded electronically, and

(ii) that may be scanned at, and read electronically by, a smartcard reader for the purpose of enabling the person by whom the smartcard is held to pay for, or exercise an entitlement to, travel on public passenger vehicles or trains (regardless of whether the...
smartcard may also be used to pay for, or exercise a right to, travel on other public transport systems), an approved payment device.

(2) Without limiting the way in which an entitlement to travel on a public passenger vehicle or train may be recorded on a smartcard (other than an approved payment device), the entitlement may be limited by reference to any one or more (or any combination) of the following—

(a) the kinds of public passenger vehicles or trains on which the entitlement may be exercised,
(b) the geographical boundaries within which it may be exercised,
(c) the times or periods within which it may be exercised.

71 Meaning of “smartcard reader”

For the purposes of the definition of smartcard reader in section 3(1) of the Act, a smartcard reader is a type of device that, under the authority of TfNSW—

(a) is installed on a public passenger vehicle or train or at a place at which passengers may board or leave public passenger vehicles or trains (including a transport interchange) or is carried by an authorised officer, and

(b) is of a make or model specified from time to time by TfNSW by notice published in the Gazette or uses software of a type, or with a capability, specified from time to time by TfNSW by notice published in the Gazette.

Division 2 Tickets other than smartcards

72 Application of Division

This Division applies to tickets other than smartcards.

73 Valid tickets

(1) A ticket for a public passenger service or rail passenger service is valid for travel—

(a) only for the journey or journeys for which it is issued or in the zone or area for which it is issued, and

(b) in the case of a ticket that is issued for use on a particular day or days or for a particular period, only on the relevant day or days or during the relevant period, and

(c) in the case of a ticket showing the name of the person to whom it was issued—only by that person.

(2) A ticket is not valid if—

(a) it is transferred in contravention of this Division, or

(b) it has been defaced, mutilated or altered, or

(c) any of the following information on the ticket is illegible—
(i) the number of the ticket,

(ii) the issue date or the expiry date (or both) of the ticket,

(iii) the names of bus stops, stations or light rail stops between which (or the zone or area within which) the ticket authorises travel,

(iv) the name (if shown) of the person to whom the ticket was issued.

(3) However, an illegible, defaced, mutilated or altered ticket is valid if the illegibility, defacing, mutilation or alteration occurred as a result of the ordinary use of the ticket.

74 Tickets generally not transferable

(1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a portion of the ticket, to any person.

Maximum penalty—5 penalty units.

(2) This clause does not apply if—

(a) the ticket was bought on behalf of that other person and, in the case of a concession ticket, that other person is entitled to use that concession ticket, or

(b) the ticket—

(i) is not issued in any person’s name, and

(ii) was issued for travel for a particular number of journeys at any time within a particular zone, for a particular distance or on a particular route, and

(iii) in the case of a concession ticket, the person is entitled to the ticket, or

(c) the transfer is authorised by the operator of the public passenger service or rail passenger service to which the ticket relates.

75 Alteration or defacement of tickets prohibited

A person must not, with intent to deceive, deface, mutilate or alter a ticket or make a ticket illegible (or, in the case of a ticket that has a magnetic strip, inoperative).

Maximum penalty—5 penalty units.

Division 3 Smartcards

76 Valid smartcards

(1) A smartcard is valid for travel on a particular journey only if—

(a) the smartcard—

(i) has been successfully processed for the journey, or

(ii) could have been successfully processed but was not able to be for reasons beyond the control of the person making the journey, and
the smartcard is being used in accordance with the terms and conditions for its use published by TfNSW in the Gazette, and

(c) the journey is on a route or railway line that TfNSW has designated from time to time, by order published in the Gazette, as a route or railway line for which a smartcard of that kind may be used.

(1A) Subclause (1)(a)(ii) does not apply in relation to a smartcard that is not successfully processed because there are no facilities available for the issue or topping-up of a smartcard.

(2) A smartcard is successfully processed if it is processed in accordance with clause 77D and the processing accepts the smartcard as valid.

77 Making smartcard inoperative prohibited

A person must not, with intent to deceive, make a smartcard inoperative.

Maximum penalty—5 penalty units.

Division 4 General provisions

77A Valid ticket required for travel

(1) A person must not travel, or attempt to travel, on a public passenger vehicle or train unless the person (or someone accompanying the person) holds a valid ticket for the person’s travel.

Maximum penalty—5 penalty units.

(2) This clause does not apply in the case of a person who does not hold a ticket if the person—

(a) boards a bus at a bus stop, a ferry at a ferry wharf or a train at a station where, at all relevant times before the person boarded, there were no facilities available for the issue of an appropriate ticket, or

(b) the person is a child of or under 3 years of age.

(2A) Subclause (2)(a) does not apply if the appropriate ticket is a smartcard.

(3) In this clause, hold a ticket means be able to produce the ticket on request.

77B Other offences in relation to fares and tickets

(1) A person who is travelling on a train or ferry without having paid the correct fare for the travel concerned must not, without reasonable excuse, fail to pay the correct fare—

(a) on demand made by an authorised officer, or

(b) if no such demand has been made, as soon as facilities are available to pay the fare, whether on the train or ferry or at the station, stop or wharf at which the person’s travel on the train or ferry is completed.

Maximum penalty—5 penalty units.

(2) A person must not, knowingly and without reasonable excuse, travel on a train in a carriage or
compartment of a class to which the person’s ticket does not apply.

Maximum penalty—5 penalty units.

(3) In this clause, train includes any other form of transport (such as a bus) provided by the rail transport operator in substitution for a train.

(4) This clause does not apply in relation to travel on a route or railway line for which a smartcard may be used.

77C Concession tickets

(1) A person must not travel, or attempt to travel, on a public passenger vehicle or train on the authority of a concession ticket unless the person is entitled to the concession ticket.

Maximum penalty—5 penalty units.

(2) The driver of a public passenger vehicle or an authorised officer may direct a person—

(a) who is travelling in a public passenger vehicle or train on the authority of a concession ticket, or

(b) who processes a concession ticket under this Division, or

(c) who makes a concession ticket available for inspection under this Division,

\[0x0\] to produce to the driver or authorised officer evidence (for example, the person’s pensioner or student concession card) that the person is entitled to the concession ticket.

