

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1955. No. 14.*

Regulations under the Commonwealth Motor Omnibus Services Ordinance 1955.

I WILFRED SELWYN KENT HUGHES, Minister of State for the Interior, in pursuance of the powers conferred by the *Commonwealth Motor Omnibus Services Ordinance 1955*, hereby make the following Regulations.

Dated this fifteenth day of December, 1955.

W. S. KENT HUGHES
Minister of State for the Interior.

COMMONWEALTH MOTOR OMNIBUS SERVICES REGULATIONS.

PART I.—PRELIMINARY.

1. These Regulations may be cited as the Commonwealth Motor Omnibus Services Regulations.

2. These Regulations are divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Regulations 1-3).

Part II.—Drivers and Conductors (Regulations 4-14).

Part III.—Offences by Passengers and Other Persons (Regulations 15-33).

Part IV.—Miscellaneous (Regulations 34-38).

3. In these Regulations, unless the contrary intention appears—

Definitions.

“conductor” means a conductor of an omnibus, and includes a driver of an omnibus on which no conductor is employed;

“inspector” means an inspector appointed under section 5 of the Ordinance;

“omnibus” means a motor omnibus employed in a Commonwealth motor omnibus service;

“public street” means a street, road, lane, thoroughfare, footpath or place open to, or used by, the public;

“the Ordinance” means the *Commonwealth Motor Omnibus Services Ordinance 1955*;

“the Police Force” means the Police Force of the Territory.

PART II.—DRIVERS AND CONDUCTORS.

4. A conductor shall not knowingly demand from a passenger more or less than the fare properly payable by the passenger.

Exact legal
fare to be
demanded.

* Notified in the *Commonwealth Gazette* on 22nd December, 1955.

Driver to re-start omnibus on signal of conductor.

5.—(1.) When an omnibus has stopped for the purpose of taking up or setting down passengers, the driver shall not re-start the omnibus until directed to do so by the conductor (if any), who shall communicate the direction by means of a whistle or some other signal approved by the Minister.

(2.) The conductor or any other person shall not give such a signal unless and until the omnibus may be re-started without danger to the life or limb of any person.

Omnibus not to start while passenger entering or alighting from it.

6. When an intending passenger is entering or a passenger is alighting from an omnibus, the driver or conductor of the omnibus shall not negligently or wilfully start the omnibus or cause it to start before the intending passenger has entered the omnibus or the passenger has alighted from it, as the case may be.

Driver, &c., to stop omnibus at stopping place when signalled.

7. The driver and conductor of an omnibus shall, unless the omnibus has a full complement of passengers, when signalled by an intending passenger at a stopping place, stop the omnibus or cause it to stop at that stopping place.

Driver or conductor to allow passengers to alight.

8. Where a passenger in an omnibus indicates to the driver or conductor his desire to alight from the omnibus, the driver or conductor shall—

- (a) bring or cause the omnibus to be brought to a standstill close to and parallel to the footpath at the next stopping place; and
- (b) allow the passenger to alight from the omnibus.

Passengers not to be carried on driver's seat, &c.

9. The driver of an omnibus shall not, during a journey, cause or permit a person—

- (a) to occupy a portion of the driver's seat; or
- (b) to be upon a portion of the omnibus on the right hand side of the driver's seat and abreast of that seat, or upon a portion of the omnibus in front of the driver's seat.

Conductor not to moisten fingers with saliva.

10. A conductor shall not moisten his fingers with saliva before issuing tickets.

Driver not to permit unlicensed person to drive omnibus. Drivers to remain on driving seat.

11. The driver of an omnibus shall not permit an unlicensed person to act as the driver of the omnibus upon a public street.

12. The driver of an omnibus upon a public street shall, when not actually engaged on a duty in or about the omnibus, remain on its driving seat.

Persons suffering from infectious illness not to be carried.

