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Crown Law Department,
Perth, 18th July, 1969.

THE undermentioned Regulations made under the provisions of the Traffic Act, 1919, and amended from time to time up to and including the 18th April, 1969 are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice.

W. J. ROBINSON,
Under Secretary for Law.

TRAFFIC ACT, 1919.

TRAFFIC (OMNIBUS) REGULATIONS, 1965.

Published in the *Government Gazette* on the 30th December, 1965 and incorporating the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954 by authority of the Minister for Justice, dated 17th July, 1969.

TRAFFIC ACT, 1919.

TRAFFIC (OMNIBUS) REGULATIONS, 1965.

- Citation. 1. These regulations may be cited as the Traffic (Omnibus) Regulations, 1965.
- Application. 2. Nothing in these regulations affects the operation of the Metropolitan (Perth) Passenger Transport Trust Regulations, 1961.
- Interpretation. 3. 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 eight 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.
- Person who is drunk, etc., may not be carried on omnibus. 4. 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.
- Driver not to allow excessive number of passengers, or smoking, etc. 5. 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 six years carried on the lap is deemed not to be a passenger; and
 (ii) children apparently of the age of six years or more but apparently under the age of fourteen years, shall be calculated on a ratio of three children being equivalent to two 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. (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) of this regulation, 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. 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. 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.

Driver or bus inspector may request person to leave omnibus.

Person not to interfere with driver of omnibus.

Persons not to smoke, etc., on omnibus.

Record of
drivers to
be kept.

9. (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) of this regulation, produce those records for inspection by a traffic inspector or 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 six months of the date of the demand.

Driver, etc.,
to hand in
lost property.

10. (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) of this regulation shall be produced by the person keeping it for inspection by a member of the Police Force or a traffic inspector, on demand.

(5) A person claiming property of 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 paragraph (b) of subregulation (3) of this regulation 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.

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

11. (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.

Penalty.

12. 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 not exceeding forty dollars, and for any subsequent offence, to a fine not exceeding one hundred dollars.