(3) A person who is given such a direction must immediately comply with it.

Maximum penalty—5 penalty units.

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

(5) A person must not—

(a) in or in connection with an application for a concession ticket or the issue or purchase of a concession ticket, or

(b) in purported compliance with a direction made under this clause,

knowingly give any information or tender any document that contains a false or misleading particular with respect to the age, occupation or status of the person to whom the application or direction relates.

Maximum penalty—5 penalty units.

(6) For the purposes of this Regulation, a person is entitled to a concession ticket if the person is of a class of persons determined by TfNSW as being entitled to the type of concession ticket concerned.
77D Tickets to be processed

(1) A person must not, without reasonable excuse, do any of the following without processing (or without someone accompanying the person processing) a valid ticket for the person in accordance with this clause—

(a) board a bus,

(b) enter (otherwise than by getting off a train), or leave, the restricted area of a station,

(c) enter (otherwise than by getting off a ferry), or leave, the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service,

(d) if there is no paid area of the ferry wharf—board or leave a ferry.

Maximum penalty—5 penalty units.

(1A) It is not a reasonable excuse for the purposes of subclause (1) that there were no facilities available for the issue or topping-up of a smartcard.

(2) For the purposes of this clause, a person processes a ticket—

(a) in the case of a smartcard—by scanning it at an appropriate smartcard reader, and

(b) in the case of a ticket other than a smartcard—

(i) by automatic processing, that is, by putting it into automatic processing equipment provided to read or record any details on the ticket, or

(ii) by providing the ticket for inspection by an authorised officer on request or an employee of the operator of the public passenger service or rail passenger service concerned, or

(iii) by allowing the ticket to be processed manually by an authorised officer or an employee of the operator of the public passenger service or rail passenger service concerned.

(3) Subclause (1)(a) does not apply to a person who on boarding a bus buys a valid ticket from the driver of the bus.

(4) A ticket (other than a smartcard) that is designed to be processed by automatic processing must not be processed by any other method unless—

(a) the bus, ferry, ferry wharf or station concerned is not supplied with automatic processing equipment or the automatic processing equipment is not functioning, or

(b) the person has a reasonable excuse for not using the automatic processing equipment.

(5) The operator of a bus that is being used to provide a regular bus service must ensure that the driver of the bus is provided with facilities that enable the driver to sell tickets for journeys on the bus, unless the bus—

(a) is clearly designated as a bus on which only pre-paid tickets may be used, or
(6) The driver of a bus that is being used to provide a regular bus service must (unless the driver has a reasonable excuse for not doing so) ensure that tickets for journeys on the bus are processed in accordance with this clause.

Maximum penalty—5 penalty units.

77E Inspection of tickets

(1) A person must make the person’s ticket available for inspection by an authorised officer on that officer’s request if the person—

(a) is on, or has just left, a public passenger vehicle, or

(b) is in or has just left the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service, or

(c) is on a train or is in or has just left the restricted area of a station.

Maximum penalty—5 penalty units.

(2) A person who has just left the paid area of a ferry wharf used for the purposes of, or in connection with, a regular ferry service or the restricted area of a station does not commit an offence under this clause if the person’s ticket has been—

(a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or

(b) given to an authorised officer or employee of the operator of the ferry service or the rail passenger service concerned.

Division 5 Miscellaneous

77F Certificate evidence

(1) In proceedings for an offence against this Part, a certificate purporting to be signed by an authorised officer certifying that—

(a) the officer is authorised under the Act to operate a smartcard reader, and

(b) a person named in the certificate produced a smartcard for inspection by the authorised officer, and

(c) the authorised officer used a smartcard reader to read information off that smartcard, and

(d) the reading took place on the date and at the time stated in the certificate, and

(e) the information specified in the certificate was obtained from that reading,

is admissible and is prima facie evidence of the particulars certified in and by the certificate.

(2) In proceedings for an offence against this Part, evidence of the condition of a smartcard reader,
or of the manner in which it was operated, is not required unless evidence sufficient to raise
doubt that the smartcard reader was in proper condition and properly operated has been adduced.

(3) This clause does not apply in respect of a smartcard that is an approved payment device.

Part 7 Special provisions relating to buses

Division 1 Bus operators

78 Buses to show accreditation details

(1) The operator of a bus service must ensure that each bus used in the service displays, in
accordance with this clause, the information required by this clause.

Maximum penalty—10 penalty units.

(2) The bus must display the following information—

(a) the name under which the accreditation for the bus service in which the bus is normally used
is held,

(b) the accreditation number allocated by RMS to the operator in respect of that bus service,

(c) the location of the depot at which the bus is normally based.

(3) The information must be displayed as follows—

(a) on the front nearside or offside panel of the bus,

(b) as far forward as possible (forward of the wheel arch, if possible),

(c) in English in block letters at least 50 millimetres high,

(d) in such a manner as to be clearly readable from a distance of 5 metres.

79 Buses to be fitted with driver authority card holders

The operator of a bus service must ensure that each bus used in the service is fitted with a device
suitable for holding the driver authority card in such a manner as to enable the driver to display the
card as required by clause 92.

Maximum penalty—5 penalty units.

80 Management information system

(1) The operator of a bus service must maintain the following records—

(a) a fleet register that includes the vehicle identification number, fleet number (if allocated) and
registration details of each vehicle in the fleet,

(b) a register of insurance details for each vehicle in the fleet,

(c) maintenance records for each vehicle in the fleet,

(d) records under RMS’s Heavy Vehicle Inspection Scheme in relation to each vehicle in the
fleet,

(e) copies of drivers’ vehicle defect reports,

Note. See clause 81 for the requirement for these reports.

(f) a register of reports of accidents involving vehicles in the fleet,

(g) details of accidents involving vehicles in the fleet,

(h) a complaints register detailing all complaints received in respect of the bus service and the action taken in respect of each complaint.

Maximum penalty—5 penalty units.

(2) In this clause—

vehicle identification number, in relation to a motor vehicle, means the number allocated to the vehicle in accordance with the requirements of the Australian Design Rules under the Motor Vehicle Standards Act 1989 of the Commonwealth.