13.—(1.) The conductor of an omnibus shall not knowingly cause or permit to be carried in or upon the omnibus—

- (a) a person suffering from an infectious or contagious illness;
- (b) a person who is drunk or dirty, or so attired as to cause annoyance to another passenger, or to be likely to soil or damage the omnibus or the clothing of another passenger; or
- (c) a person who is noisy or violent, or misbehaving, or disturbing the public peace.

(2.) It is not an offence under the last preceding sub-regulation to convey a person referred to in paragraph (c) of that sub-regulation to a Police Station.

14. The conductor of an omnibus shall not permit a person to place or carry in or upon the omnibus a substance—

- (a) of an offensive character;
- (b) of such dimensions as to inconvenience another person; or
- (c) that is likely to soil or damage the omnibus or the clothing of another person.

Conductor not to permit carriage of offensive substances, &c.

PART III.—OFFENCES BY PASSENGERS AND OTHER PERSONS.

15.—(1.) A passenger in an omnibus shall pay the fare payable by him in cash or by such other method (if any) as the Minister permits.

Payment of fares.

(2.) A passenger in an omnibus shall not—

- (a) refuse or fail to pay the fare payable by him when demanded by the conductor;
- (b) avoid payment of the fare payable by him; or
- (c) having paid his fare for travelling to a certain place, knowingly proceed in the omnibus beyond that place without paying the fare (if any) payable in respect of the additional distance.

16.—(1.) A passenger in an omnibus shall, upon demand by the conductor, or by a member of the Police Force or an inspector, acting in the execution of his duty, exhibit or deliver the ticket issued to him by the conductor for the journey for which he has paid.

Ticket to be exhibited on demand.

(2.) A passenger exhibiting or delivering a ticket—

- (a) that is rolled up, defaced or illegible, or in such a condition that it cannot be easily read at sight; or
- (b) that has been divided or from which any parts have been cut or taken off,

shall be deemed not to have exhibited or delivered the ticket issued to him as required by the last preceding sub-regulation.

(3.) If a passenger does not exhibit or deliver his ticket when so demanded, he shall, upon demand by the conductor, pay the fare payable for the journey upon which he is then proceeding from the place at which he entered the omnibus.

17. Except in the course of his duty under the Ordinance or these Regulations, a person, other than a passenger or intending passenger, shall not enter or go upon an omnibus.

Passengers only allowed in omnibus.

18. A person shall not spit or expectorate upon the floor or any other part of an omnibus.

Expectoration.

19. A passenger in an omnibus shall not stand upon, or cause or permit a child who is travelling with him and under his care to stand upon, a seat of an omnibus.

Standing on seats prohibited.

20. A person shall not board or alight from an omnibus while it is in motion.

Boarding or alighting from omnibus in motion.

Luggage.

21. A person shall not take into or upon an omnibus, except into or upon such parts of the omnibus as are provided for the purpose, luggage other than articles which—

- (a) may conveniently be carried in the hand; and
- (b) will not, in the opinion of the conductor, interfere with the comfort of another person.

Soliciting alms, &c.

22. A person, while travelling in an omnibus, shall not—

- (a) solicit alms;
- (b) play or perform upon a musical instrument;
- (c) distribute handbills or advertisements; or
- (d) offer an article for sale.

Intoxicated persons.

23.—(1.) A person who is in a state of intoxication shall not enter or remain in an omnibus.

(2.) A person who has entered an omnibus and who, in the opinion of the conductor or an inspector, is in a state of intoxication, shall, upon being requested by the conductor or inspector to do so, leave the omnibus, and his fare, if paid, shall be forfeited.

(3.) The conductor of an omnibus or an inspector, and a person requested by the conductor or inspector to assist him, may prevent a person who, in the opinion of the conductor or inspector, is in a state of intoxication, from entering the omnibus.

Drinking intoxicating liquor.

24. A person shall not, while in an omnibus, drink intoxicating liquor.

Offensive persons.

