



Western Australia

Road Traffic Act 1974

## **Road Traffic (Omnibus) Regulations 1975**

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## Road Traffic (Omnibus) Regulations 1975

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### Defined terms



## Road Traffic (Omnibus) Regulations 1975

### 1. Citation

These regulations may be cited as the *Road Traffic (Omnibus) Regulations 1975*<sup>1</sup>.

### 2. Application

Nothing in these regulations affects the operation of the *Metropolitan (Perth) Passenger Transport Trust Regulations 1961*<sup>2</sup>.

### 3. Interpretation

In these regulations unless the context requires otherwise —  
***omnibus*** means a motor vehicle that is constructed or used principally for the conveyance of passengers and is equipped to seat 8 or more adult persons including the driver, and includes a school bus;

***passenger*** means a person carried upon an omnibus, but does not include the owner, driver or fare-collector;

***school bus*** means an omnibus that is used solely or principally for the carriage of children to and from school.

### 4. Person who is drunk, etc. may not be carried on omnibus

The driver of an omnibus shall not permit any person to board the omnibus who is —

- (a) under the influence of liquor to such extent, or is so attired, as to cause annoyance to other passengers;
- (b) noisy, violent or disorderly, or disturbing the public peace;
- (c) apparently suffering from an infectious disease or illness; or
- (d) carrying a substance of an offensive or dangerous character, or of such dimensions as to be likely to cause inconvenience to, or damage the apparel of, any other passenger,

and shall not permit any animal, other than a guide dog in the company of a blind person, to board, or be taken on board, the omnibus.

**5. Driver not to allow excessive number of passengers, or smoking, etc.**

The driver of an omnibus shall not —

- (a) cause or permit a greater number of passengers than the omnibus is licensed to carry, to be carried on the omnibus at any one time and, for the purpose of this paragraph —
  - (i) a child apparently under the age of 6 years carried on the lap is deemed not to be a passenger; and
  - (ii) children apparently of the age of 6 years or more but apparently under the age of 14 years, shall be calculated on a ratio of 3 children being equivalent to 2 adults, any resultant fractional number being disregarded;
- (b) smoke while the vehicle is conveying passengers;
- (c) suffer or permit any person to smoke in an omnibus licensed to carry more than 21 passengers, except in that portion of the omnibus or in those seats designated by

notice for the purpose and then only when the omnibus is not being used as a school bus;

- (d) except in the case of a tourist omnibus, suffer or permit any person to smoke in an omnibus licensed to carry not more than 21 passengers;
- (e) cause or permit any person to occupy any position so that the driver's control of the vehicle may be impaired;
- (f) act in a disorderly or offensive manner;
- (g) while a passenger is entering or leaving the omnibus, negligently or wilfully start the omnibus, or cause the omnibus to be started, before the passenger has completely entered or alighted;
- (h) deceive, or refuse to inform, a passenger or intending passenger as to the destination of the omnibus, or the route on which it will proceed to its destination; or
- (i) unless so required by the provisions of these regulations, prevent or attempt to prevent any person wishing to become a passenger of the omnibus from entering it.

**6. Driver or bus inspector may request person to leave omnibus**

- (1) The driver or bus inspector of an omnibus shall request a person who has entered the omnibus to alight therefrom if —
  - (a) the omnibus is already fully loaded with passengers;
  - (b) the person is under the influence of liquor, or is so attired as to cause annoyance to any passenger; or
  - (c) the person continually acts in a noisy, violent or abusive manner, after being requested to desist,

and every person so requested shall thereupon alight from the omnibus.

- (2) Where a person fails or refuses to alight from an omnibus when requested to do so under the provisions of subregulation (1), the driver, bus inspector or both may remove him from the

omnibus, using such force against the person as is reasonably necessary to effect his removal.

**7. Person not to interfere with driver of omnibus**

A person shall not occupy any position on an omnibus, if by so doing, he is likely to —

- (a) interfere with or impede the driver in controlling the omnibus; or
- (b) prevent the driver's signals from being clearly seen by the drivers of other vehicles or by pedestrians.