81 Vehicle defect reports

(1) The operator of a bus service must make available, in respect of each bus in the fleet, a blank vehicle defect form for each day that the bus is used in the provision of the service.

Maximum penalty—5 penalty units.

(2) If the driver of the bus identifies a defect, the driver must fill in the form as appropriate at the end of the driver’s period of driving the bus.

Maximum penalty—5 penalty units.

(3) The completed form must be returned to the operator of the bus service, in accordance with the relevant procedures established by that operator, as soon as practicable after the bus’s last journey on the day to which the form relates (or, in the case of a service that extends beyond midnight on any day, on the following day).

82 Security camera systems and duress alarm systems

(1) An operator of a bus service who carries on a regular passenger service partly or wholly within the Metropolitan, Newcastle or Wollongong transport district or within the Central Coast local government area must ensure that each bus in the fleet is fitted with—

(a) an approved security camera system, and

(b) an approved duress alarm system.

Maximum penalty—10 penalty units.

(2) (Not used)

(3) Schedule 1 has effect in relation to any security camera system with which a bus is fitted (whether or not pursuant to this clause).
(4) Nothing in this clause prevents any authorised officer or other person authorised by RMS for the purpose of this clause from carrying out an inspection, check or other test of, or performing any proper function in relation to, a security camera system or duress alarm system.

83 Timetables

(1) The operator of a long-distance bus service must ensure that the timetable for the service can reasonably be met without any need for buses to break any relevant speed limits.

(2) The operator of a long-distance bus service must, on request by RMS, provide a copy of the timetable for the service so that the timetable may be checked to ensure that it complies with this clause.

Maximum penalty—10 penalty units.

84 Manifest of passengers

(1) The operator of a long-distance, tourist or charter service that is provided by means of buses must provide to the driver of each bus concerned, for each day that the bus is used to provide the service, a manifest of passengers that complies with this clause.

Maximum penalty—5 penalty units.

(2) The manifest must contain the following information in respect of each passenger—

   (a) the passenger’s name,

   (b) contact details (such as an address and telephone number) for the passenger,

   (c) the date and time that the passenger is due to board the bus,

   (d) the seat number (if any) allocated to the passenger.

(3) The driver of the bus must return the manifest to the operator as soon as practicable after the completion of the relevant journey.

Maximum penalty—5 penalty units.

(4) The operator of the service must retain each manifest for a period of 60 days after the completion of the relevant journey.

Maximum penalty—5 penalty units.

(5) This clause does not apply in respect of a bus that—

   (a) is being used only within a radius of 40 kilometres from its usual depot, or

   (b) is being used for a charter service, but only if the operator of the bus maintains records for 60 days after the bus is used for any such service that include the name, address and telephone number of the person who chartered the bus, the date and time of the charter and the telephone number of a responsible passenger on board the chartered bus.

85 Information in buses

(1) The operator of a bus service must ensure that information is displayed inside a bus in
accordance with this clause while the bus is being used to provide the service.

Maximum penalty—5 penalty units.

(2) The following information must be displayed—

(a) a summary of the rights and obligations of passengers,

(b) brief details (including a telephone number) as to how complaints relating to the bus services might be made.

(3) The information—

(a) must be approved by TfNSW, and

(b) must be displayed in a position where it may easily be read by passengers.

86 Buses to be clean and tidy

The operator of a bus service must not allow a bus to be used to provide the service unless the bus is clean and tidy.

Maximum penalty—10 penalty units.

87 Destination signs on buses

(1) The operator of a bus service must not use a bus to conduct a regular passenger service unless the bus displays a destination sign in accordance with this clause.

Maximum penalty—5 penalty units.

(2) The sign—

(a) must be displayed on the front of the bus, and

(b) must show the route number and the destination of the bus, and

(c) must be capable of being illuminated.

(3) This clause does not apply to or in respect of a bus that is being used principally to provide transport to school students pursuant to a contract with TfNSW under the Act.

88 Notification of accidents and incidents

(1) An operator of a bus service who becomes aware that a bus being used to provide the service has been involved in an accident or incident must notify RMS of the accident or incident, in accordance with subclause (2), if the accident or incident—

(a) resulted in a person being injured, or

(b) prevented the bus from continuing its journey, or

(c) is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

Maximum penalty—5 penalty units.
(2) A notification under subclause (1)—
   (a) must be given within 3 days after the operator becomes aware of the accident or incident concerned, and
   (b) must be given in a form approved by RMS.

(3) An operator of a bus service who becomes aware that a bus being used to provide the service has been involved in an accident or incident must notify the Chief Investigator of the accident or incident, in accordance with subclause (4), if the accident or incident—
   (a) involved or resulted in any one or more of the following—
       (i) a person being injured,
       (ii) the driver of the bus being incapacitated,
       (iii) a mechanical or electrical fire or an explosion on the bus,
       (iv) a failure of the steering or brakes of the bus,
       (v) a bus being in motion while not under the effective control of a driver,
       (vi) the bus being unable to continue its journey,
       (vii) a person being caught in the doors of the bus and being dragged by the bus, or
   (b) is, in the reasonable opinion of the operator of the service, otherwise likely to arouse serious public concern.

   Maximum penalty—5 penalty units.

(4) A notification under subclause (3)—
   (a) must be given immediately after the operator becomes aware of the accident or incident concerned, and
   (b) must be given by telephone or by such other means as the Chief Investigator may reasonably require, and
   (c) must include such details of the accident or incident as the Chief Investigator may reasonably require.

(5) RMS and the Chief Investigator are to provide each other with access to the details of any notification given under this clause, including access to any telephone recording that may have been made.

89 Passengers to be notified of requirement to use seatbelts in buses

(1) The operator of a bus service must take reasonable steps to ensure that every passenger on a bus operated by the operator is made aware that the passenger is required to wear a seatbelt (if fitted) in the bus unless the passenger is exempt from that requirement under rule 267 of the Road Rules 2014.

   Maximum penalty—10 penalty units.
(2) Steps that may be taken under subclause (1) include (but are not limited to) the following—

(a) putting up signs inside the bus,

(b) arranging for the driver of the bus to notify passengers (for example, through a public address system on the bus or by means of a recorded audio message or video).

