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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MOTOR OMNIBUS SERVICES REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

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

MOTOR OMNIBUS SERVICES REGULATIONS (AMENDMENT)

The Motor Omnibus Services Regulations (Amendment) ("the Amending Regulations") are made under the *Motor Omnibus Services Act 1955* and amend the Motor Omnibus Services Regulations ("the Principal Regulations"). The Principal Regulations provide for the conduct of drivers and conductors on motor omnibuses that are operated by the Territory and also regulate the conduct of passengers on those omnibuses. The Australian Capital Territory Internal Omnibus Network (ACTION) is the motor omnibus service that is operated by the Territory.

These regulations amend the Principal Regulations in the following ways:

- to include prescribed penalties to support the infringement notices scheme that was inserted into the Act by the *Motor Omnibus Services (Amendment) Act 1994*;
- to make other amendments consequential to the passage of that Act;
- to amend the language of the Principal Regulations so that they are expressed in a non-sexist manner; and
- to make several minor technical amendments to remove references to conductors (who are no longer used on motor omnibuses), and to generally update the language of the Principal Regulations.

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 Services Regulations.

Regulation 3 amends the interpretation provisions in the Principal

Regulations to omit certain definitions. The definitions of "authorized officer" and "inspector" are already provided for in the Act and hence it is not necessary to define those terms for the purposes of the Regulations. The definition of "conductor" is no longer required as conductors are no longer used on motor omnibuses and the definition of "police officer" is omitted as that term is defined in the *Interpretation Act 1967*. The definition of "blind person" is also omitted as the regulation which relied upon this definition has been repealed.

Regulation 4 repeals regulation 3A of the Principal Regulations. Regulation 3A provides for the appointment of authorized officers and is no longer required as the appointment of authorized officers is now dealt with under the Act.

Regulation 5 amends the heading to Part II of the Principal Regulations to omit the reference to conductors.

Regulation 6 amends regulation 4 to remove the reference to a conductor demanding a fare and substitutes a reference to a driver or an authorized officer.

Regulation 7 repeals regulation 5 of the Principal Regulations and substitutes a new regulation 5. The new regulation 5 has no references to conductors and is rephrased so that it is expressed in terms of an omnibus moving rather than an omnibus starting. The change from "start" to "move" is made as 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 8 amends regulation 6 of the Principal Regulations to omit the reference to a conductor and to change the reference to an omnibus starting to a reference to an omnibus moving consistently with the amendments made by regulation 7 of the Amending Regulations.

Regulations 9, 10 and 11 amend regulations 7, 8 and 10 of the Principal Regulations by omitting the references to conductors.

Regulation 12 repeals regulation 11 of the Principal Regulations. Regulation 11 deals with unlicensed drivers driving a motor omnibus. This matter is dealt with under the *Motor Traffic Act 1936* and it is therefore not necessary to have provision in these Regulations.

Regulations 13 and 14 amend regulation 13 and 14 of the Principal Regulations by omitting the references to a conductor.

Regulation 15 repeals regulations 15 and 17 of the Principal Regulations. Regulation 15 is concerned with the payment of fares and fare avoidance and this provision is now covered by the Act. Regulation 17 provides that a person other than a passenger or an intending passenger shall not enter or go on to an omnibus. This provision is no longer required and is thus repealed.

Regulations 16, 17, 18, 19, 20 and 21 amend regulations 21, 23, 25, 26, 27 and 33 of the Principal Regulations to omit the outdated references to conductors.

Regulation 22 provides for the repeal of regulations 34, 35 and 35A of the Principal Regulations. Regulation 34 is concerned with the removal of certain offenders from an omnibus. Regulation 35 sets out the power of a driver or a conductor or a police officer to demand the name and address of a person whom they reasonably suspect of having committed an offence against the Regulations. Regulation 35A provides for the issue of a smoking infringement notice. All of these provisions have been superseded by the new provisions of the Act and hence they are no longer required in the Regulations.

Regulation 23 amends regulation 36 of the Principal Regulations to omit the references to a conductor.

Regulation 24 amends regulation 36A of the Principal Regulations to change the reference to a "section" sign to a reference to a "zone" sign consistently with the amendments to the Act made by the *Motor Omnibus Services (Amendment) Act 1994*.

Regulation 25 repeals regulations 37 and 38 of the Principal Regulations and substitutes a new regulation 37. The existing regulations 37 and 38 are concerned with penalties for breaches of the Regulations and also provide for a defence to a charge brought under the Regulations in certain circumstances. Both of these elements have been combined in the new regulation 37 which also refers to the new Schedule to the Principal Regulations that provides for prescribed penalties. The prescribed penalties are in support of the new infringement notice scheme which is in the principal Act.

Regulation 26 inserts the schedule of prescribed penalties into the Principal Regulations.

Regulation 27 provides for the further amendment of the Principal Regulations as set out in Schedule 2. The amendments made by Schedule 2 are formal amendments to express the regulations in non-sexist language and to insert penalty units at the foot of each regulation.