**8. Persons not to smoke, etc., on omnibus**

A person shall not —

- (a) except in a tourist omnibus, smoke in an omnibus licensed to carry 21 passengers or less;
- (b) smoke in an omnibus licensed to carry more than 21 passengers, except in that portion of the omnibus or in those seats designated by notice for the purpose and then only when it is not being used as a school bus;
- (c) enter or attempt to enter an omnibus, unless he is an employee of the owner of the omnibus or is a passenger, or an intending passenger, of the omnibus;
- (d) hold on to any external part of an omnibus while it is in motion;
- (e) ride upon the roof or any part of an omnibus not intended for occupation by a passenger, when the omnibus is in motion;
- (f) enter or alight from, or attempt to enter or alight from, an omnibus while it is in motion;
- (g) except for the purpose of preventing a person entering or alighting from an omnibus while it is in motion, wilfully prevent or obstruct a person from entering or alighting from an omnibus;



- (h) enter an omnibus or, having entered an omnibus, remain thereon, —
  - (i) after being informed by the driver of the omnibus that it is already fully loaded with passengers; or
  - (ii) if he is under the influence of liquor or is so attired as to cause, or be likely to cause, annoyance to any passenger;

or

- (i) while entering, or having entered, an omnibus, act in a noisy, violent or abusive manner.

**9. Record of drivers to be kept**

- (1) Every owner of an omnibus shall keep a record of the full name and place of abode of each person who drove the omnibus and of the dates and times at which that person drove the omnibus, and shall, subject to subregulation (2), produce those records for inspection by a member of the Police Force, on demand.
- (2) The owner of the omnibus is not required by this regulation to produce the record of drivers in respect of any period prior to 6 months of the date of the demand.

*[Regulation 9 amended in Gazette 2 Feb 1982 p. 403.]*

**10. Driver, etc., to hand in lost property**

- (1) The driver of an omnibus shall, on the termination of each journey, search the omnibus for any property that may have been left in the vehicle by a passenger, and shall hand any property found by, or handed to, him, as soon as practicable, and in any case, if not sooner claimed by the passenger, within 24 hours, to the owner of the omnibus or his representative, who shall give the driver a receipt for that property.
- (2) Any person, not being the driver, who finds any property in an omnibus shall forthwith hand that property to the driver of the vehicle, in the state in which he found it.

- (3) The owner, or any representative of the owner of an omnibus, who receives any property handed to him pursuant to this regulation shall —
- (a) enter in a register kept for the purpose —
    - (i) a description of the property;
    - (ii) the date on which, and the circumstances in which, the property was found; and
    - (iii) the name of the driver who handed the property to the owner or person making the entry;and
  - (b) if the property is not sooner claimed by its owner, seven days after its finding, take the property, if in the Metropolitan Area, to the Criminal Investigation Branch of the Police Department, at Perth or Fremantle, or, otherwise, to the nearest Police Station and obtain a receipt for the property from the officer receiving it.
- (4) A register required to be kept under the provisions of subregulation (3) shall be produced by the person keeping it for inspection by a member of the Police Force on demand.
- (5) A person claiming property from the driver, owner, or representative of the owner, of an omnibus shall prove to the satisfaction of the person of whom it is claimed that the property is, in fact, his property and shall sign any register wherein particulars of this property may have been entered.
- (6) The provisions of subregulation (3)(b) do not apply to any property of a perishable nature that is not claimed by the owner within 24 hours of its being found; and do not apply to property found in a vehicle owned by the Metropolitan (Perth) Passenger Transport Trust<sup>3</sup> or operated by the Western Australian Government Railways Commission<sup>4</sup> pursuant to section 21 of the *Government Railways Act 1904*.

*[Regulation 10 amended in Gazette 2 Feb 1982 p. 403.]*

**11. Drivers, etc., not to demand or receive excessive fares**

- (1) A driver or fare collector of an omnibus shall not demand or receive from any passenger a fare exceeding the legal fare.
- (2) The driver or fare collector of an omnibus shall, upon receiving from a passenger money of greater value than the legal fare, return the correct change to the passenger.
- (3) Every passenger of an omnibus shall pay the legal fare on demand by the driver or fare collector.