90 Audit

(1) RMS may require an operator of a bus service, at regular intervals or at any particular time, to undertake (at the operator’s expense) an audit of such of the operator’s records and bus operations as RMS may specify.

(2) An operator of whom a requirement is made under subclause (1)—

(a) must cause the audit to be carried out in accordance with RMS’s requirements, and

(b) must submit the audit to RMS within the period, or by the date, specified by RMS.

Maximum penalty—5 penalty units.

(3) RMS may require any one or more of the audits under this clause to be carried out by an auditor, or by an auditor from a class, approved by RMS.

Division 2 (Not used)

91 (Not used)

Division 3 Drivers of buses

92 Driver to display driver authority card

The driver of a bus must not drive the bus unless the appropriate driver authority card—

(a) is contained in a holder firmly affixed to the interior of the bus, and

(b) is displayed so that its face can be seen easily by any passenger in the bus.

Maximum penalty—5 penalty units.

93 Driver to stop bus to pick up and set down passengers

(1) Subject to this clause, the driver of a bus—

(a) must stop the bus and set down any passenger who indicates to the driver that the passenger wishes to leave the bus, and

(b) must stop the bus and pick up any person who indicates to the driver that the person wishes to board the bus.

Maximum penalty—5 penalty units.

(2) The driver of a bus must not stop the bus on a road or road related area for the purpose of setting down or picking up passengers otherwise than close to and parallel with the side of the carriageway of the road or area.
(3) The driver of a bus may refuse to stop the bus—

(a) at any place at which stopping the bus would be unlawful or, in the opinion of the driver, unsafe, or

(b) in the case of a bus operating along a route for which bus stops are indicated by signs, at any place other than a bus stop.

(4) The driver of a bus may refuse to stop the bus to set down a passenger at a bus stop at which the bus is not scheduled, as indicated on the bus or in the timetable for the relevant journey, to set down passengers.

(5) The driver of a bus may refuse to stop the bus to pick up a passenger—

(a) if by doing so the driver would contravene the provisions of clause 41 (Carriage of goods and animals) or 94 (Driver not to overload bus), or

(b) if the intending passenger is a person who is, or who is carrying a thing that is, likely to soil or damage the bus or the clothing or luggage of other passengers, or otherwise to cause inconvenience or danger to other passengers or to the driver (as referred to in clause 55(1)(a) or (b)), or

(c) at a bus stop at which the bus is not scheduled, as indicated on the bus or in the timetable for the relevant journey, to pick up passengers.

94 Driver not to overload bus

(1) The driver of a bus must not—

(a) carry at any one time in a single-decked bus (or on either deck of a two-decked bus) a greater number of passengers seated than the number authorised to be carried seated in the single-decked bus (or on that deck of the two-decked bus), or

(b) carry at any one time in a single-decked bus (or on the lower deck of a two-decked bus) a greater number of passengers standing than the number authorised to be carried standing.

Maximum penalty—5 penalty units.

(2) In calculating the number of passengers being carried, the following persons are not to be taken into account—

(a) any child apparently under the age of 5 years who is being held on the lap of a seated passenger,

(b) of the children apparently under the age of 12 years (whether seated or standing), every third such child.

(3) For the purposes of subclause (2)(b), the following children are not to be taken into account—

(a) children who are seated on single seats,

(b) children who are seated on multiple seats that are designed (either by means of fixed
Passenger Transport (General) Regulation 2017 [NSW]

armrests or seating places contoured for individual passengers) so as to be impracticable for use by more than the number of passengers for whom they are designed.

(4) The number of passengers who, for the purposes of this clause, are authorised to be carried seated, or are authorised to be carried standing, is the appropriate number specified in a certificate issued by the manufacturer of the bus or by a consulting engineer approved by RMS for the purposes of this clause.

95 **Operator to display sign showing maximum number of passengers**

The operator of a bus must ensure that there is displayed on the bus, in a conspicuous position on the outside of the rear of the bus and in letters at least 25 mm high and of proportionate breadth, the number of passengers authorised to be carried on the bus, seated and standing respectively.

Maximum penalty—5 penalty units.

96 **Driver not to carry passengers on certain portions of bus**

The driver of a bus must not—

(a) carry any passenger on any portion of the bus not set apart or intended for the conveyance of passengers, or

(b) in the case of a two-decked bus, permit any passenger to stand on the upper deck of the bus, or

(c) permit any person to occupy any portion of the driving seat or of the bus on the right-hand side of that seat and abreast of it, or

(d) permit any person to be on any portion of the bus in front of the driving seat.

Maximum penalty—5 penalty units.

97 **Driver to remain in bus**

The driver of a bus must not, without reasonable excuse, leave the driving seat of the bus.

Maximum penalty—5 penalty units.

98 **Driver to provide medical certificates**

The driver of a bus must, at the driver’s own expense, furnish RMS at intervals of 36 months until the driver attains the age of 60 years with a certificate from a medical practitioner containing the medical practitioner’s assessment, in accordance with any requirements of RMS, of the driver’s medical condition.

Maximum penalty—10 penalty units.

**Note.** See clause 47 for requirements for medical certificates after the driver attains the age of 60 years.

**Division 4 Special provisions relating to conduct of school students on buses**

99 **Dealing with contraventions of this Regulation by school students**

(1) Despite any other provision of this Regulation, the operator of a bus service, a driver of a bus or
an authorised officer may take only such action under this Regulation as is reasonable in the circumstances when dealing with a school student who has contravened a provision of this Regulation concerning travel on buses.

(2) In determining what action is reasonable for the purposes of subclause (1), regard is to be had to any guidelines for managing the behaviour of school students on buses published from time to time by TfNSW.

100 Directions to move to certain part of the bus

(1) A driver of a bus, or an authorised officer on a bus, may direct a school student on the bus to occupy a specified seat on the bus, or to move to a particular part of the bus, if the driver or authorised officer believes on reasonable grounds that it is necessary for the preservation of order on the bus.

(2) A school student who is given such a direction must comply with it.

Maximum penalty—5 penalty units.

