

EXPLANATORY MEMORANDUM

AUSTRALIAN CAPITAL TERRITORY

AMENDMENTS OF THE MOTOR TRAFFIC REGULATIONS

No. 2 of 1960

Sub-regulation (3) of regulation 13 of the Motor Traffic Regulations provides that a person driving a motor vehicle other than a motor omnibus shall not stop or park the vehicle on an omnibus stop and an omnibus stop is defined in regulation 5 as an omnibus stop specified in the Second Schedule to the Motor Omnibus Regulations and indicated by an official traffic sign.

It has been found that this method of defining omnibus stops by listing them in legislation is too inflexible and is unsuitable to present day needs with changing traffic conditions and alterations to bus routes to meet current developments. The most suitable method of defining omnibus stops under these conditions is by signs and road markings. This amendment repeals sub-regulation (3) of regulation 13 and the definition of “omnibus stop” and inserts a new regulation, 13A, under which the Minister may authorize the erection of signs and the painting of road markings to delineate stops. A motorist is by sub-regulation (3) of this new regulation prohibited from stopping his vehicle or leaving his vehicle standing in a bus stop.

Sub-regulation (4) of the new regulation is an evidentiary provision, under which the prosecution have only to prove the presence of the signs and road markings and this is, unless the contrary is proved evidence that the signs were erected and the lines were placed by the authority of the Minister. This is the normal type of evidentiary provision used in the States which provide for traffic control by signs, for example in Victoria, where regulation 31 of the Road Traffic Regulations 1960 is somewhat similar. Without such a provision the original instrument of authorization would have to be produced in all prosecutions. The provision removes the necessity for this but allows the defence the opportunity to attack the validity of the installation of the bus stop if it can produce evidence.

A penalty of £25 is provided for an offence under the new regulation and this has necessitated an amendment of regulation 30 which previously laid down a general penalty for all offences under the regulations.

The opportunity is being taken to omit the definition of “City Area” which related to previous regulations on speeding, which were repealed by amendment 1959 No. 8 and inserted in the Motor Traffic Ordinance.