**12. Penalty**

- (1) Every person who, by act or omission, contravenes any of these regulations is guilty of an offence and is liable, for a first offence, to a fine of not exceeding two penalty units (2 PU), and for any subsequent offence, to a fine not exceeding four penalty units (4 PU).
- (2) For the purposes of subregulation (1) an offence against these regulations shall be regarded as a subsequent offence if the person by whom it is committed has previously committed an offence against these regulations, against the *Traffic (Omnibus) Regulations 1965*<sup>5</sup>, as amended at any time, or against the *Traffic (Omnibus) Regulations 1974*<sup>6</sup>, as amended at any time.  
*[Regulation 12 amended in Gazette 23 Dec 1997 p. 7460.]*

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## Notes

- <sup>1</sup> This is a compilation of the *Road Traffic (Omnibus) Regulations 1975* and includes the amendments made by the other written laws referred to in the following table <sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Road Traffic (Omnibus) Regulations 1975</i>	29 May 1975 p. 1559-61	1 Jun 1975
<i>Road Traffic (Omnibus) Amendment Regulations 1982</i>	2 Feb 1982 p. 403	2 Feb 1982 (see r. 2)
<i>Road Traffic (Omnibus) Amendment Regulations 1997</i>	23 Dec 1997 p. 7460	1 Jan 1998 (see r. 2 and <i>Gazette</i> 23 Dec 1997 p. 7400)

**Reprint 1: The Road Traffic (Omnibus) Regulations 1975 as at 12 Sep 2003** (includes amendments listed above)

- <sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

### Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Road Traffic (Repeals and Amendment) Regulations 2014</i> Pt. 8 <sup>7</sup>	23 Dec 2014 p. 4935-6	Operative on the day fixed under the <i>Road Traffic (Administration) Act 2008</i> section 2(b) (see r. 2(b))

- <sup>2</sup> Repealed by the *Metropolitan (Perth) Passenger Transport Trust Regulations 1977* which were repealed by the *Metropolitan (Perth) Passenger Transport Trust Repeal Regulations 2002*.
- <sup>3</sup> Abolished by the *Public Transport Authority Act 2003* s. 91.
- <sup>4</sup> Now known as the Public Transport Authority of Western Australia.
- <sup>5</sup> Repealed by the *Traffic (Omnibus) Regulations 1974* which were repealed by these regulations.
- <sup>6</sup> Repealed by these regulations.

<sup>7</sup> On the date as at which this compilation was prepared, the *Road Traffic (Repeals and Amendment) Regulations 2014 Pt. 8* had not come into operation. It reads as follows:

**Part 8 — Road Traffic (Omnibus)  
Regulations 1975 amended**

**40. Regulations amended**

This Part amends the *Road Traffic (Omnibus) Regulations 1975*.

**41. Regulation 2 replaced**

Delete regulation 2 and insert:

**2. Application**

- (1) Nothing in these regulations affects the operation of the *Public Transport Authority Regulations 2003*.
- (2) These regulations are subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth)* section 9(2).

**42. Regulation 4 amended**

In regulation 4 delete “other than a guide dog in the company of a blind person,” and insert:

subject to the *Disability Discrimination Act 1992 (Commonwealth)*,

**43. Regulation 10 amended**

- (1) In regulation 10(3)(b) delete “property, if in the Metropolitan Area, to the Criminal Investigation Branch of the Police Department, at Perth or Fremantle, or, otherwise,” and insert:

property

- (2) In regulation 10(4) delete “member of the Police Force” and insert:

police officer

- (3) In regulation 10(6) delete “owned by the Metropolitan (Perth) Passenger Transport Trust or operated by the Western Australian Government Railways Commission pursuant to section 21 of the *Government Railways Act 1904*.” and insert:

involved in the provision of a public passenger transport service, as defined in the *Public Transport Authority Act 2003* section 3, by the Public Transport Authority of Western Australia.

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
omnibus.....	3
passenger.....	3
school bus .....	3