101 Direction to leave bus

A driver of a bus, or an authorised officer on a bus, is not to direct a person who the driver or authorised officer knows is a school student (or ought reasonably to know is a school student) to leave the bus unless—

(a) on leaving the bus, the school student will be in the care of a person who is legally responsible for the student, or

(b) the place at which the student is directed to leave the bus would appear to a reasonable person to be appropriate, having regard to the traffic conditions, proximity to other transport and nature of the locality.

102 Refusal to pick up school student

A driver of a bus may refuse to stop for, or to allow onto the bus, a school student who the driver believes on reasonable grounds has contravened a provision of this Regulation concerning travel on buses (whether or not the student has been prosecuted in relation to the contravention).

103 Review of action taken by operator or driver

TfNSW may review any action taken by the operator of a bus service or by a driver of a bus that involves the refusal to carry a particular school student on a bus or the placing of conditions on the carrying of a particular school student on a bus.

Division 5 Miscellaneous

104 Appointment of bus stops

(1) TfNSW may appoint bus stops, to be indicated by signs erected or displayed with the approval of the roads authority for the road concerned and on which the words “BUS STOP”, “BUS STAND” or “BUS ZONE”, or some suitable pictorial representation, appear.

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

(3) If times are specified on a sign referred to in this clause, the sign operates only during those times, but if no times are so specified the sign operates at all times.

(4) In this clause, roads authority has the same meaning as it has in the Roads Act 1993.

105 Buses registered interstate

A person must not carry on a bus service using a bus that is not registered within the meaning of the Road Transport Act 2013 unless there is displayed in the bus, in a manner and form approved by RMS, an indication that the person is an accredited bus operator.

Maximum penalty—10 penalty units.

106 Interstate bus drivers: exemption from section 11

(1) A person who holds a licence, permit or other authority—

(a) that allows the person to drive a public bus (that is, a bus that is used to provide a public passenger service) in some other State or Territory, and

(b) that is recognised by TfNSW for the purposes of this clause,

is exempt from the provisions of section 11(1) of the Act, and so is not required to hold an authority under Division 2 of Part 2 of the Act in order to drive such a bus in New South Wales.

(2) This exemption does not apply in relation to journeys that take place wholly within New South Wales.
Part 13 Special provisions relating to arbitrations under clause 39 of Schedule 3 to Act

Division 1 General

218 Interpretation

(1) In this Part—

applicant—see clause 222.


arbitrators panel list means the list of persons compiled under clause 221.

arbitrators panel member means a person whose name is included in the arbitrators panel list for the time being.

Association means the Bus and Coach Association (NSW) Inc.

award means an award made by the arbitrator under the Arbitration Act (as modified by clause 227).

Secretary means the Secretary of the Department of Transport.

submission period—see clause 228.

valuation arbitration means an arbitration under clause 39 of Schedule 3 to the Act.

working day means any day that is not a Saturday, Sunday or public holiday.

(2) Words and expressions used in this Part that are defined in clauses 27 and 39 of Schedule 3 to the Act or in the Arbitration Act have the same meanings as in those Acts, except in so far as the context or subject-matter otherwise indicates or requires.

219 Application of Arbitration Act to valuation arbitrations

(1) For the purposes of clause 39(4) and (5) of Schedule 3 to the Act, the application of the Arbitration Act is modified in accordance with this Part.

(2) The provisions of this Part are to be read as if they formed part of the Arbitration Act and any reference in that Act to an arbitration agreement is taken to be a reference to the requirements of this Part.

Division 2 Appointment of arbitrators

220 Modification of Arbitration Act in relation to appointment of arbitrators

This Division applies instead of Part 2 (Appointment of arbitrators and umpires) of the Arbitration...
(1) The Secretary is to compile a list of one or more persons (the arbitrators panel list) considered by the Secretary to be suitable to be arbitrators for the purposes of valuation arbitrations.

(2) The Secretary may include a person in the arbitrators panel list only if—

(a) the Secretary is satisfied that the person has demonstrated experience in the bus industry or other transport industry and, in particular, in the valuation of bus service assets or similar kinds of assets, and

(b) the person consents to being included in the list, and

(c) the Secretary has given the Association written notice of the person’s name and qualifications for appointment (an inclusion notice), and

(d) the Association has given the Secretary its written consent to the person’s inclusion in the list.

(3) For the purposes of subclause (2)(d), the Association is taken to have consented to a person’s inclusion in the arbitrators panel list if the Association fails, within 7 working days after receiving an inclusion notice, to inform the Secretary in writing about whether or not it consents to the person’s inclusion in the list.

(4) The Secretary may, in consultation with the Association, amend or revoke the arbitrators panel list.

222 Appointment of arbitrators to conduct valuation arbitrations

(1) The Secretary may appoint a person who is an arbitrators panel member to be the arbitrator in a valuation arbitration if—

(a) an existing service provider (the applicant) has made an application to the Secretary under clause 39(2) of Schedule 3 to the Act in respect of a bus service asset, and

(b) the existing service provider has provided such details concerning the bus service asset as the Secretary considers necessary to identify the asset.

(2) The power to appoint an arbitrator conferred by subclause (1) extends to the appointment of a new arbitrator in place of an arbitrator who dies or otherwise ceases to hold office.

(3) The Secretary must, within 10 working days after receiving the application, decide whether to refer the valuation of the bus service asset in question for a valuation arbitration and give the applicant—

(i) that the Secretary has decided to refer the valuation for arbitration, and

(ii) the name of the arbitrator to be appointed by the Secretary to conduct the valuation arbitration, or
if the Secretary decides not to refer the valuation of the bus service asset for a valuation arbitration—written notice of that decision.

**Division 3 Conduct of valuation arbitrations**

223 **Parties to valuation arbitration**

In its application to a valuation arbitration, references (however expressed) in the Arbitration Act (as modified by this Part) to the parties or any party are to be read as references to the following—

(a) the existing service provider who has made an application to the Secretary under clause 39(2) of Schedule 3 to the Act in respect of the bus service asset in question in the valuation arbitration,

(b) the proposed new service provider to whom the existing service provider wishes to sell or otherwise dispose of the bus service asset.

