



# Passenger Transport (Bus Services) Amendment (Drug and Alcohol Notifications) Regulation 2004

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

## Explanatory note

The objects of this Regulation are to amend the *Passenger Transport (Bus Services) Regulation 2000*:

- (a) to make it a condition of accreditation of a bus service operator that the operator notify the Director-General of the Ministry of Transport of drug and alcohol test results that indicate that a transport safety employee may have carried out transport safety work (such as driving a bus) while affected by alcohol or other drugs, and
- (b) to enable penalty notices to be issued for the offence of contravening an accreditation condition, and
- (c) to omit provisions relating to short descriptions of offences, as a consequence of the repeal of section 145B of the *Justices Act 1902*.

This Regulation is made under the *Passenger Transport Act 1990*, including section 9B and section 63 (the general regulation-making power).

**2004 No 91**

Clause 1 Passenger Transport (Bus Services) Amendment (Drug and Alcohol Notifications) Regulation 2004

---

**Passenger Transport (Bus Services) Amendment (Drug and Alcohol Notifications) Regulation 2004**

under the

Passenger Transport Act 1990

**1 Name of Regulation**

This Regulation is the *Passenger Transport (Bus Services) Amendment (Drug and Alcohol Notifications) Regulation 2004*.

**2 Commencement**

This Regulation commences on 27 February 2004.

**3 Amendment of Passenger Transport (Bus Services) Regulation 2000**

The *Passenger Transport (Bus Services) Regulation 2000* is amended as set out in Schedule 1.

---

## Schedule 1 Amendments

(Clause 3)

### [1] Clause 12A

Insert after clause 12:

#### 12A Operator must notify test results

- (1) It is a condition of accreditation of the operator of a bus service that the operator notify the Director-General in accordance with this clause as soon as practicable after becoming aware that a test carried out under the *Passenger Transport (Drug and Alcohol Testing) Regulation 2004* indicates that a transport safety employee of the operator may have carried out transport safety work while:
  - (a) the prescribed concentration of alcohol (within the meaning of that Regulation) was present in the employee's blood, or
  - (b) under the influence of alcohol or any other drug.
- (2) The notice must be in writing and must contain the particulars (if any) required by the Director-General.

### [2] Clause 48 Penalty notice offences

Omit "Column 4" from clause 48 (1) (b). Insert instead "Column 2".

### [3] Clause 49 Short descriptions

Omit the clause.

### [4] Schedule 1 Penalty notice offences

Omit "Clauses 48 and 49". Insert instead "Clause 48".

### [5] Schedule 1, Parts 1 and 2

Omit Columns 2 and 3 and renumber Column 4 as Column 2.

### [6] Schedule 1, Part 1

Insert in appropriate order in Columns 1 and 2 (as renumbered):

Section 9B (3)

\$500

BY AUTHORITY