

1995

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**MOTOR OMNIBUS REGULATIONS (AMENDMENT)**

**EXPLANATORY STATEMENT**

**Circulated by Authority of the Minister for Urban Services  
Tony De Domenico MLA**

## MOTOR OMNIBUS REGULATIONS (AMENDMENT)

The Motor Omnibus Regulations (Amendment) ("the Amending Regulations") are made under the *Motor Traffic Act 1936* and amend the Motor Omnibus Regulations ("the Principal Regulations") in a number of respects.

The Principal Regulations are amended to:

- remove outdated references to conductors as conductors are no longer employed on motor omnibus services;
- ensure greater consistency with the Motor Omnibus Services Regulations made under the *Motor Omnibus Services Act 1955*;
- remove the sexist expressions that are used in the Principal Regulations and express them in a gender neutral manner; and
- make minor technical amendments to the language in which the Principal Regulations are drafted.

Details of the Amending Regulations are as follows.

*Regulation 1* provides for the commencement of the Amending Regulations.

*Regulation 2* identifies the Principal Regulations as the Motor Omnibus Regulations.

*Regulation 3* amends regulation 41 of the Principal Regulations to remove the references to conductors and also to make the language of that regulation consistent with the Motor Omnibus Services Regulations by rephrasing the provision so that it is expressed in terms of an omnibus moving rather than an omnibus starting. As amended, regulation 41 will provide that the driver of an omnibus may not move, or cause the omnibus

to move, unless it is safe to do so after stopping for the purpose of taking up or setting down passengers. The relevant fact is the movement of the omnibus whereas the use of the word "starting" could, for example, imply the starting of the engine of the omnibus.

*Regulation 4* amends regulation 42 of the Principal Regulations in a similar manner to the amendment to regulation 41. The references to a conductor are removed and the language of the provision is changed so that it also refers to moving an omnibus rather than starting an omnibus. Regulation 42, as amended, provides that when a passenger or intending passenger is entering or leaving an omnibus, the driver of an omnibus shall not negligently or wilfully move or cause an omnibus to move before the passenger has entered the vehicle or has alighted from the vehicle, as the case may be.

*Regulation 5* amends regulation 44 of the Principal Regulations to omit the references to conductors. The regulation as amended, provides for the driver of an omnibus to allow a passenger to alight from an omnibus where the person has indicated her or his desire to alight to the driver.

*Regulation 6* provides that the Principal Regulations are further amended as set out in the Schedule. The Schedule omits the remaining references to conductors in the Principal Regulations and makes a number of other amendments so that the language in which the Principal Regulations are expressed is consistent with current drafting practices. This includes the amendment of the Principal Regulations so that they are expressed in non-sexist language.