224 **Commencement of valuation arbitrations**

An arbitrator must commence the valuation arbitration within 7 working days (or such further period as the parties may agree or, in the absence of such an agreement, as the Secretary may allow) after the arbitrator’s appointment.

**Note.** Section 14 of the Arbitration Act provides that, subject to that Act and the provisions of the arbitration agreement (which is taken to be this Part by clause 219(2)) the arbitrator in a valuation arbitration may conduct the proceedings in such manner as the arbitrator thinks fit.

225 **Duties of parties**

Without limiting the duties of the parties to a valuation arbitration under section 37 of the Arbitration Act—

(a) the applicant must make the bus service assets in question available for inspection by the arbitrator at the times and places requested by the arbitrator, and

(b) each party must not provide the arbitrator with any document or other information that is false or misleading in a material particular.

226 **Valuation principles**

(1) In determining the valuation of any bus service assets in question in a valuation arbitration, the arbitrator must apply the following principles—

(a) the valuation of the asset must be determined by reference to the market value of the asset having regard to the following—

(i) the price that a willing, but not anxious, purchaser would be prepared to pay for the asset for use in the provision of a regular bus service,

(ii) the price that a willing, but not anxious, vendor would accept as payment for the asset,

(b) the asset’s value to the applicant as a going concern must be included in the valuation,

(c) the value of any intellectual property of the applicant (such as logos and trademarks) used in connection with the asset must not be included in the valuation.
Note. The term **bus service asset** is defined in clause 39(1) of Schedule 3 to the Act to exclude any goodwill. Accordingly, an arbitrator in a valuation arbitration will not be able to take into account the value of any goodwill.

(2) This clause prevails over the provisions of section 22 of the Arbitration Act to the extent of any inconsistency.

### 227 Nature of awards that can be made

(1) An award (whether or not final) made in a valuation arbitration must be limited to the determination of the valuation of the bus service assets in question.

(2) The following provisions of the Arbitration Act do not apply with respect to an award or arbitrator in a valuation arbitration—

   (a) section 24 (Specific performance),

   (b) section 31 (Interest up to making of award),

   (c) section 32 (Interest on debt under award).

### 228 Draft award to be provided to parties for comment

(1) The arbitrator in a valuation arbitration may not make a final award in the arbitration unless the arbitrator has provided the parties to the arbitration with a draft award for comment in accordance with this clause.

(2) The arbitrator must provide the parties with a draft award for comment within 15 working days (or such further period as the parties may agree or, in the absence of such an agreement, as the Secretary may allow) after the conclusion of the arbitration hearing.

(3) The arbitrator must provide the parties with an opportunity to make written submissions concerning the draft award within a period (being a period of not less than 5 working days) specified by the arbitrator (the **submission period**) following the giving of the draft award.

(4) The parties to a valuation arbitration in which a draft award has been given may make written submissions to the arbitrator concerning the draft award, but only if the submissions are made within the submission period.

(5) Any party that makes a written submission during the submission period must provide the other party with a copy of the submission as soon as is reasonably practicable after making the submission.

(6) This clause prevails over the provisions of the Arbitration Act concerning the making of awards to the extent of any inconsistency.

### 229 Final awards

(1) The arbitrator in a valuation arbitration must provide the parties with a final award within 5 working days (or such further period as the Secretary may allow) after the expiry of the submission period for the draft award referred to in clause 228.

(2) In making a final award in a valuation arbitration, the arbitrator—
(a) must take into account any written submissions made by the parties under clause 228 within the submission period, and

(b) must not take into account any written submissions made by the parties after the expiry of the submission period.

(3) The arbitrator must provide the Secretary with a copy of the final award as soon as is reasonably practicable after making the award.

(4) Without limiting clause 39(6) of Schedule 3 to the Act, and subject to any review under section 38 of the Arbitration Act, the Secretary should endeavour to make a decision as to whether or not to require the proposed new service provider to acquire any bus service assets that have been the subject of a final award in a valuation arbitration at the determined valuation within 7 working days after receiving a copy of the final award.

(5) This clause prevails over the provisions of the Arbitration Act concerning the making of awards to the extent of any inconsistency.

230 Costs

(1) The fees and expenses of the arbitrator in a valuation arbitration are to be borne jointly by the parties to the arbitration.

(2) Any other costs incurred by a party to the arbitration are to be borne by that party.

(3) This clause applies instead of sections 34 and 36 of the Arbitration Act.

231 Early termination of valuation arbitration

(1) If the applicant in a valuation arbitration withdraws the application made to the Secretary under clause 39(2) of Schedule 3 to the Act in respect of the bus service assets in question before the conclusion of the arbitration, the arbitrator must terminate the arbitration as soon as the arbitrator receives a written notice from the Secretary to that effect.

(2) Nothing in this clause affects the operation of clause 230.

(3) This clause prevails over section 18 of the Arbitration Act and any other provision of that Act to the extent of any inconsistency.

Part 14 Miscellaneous

232 Non-compliance labels and notices

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

(2) The authorised officer is to issue a notice (a non-compliance notice) to the operator of the vehicle concerned.

(3) A non-compliance label and a non-compliance notice must specify—
(a) the action necessary to be taken in order for the vehicle to meet the relevant requirements,

and

(b) an expiry date after which the vehicle must not be used to provide a public passenger service

unless the label concerned has been removed by an authorised officer.

(4) An authorised officer may remove a non-compliance label from a vehicle if satisfied on

inspection of the vehicle that the necessary action specified in the label or non-compliance

notice has been taken.

(5) A person must not remove a non-compliance label from a vehicle unless the person is an

authorised officer (or is authorised in writing to do so by an authorised officer).

Maximum penalty—10 penalty units.

232A Only tourists to be carried on tourist service

(1) The operator of a tourist service, and the driver of a bus or ferry used in the provision of a

particular tour by the service, must not allow a person to be carried as a passenger in or on the

bus or ferry if the operator or driver has reason to believe that the person is not a tourist.

Maximum penalty—10 penalty units

(2) Subclause (1) does not apply to a person who is carried in connection with the provision of the

relevant tour (such as a relief driver, cook, guide or interpreter).

233 No touting or soliciting for passengers or hirings

(1) A person must not tout or solicit for passengers for, or for a hiring of, a public passenger vehicle.

