

1992—No. 578

TRAFFIC ACT 1909—REGULATION

(Relating to public passenger vehicles)

NEW SOUTH WALES



[Published in Gazette No. 130 of 30 October 1992]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

WAL MURRAY
Minister for Roads.

Commencement

1. This Regulation commences on 20 November 1992.

Saving

2. The amendments made by this Regulation do not affect the authority conferred by a driver's licence in force at the commencement of this Regulation.

Amendments

3. The Motor Traffic Regulations 1935 are amended:

- (a) by omitting from Regulation 2 (1) the definitions of "Motor Omnibus" and "Public Motor Vehicle";
- (b) by omitting from Regulation 2 (1) the definitions of "Private Hire Car", "Taxi-cab" and "Transport District" and by inserting instead, respectively, the following definitions:

"Private Hire Car" means a motor vehicle, other than a bus, that does not ply or stand for hire in a public street but is used for the conveyance of passengers for reward.

“Taxi-cab” means a motor vehicle, other than a bus, that plies or stands in a public street for hire for the conveyance of passengers.

“Transport District” has the same meaning as in the Transport Administration Act 1988.

(c) by inserting in Regulation 2 (1) in alphabetical order the following definitions:

“**Public Passenger Service**” has the same meaning as in the Passenger Transport Act 1990.

“**Regular Passenger Service**” has the same meaning as in the Passenger Transport Act 1990.

(d) by omitting the paragraphs of Regulation 8 relating to Class 4A and Class 4B licences and by inserting instead the following paragraphs:

Class 4A:

(a) any bus, not exceeding 15 tonnes manufacturer’s gross vehicle mass or not having more than 2 axles, equipped to seat more than 30 adults, including the driver;

(b) any motor vehicle of a type included in Class 3A.

Class 4B:

(a) any bus (except an articulated bus) equipped to seat more than 30 adults, including the driver;

(b) any motor vehicle of a type included in Class 3A or 3B.

(e) by omitting Regulation 34 (1) (d);

(f) by omitting from Regulation 54 (6C) the words “motor omnibus” and by inserting instead the words “bus being used to provide a regular passenger service”;

(g) by omitting from Regulation 54 (6C) the words “an omnibus stopping place” and by inserting instead the words “a bus stop”;

(h) by omitting from Regulation 74 (3) the words “motor omnibus” where firstly occurring and by inserting instead the words “bus being used to provide a regular passenger service”;

(i) by omitting from Regulation 74 (3) the words “motor omnibus” where secondly and subsequently occurring and by inserting instead the word “bus”;

(j) by omitting Regulation 79 (2) (g) and by inserting instead the following paragraph:

(g) Bus king used to provide a regular passenger service;

(k) by omitting from Regulation 80A the words “or tourist vehicle” wherever occurring;

- (l) by omitting Regulation 80D (7) and by inserting instead the following clause:
 - (7) This Regulation does not apply to a bus which is being used to provide a regular passenger service wholly within a transport district.
- (m) by omitting from Regulation 84 (1) (c) the words “pursuant to the provisions of a service licence issued under the Transport Act 1930 or a licence under the State Transport (Co-ordination) Act 1931” and by inserting instead the words “for the purposes of a regular passenger service”;
- (n) by omitting Regulation 84 (1) (c1) and by inserting instead the following paragraph:
 - (c1) at any stopping place or stand appointed pursuant to the Passenger Transport Act 1990 or the regulations made under that Act and duly indicated by a sign, unless the vehicle is a public passenger vehicle and is entitled to stand at the stopping place or stand in accordance with the provisions of that Act or those regulations or the sign concerned;
- (o) by omitting Regulation 110 (b) and by inserting instead the following paragraph:
 - (b) must take due care, by slowing down or stopping if necessary, not to splash mud on any person:
 - (i) in or on a bus; or
 - (ii) entering or leaving any stationary bus; or
 - (iii) waiting at any bus stop,
 - if the bus concerned is being used to provide a public passenger service or the bus stop concerned is a stop relating to buses used for that purpose.
- (p) by omitting Regulation 110D (2) and by inserting instead the following clause:
 - (2) A person must not, for the purpose of providing a public passenger service, drive on a public street a bus fitted with a door or doors capable of being opened and closed by the driver while retaining his or her normal driving position unless every such door is closed.
- (q) by omitting from Regulation 110F (4) (h) and 110GA (2) (a) the words “Transport Licensing Act 1931” wherever occurring and by inserting instead the words “Passenger Transport Act 1990”;