Maximum penalty—50 penalty units (in the case of an offence committed in the Sydney Airport

precinct) or 5 penalty units (in any other case).

(2) The operator or driver of a public passenger vehicle must not, by the operator’s or driver’s

employee, agent or contractor, tout or solicit for passengers for, or for a hiring of, a public

passenger vehicle.

Maximum penalty—50 penalty units (in the case of an offence committed in the Sydney Airport

precinct) or 5 penalty units (in any other case).

234 False advertising

(1) A person must not advertise, or otherwise represent, that the person—

(a) is accredited under the Act to carry on a public passenger service of a particular kind, or

(b) holds an authority of a particular category under the Act,

(c), (d) (Repealed)

unless the person is so accredited or authorised.

(2) (Repealed)

Maximum penalty—20 penalty units.
235 Change of name or address of operator or driver

(1) An accredited operator or an authorised driver who changes his or her (or, in the case of an accredited operator that is a corporation, its) name or residential address must, within 7 days after the change, give written notice of the change and of the new name or address to RMS.

Maximum penalty—5 penalty units.

(2) The authorised driver must also give the written notice required by subclause (1) to the operator of each of the public passenger vehicles that the driver drives.

Maximum penalty—5 penalty units.

236 Additional agencies with which information may be exchanged

The NSW Police Force is prescribed for the purposes of paragraph (c) of the definition of relevant agency in section 53(6) of the Act.

237 Exemptions

(1) TfNSW may, by order in writing, exempt a person or a vehicle, or a class of persons or vehicles, from all or any of the provisions of the Act or any regulation under the Act.

(2) An exemption under this clause may be expressed to be conditional on the observance of certain conditions specified in the exemption and, if the exemption is given in those terms, it ceases to have effect if the conditions are not observed.

(3) Notice of an exemption given under this clause is to be given by TfNSW in such manner as TfNSW considers appropriate in the circumstances of the case.

238 Service of notices

Any notice required to be served or given under this Regulation is sufficiently served on any person if it is—

(a) served personally, or

(b) left at the last known place of residence or business of the person to be served, or

(c) sent by prepaid letter or post to the person at the person’s last known place of residence or business (in which case notice is to be taken to be served on the date on which the letter would in the ordinary course of post be delivered to the place to which it is addressed).

239 Authorised officers

(1) For the purposes of section 46W(1) and (2) of the Act, the following classes of persons are prescribed—

(a) persons employed in the Department of Transport,

(b) persons employed in the Transport Service,

(c) (Not used)

(d) (Not used)
(d1) members of staff of Sydney Trains,

(e) members of staff of RailCorp,

(f) persons holding an examiner’s authority that is in force under statutory rules made under the *Road Transport Act 2013*,

(g) persons engaged by RMS or TfNSW under a contract for services,

(h) persons engaged by Sydney Airport Corporation Limited to provide road traffic management services,

(i) persons who are employed by, or are contractors of, any other operator of a public passenger service and who provide services for the purposes of that public passenger service.

(2) A person referred to in subclause (1)(g), (h) or (i) or (4)(f) may only exercise the functions of an authorised officer if the exercise of those functions is subject to the control and direction of TfNSW or RMS (whichever of those statutory corporations appointed the person as an authorised officer).

(3) (Not used)

(4) For the purposes of section 46W(6) of the Act, the following classes of persons are prescribed—

(a) members of staff of Sydney Trains,

(b) members of staff of NSW Trains,

(c) members of staff of RailCorp,

(d) (Not used)

(e) persons employed in the Transport Service to enable the State Transit Authority to perform its functions,

(f) persons employed to work on a train operated on a railway that is a light rail system (and related railway premises), by an entity that is under contract with TfNSW to operate the light rail system or by a subcontractor of such an entity.

**239A Delegation to authorised persons**

For the purposes of section 62A(3)(b) of the Act, the following persons are prescribed—

(a) persons employed in the Transport Service to enable the State Transit Authority to exercise its functions,

(b) persons employed in the Transport Service to enable Roads and Maritime Services to exercise its functions.

**239B Transfer of functions**

(1) Any act, matter or thing done or omitted to be done by the Secretary of the Department of Transport, the Department of Transport or RMS relating to a transferred function that had effect immediately before the commencement of the amending Regulation continues to have effect as
if it had been done by the transferee authority.

(2) In this clause—

amending Regulation means the *Passenger Transport Amendment (Rail Safety National Law) Regulation 2012*.

transferred function means a function of the Secretary of the Department of Transport, the Department of Transport or RMS under this Regulation that, as a result of amendments made by the amending Regulation, is conferred on a different person (the transferee authority).

240 Savings

Any act, matter or thing that had effect under the *Passenger Transport Regulation 2007* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

241 Transitional accreditation for small buses

(1) This clause applies to the following persons—

(a) a person who operates a regular passenger service using a vehicle that seats not more than 12 persons and not less than 8 persons,

(b) a person who is taken to be the operator of a public passenger service under clause 14 of Schedule 2 to the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

(2) Clauses 7, 9, 10, 11 and 12 of this Regulation do not apply in respect of an application by the person for renewal of accreditation to carry on a public passenger service only by means of a motor vehicle seating not more than 12 persons and not less than 8 persons.

Schedule 1 Approved security camera systems

(1) Definitions

In this Schedule—

authorised purpose, in relation to the use of a video recording made by a security camera system fitted in or to a bus, means the purpose of, or any purpose in connection with, any of the following—

(a) an activity referred to in section 18(a)–(d) of the *Workplace Surveillance Act 2005*,

(b) the prosecution of, or the issue of a penalty notice in respect of, an offence under the Act, this Regulation or the *Crimes Act 1900* committed in or about a bus,

(c) ensuring an operator’s compliance with the operator’s conditions of accreditation,

(d) ensuring a driver’s compliance with the driver’s conditions of authorisation,

(e) ensuring a passenger’s compliance with any approved scheme of subsidised travel (as referred to in clause 8 of Schedule 1 to the *Transport Administration Act 1988*).

vehicle means a bus.
video recording includes—

(a) any electronically stored information from which a recorded image can be generated, and

(b) any print-out or other reproduction of the recorded image.

2 Use of recording for unauthorised purpose

A person must not use a video recording made by a security camera system for a purpose other than an authorised purpose.

Maximum penalty—20 penalty units.

3 Presence of camera in vehicle to be indicated

The operator of a bus service must ensure that signs are conspicuously placed within and on the outside of a bus (as appropriate) that is fitted with a security camera system, advising persons that they may be under video surveillance while in or about the bus concerned.

Maximum penalty—5 penalty units.

4 Storage of recordings made by security camera

The operator of a bus service must cause—

(a) such security safeguards as TfNSW may specify from time to time by notice published in the Gazette in relation to a bus service, and

(b) such other security safeguards as are reasonable in the circumstances,

to be taken, to ensure that any video recordings made by a security camera system are protected against misplacement and against use for unauthorised purposes, until disposed of in accordance with clause 5.

Maximum penalty—5 penalty units.

5 Disposal of recordings made by security camera

(1) The operator of a bus service must cause any video recording made by a security camera system to be disposed of in accordance with subclause (2) within 30 days after the recording was made.

Maximum penalty—5 penalty units.

(2) The recording may be disposed of by destroying it by deletion or otherwise or, if it is to be used for an authorised purpose, by giving it to—

(a) a police officer, or

(b) an officer authorised by RMS to receive it.

(3) It is the duty of the Commissioner of Police or RMS (as the case requires) to ensure the destruction of any video recording that was given to a police officer or to an officer authorised by RMS and which is no longer to be used for an authorised purpose.

(4) Subclause (1) does not apply in respect of a video recording made during the installation or
testing of the security camera.

6 Relationship with Workplace Surveillance Act 2005

Nothing in this Schedule affects the operation of the Workplace Surveillance Act 2005.

Schedule 2 (Repealed)

Schedule 3 Penalty notice offences

For the purposes of section 59 of the Act—

(a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and

(b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

However, the amount payable under any such penalty notice for an offence under clause 74(1), 77A(1), 77B(1) or (2), 77C(1), (3) or (5), 77D(1) or 77E(1) of this Regulation is $50 if the person alleged to have committed the offence is under the age of 18 years.

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### Historical notes

The following abbreviations are used in the Historical notes:

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### Table of amending instruments

_Passenger Transport (General) Regulation 2017 (473)._ LW 31.8.2017. Date of commencement, 1.9.2017, cl 2. This Regulation has been amended as follows—

**2017**  
(595)  
*Passenger Transport (General) Amendment (Point to Point) Regulation 2017._ LW 27.10.2017.  
Date of commencement, 1.11.2017, cl 2.  
(717)  
Date of commencement, on publication on LW, cl 2.

**2018**  
No 13  
*Smoke-free Environment Amendment Act 2018._ Assented to 18.4.2018.  
No 25  
Date of commencement of Sch 5.29, 14 days after assent, sec 2 (1).

(782)  
Date of commencement, on publication on LW, cl 2.

**2019**  
(612)  
Date of commencement, on publication on LW, cl 2.

### Table of amendments

| Cl  |  | Am 2017 (595), Sch 1 [1]–[8]; 2018 No 13, Sch 3 [1]. |
| Cl 6 |  | Am 2017 (595), Sch 1 [9] [10]; 2018 No 25, Sch 5.29. |
| Cl 7 |  | Am 2017 (595), Sch 1 [11]. |
| Cl 8 |  | Am 2017 (595), Sch 1 [12]. |
| Cl 9 |  | Am 2017 (595), Sch 1 [13]. |
| Cl 10 |  | Am 2017 (595), Sch 1 [14]. |
| Cl 11 |  | Am 2017 (595), Sch 1 [15]. |
| Cl 13 |  | Rep 2017 (595), Sch 1 [16]. |
| Cl 14 |  | Subst 2017 (595), Sch 1 [17]. |
| Cl 16 |  | Am 2017 (595), Sch 1 [18] [19]. |
Cl 17 Am 2017 (595), Sch 1 [20].
Cl 20 Am 2017 (595), Sch 1 [21].
Cl 22 Am 2017 (595), Sch 1 [22].
Cl 23 Am 2017 (595), Sch 1 [23].
Part 2, Div 5 (cl 26A, 26B) Rep 2017 (595), Sch 1 [24].
Cl 28 Subst 2017 (595), Sch 1 [25].
Cl 29 Am 2017 (595), Sch 1 [26]–[29]; 2018 (782), cl 3 (1)–(3).
Cl 30, 33A, 33B Rep 2017 (595), Sch 1 [30].
Part 4, note Rep 2017 (595), Sch 1 [31].
Cl 35 Am 2017 (595), Sch 1 [32]; 2019 (612), cl 3(1).
Cl 36 Am 2017 (595), Sch 1 [33].
Cl 37 Am 2017 (595), Sch 1 [34].
Cl 41 Am 2017 (595), Sch 1 [35] [36].
Cl 42 Am 2017 (595), Sch 1 [37].
Cl 43 Am 2017 (595), Sch 1 [38].
Cl 45 Am 2019 (612), cl 3(2).
Cl 46 Am 2017 (595), Sch 1 [39].
Cl 51 Am 2018 No 13, Sch 3 [2].
Cl 52 Am 2017 (595), Sch 1 [40].
Part 8, Divs 1–5 (cll 107–186) Rep 2017 (595), Sch 1 [41].
Part 9, Divs 1–3 (cll 187–201) Rep 2017 (595), Sch 1 [42].
Part 10, Divs 1–3 (cll 202–210) Rep 2017 (595), Sch 1 [43].
Cl 232 Am 2017 (595), Sch 1 [44].
Cl 232A Ins 2017 (595), Sch 1 [45].
Cl 234 Am 2017 (595), Sch 1 [46]–[49].
Cl 239 Am 2017 (717), cl 3 (1) (2).
Cl 241 Ins 2017 (595), Sch 1 [50].
Sch 1 Am 2017 (595), Sch 1 [51]–[53].
Sch 2 Rep 2017 (595), Sch 1 [54].
Sch 3 Am 2017 (595), Sch 1 [55] [56]; 2019 (612), cl 3(3).