- (r) by omitting from Regulation 110GA (2) (a) and (d) the words “as defined in paragraph 1AA of Schedule F to these Regulations” wherever occurring;
- (s) by omitting from Regulation 123B (a) (ii), (b) (ii) and (c) (ii) the words “motor omnibus” wherever occurring and by inserting instead the words “bus used to provide a public passenger service and”;
- (t) by omitting from Regulation 123E the words “coach or heavy motor vehicle” wherever occurring and by inserting instead the words “vehicle to which this Part applies”;
- (u) by omitting Regulation 126C (3) (c) and by inserting instead the following paragraph:
 - (c) a bus being used to provide a regular passenger service.
- (v) by omitting Regulation 136 (2) (b) and by inserting instead the following paragraph:
 - (b) is being so used on a journey wholly outside a transport district.
- (w) by omitting Regulation 141;
- (x) by omitting from paragraph 1AA of Schedule F the definition of “omnibus” and by inserting instead in alphabetical order the following definition:
 - “bus” does not include a forward-control passenger vehicle;
- (y) by omitting from paragraph 1A (a) of Schedule F the words “a public motor vehicle” and by inserting instead the words “a public passenger vehicle”;
- (z) by omitting paragraphs 4C and 4D of Schedule F;
- (aa) by omitting from paragraph 44D of Schedule F the word “omnibuses” and by inserting instead the word “buses”;
- (ab) by omitting from paragraph 46 of Schedule F the words “Double-deck omnibus” and by inserting instead the words “Double-deck bus”;
- (ac) by omitting from paragraph 56A (8) of Schedule F the words “motor omnibus” and by inserting instead the words “bus being used to provide a regular passenger service and”;
- (ad) by omitting from paragraph 57 (e) (i) of Schedule F the words “Every omnibus” and by inserting instead the words “Every bus”;
- (ae) by omitting from paragraph 66 (a2) of Schedule F the word “omnibus” and by inserting instead the word “bus”;
- (af) by omitting from paragraph 68A1 (3) (b) of Schedule F the words “each omnibus and by inserting instead the words “each bus”;

- (ag) by omitting paragraph 68B (4) (b) of Schedule F;
- (ah) by omitting from the heading to Division 4 of Schedule F the words “public motor vehicles” and by inserting instead the word “buses”;
- (ai) by omitting from paragraph 86P of Schedule F the words “public motor vehicles” and by inserting instead the word “buses”;
- (aj) by omitting clause 84 of Schedule F and by inserting instead the following clause:

87. (a) In addition to complying with the other provisions of this Schedule, a bus must be constructed or equipped with the items of equipment set forth in this Division.

(b) The Authority may approve of a modification of all or any of the provisions of Part 2 of this Division in the case of a bus equipped to seat not more than 12 adults including the driver and used or intended to be used for the conveyance of school children or children with disabilities or employees of the owner or for a similar purpose if the Authority is satisfied that it is so constructed and equipped that it is safe to be used for that purpose.

- (ak) by omitting the heading to Part 1. of Division 4 of Schedule F and paragraphs 89–94, 97, 98, 101–109 and 110A of that Schedule;
- (a1) by omitting from the heading to Part 2 of Division 4 of Schedule F the words “Motor Omnibuses” and by inserting instead the “Buses”;
- (am) by omitting from paragraph 99 of Schedule F the words “referred to in paragraph 92 of this Schedule or any emergency exit referred to in paragraph 180 of this Schedule” and by inserting instead the words “(including any emergency exit)”;
- (ao) by omitting from paragraph 100 (3) of Schedule F the words “in accordance with the p to subparagraph (a) of paragraph 92 of this Schedule”;
- (ao) by omitting Part 3 of Division 4 of Schedule F;
- (ap) by omitting paragraphs 154–159 of Schedule F;
- (aq) by omitting from item (t) of the matter relating to Regulation 92 in Table A of part 2 of Schedule K the word “omnibus” and by inserting instead the word “bus”.

Further amendments

4. The Motor Traffic Regulations 1935 (other than the provisions amended by clause 3) are further amended:

- (a) by omitting the words “an omnibus” wherever occurring and inserting instead the words “a bus”;

- (b) by omitting the words “articulated omnibus” wherever occurring and by inserting instead the words “articulated bus”;
- (c) by omitting the words “every omnibus” wherever occurring and by inserting instead the words “every bus”;
- (d) by omitting the words “motor omnibus” wherever occurring and by inserting instead the word “bus”;
- (e) by omitting the words “motor omnibuses” wherever occurring and by inserting instead the word “buses”;
- (f) by omitting the words “the omnibus” wherever occurring and by inserting instead the words “the bus”.

EXPLANATORY NOTE

The object of this Regulation is to repeal most of the Motor Traffic Regulations 1935 that relate to the operation of public passenger vehicles in New South Wales (as those vehicles are to be operated pursuant to the Passenger Transport Act 1990), retaining only those dealing with certain safety requirements concerning buses.

The distinction between a “motor omnibus” and a “bus” or an “omnibus” as they are defined in the existing Regulations is that a “motor omnibus” is a public passenger vehicle whereas a “bus” or an “omnibus” is not. Accordingly, this Regulation omits the definition of “motor omnibus” and substitutes “bus” for “motor omnibus” and “omnibus” throughout the Motor Traffic Regulations 1935, also making certain other amendments consequential on that substitution. In some cases (e.g. Regulation 110 (b)) the language of the existing Regulation has made it necessary to repeal and re-enact the provision. In the few instances where the public passenger sense must be retained (e.g. in Regulation 54 (6C), which relates to stopping in a clearway) the word “bus” is qualified so as to limit its meaning to a bus being used as a public passenger vehicle.

The Regulation also:

- (a) repeals and re-enacts provisions relating to the classification of Class 4A and Class 4B drivers’ licences so as to re-impose limitations that previously applied as to the weight of a bus that the holder of a Class 4A licence might drive; and
- (b) repeals provisions that are spent or obsolete; and
- (c) updates (or removes) references to the repealed Transport Licensing Act 1930 and State Transport (Co-ordination) Act 1931 and to the Commissioner for Motor Transport.