25.—(1.) A person—

- (a) whose clothing or luggage is, in the opinion of the conductor or an inspector, likely to soil or damage the omnibus or the clothing of another passenger; or
- (b) who is, in the opinion of the conductor or an inspector, likely to be offensive to other passengers,

shall not enter or remain in an omnibus.

(2.) The conductor of an omnibus or an inspector, and a person requested by the conductor or inspector to assist him, may prevent a person referred to in the last preceding sub-regulation from entering the omnibus.

Passengers not to ride on step, &c.

26.—(1.) A passenger shall not ride on the steps or a portion of an omnibus other than that provided for the use of passengers.

(2.) A passenger riding on the steps or a portion of an omnibus other than that provided for the use of passengers shall not refuse to leave the steps or that portion of the omnibus when requested by the driver or conductor, or by an inspector, to do so.

Certain articles not to be taken into omnibuses.

27. A person shall not take into or upon an omnibus—

- (a) loaded firearms, cinema films or sheet glass;
- (b) paint or oil that is not carried in properly sealed containers;
- (c) an article that projects beyond the omnibus; or
- (d) an article that is, in the opinion of the conductor or an inspector, likely to damage the omnibus or cause injury or inconvenience to, or damage to the property of, another person.

28. A person shall not, in an omnibus—

Offensive
behaviour.

- (a) use profane, obscene, insulting or offensive language;
- (b) commit a nuisance;
- (c) behave in a violent or offensive manner to the annoyance of another person in the omnibus;
- (d) wilfully interfere with the comfort of a passenger; or
- (e) obstruct a person employed on an omnibus in the performance of his duty.

29. A person shall not interfere with, remove or alter a part of an omnibus or do or cause to be done anything in relation to an omnibus which is likely to obstruct the omnibus or to endanger the life or limb of any person.

Interference,
&c., with
omnibus.

30.—(1.) A person shall not—

Damaging
omnibus.

- (a) damage an omnibus;
- (b) remove, interfere with or destroy a fastening in or upon an omnibus; or
- (c) remove, deface or destroy a lamp, number, fitting, printed notice or advertisement in or upon an omnibus.

(2.) A person convicted of an offence against this regulation is, in addition to any penalty imposed in respect of the offence, liable to pay the cost of making good the damage done or replacing the thing removed or destroyed.

31. A person shall not take an animal or cause an animal to be taken into or upon an omnibus.

Animals not
to be taken
into omnibus.

32. A person shall not ride in an omnibus—

- (a) while he is suffering from an infectious or contagious illness; or
- (b) after having so recently suffered from such an illness as to be likely to be a source of infection or contagion.

Persons
suffering from
infectious, &c.,
illness not to
be passengers.

33.—(1.) A person, upon being informed by the conductor or an inspector that an omnibus has a full complement of passengers or is overcrowded, shall not board the omnibus.

Persons not to
board full
omnibus.

(2.) A person who boards an omnibus, and, before paying his fare, is informed by the conductor or an inspector that the omnibus has a full complement of passengers or is overcrowded, shall, upon being requested by the conductor or inspector so to do, forthwith leave the omnibus.

PART III.—MISCELLANEOUS.

34.—(1.) The conductor or driver of an omnibus, a member of the Police Force or an inspector, and a person requested by a conductor, driver, member of the Police Force or inspector to assist him, may remove from an omnibus a person who has committed, or whom the conductor, driver, member of the Police Force or inspector reasonably believes to have committed, a breach of a provision of any of the prescribed regulations.

Power to
remove certain
offenders.

(2.) Where a person is removed from an omnibus in pursuance of this regulation after payment of his fare, he is not entitled to a refund of that fare or a part of that fare.

(3.) For the purposes of this regulation, the prescribed regulations are regulations 23, 24, 25, 26, 27, 28, 30, 31, 32 and 33 of these Regulations.

Power to
demand name
and address.

35.—(1.) A driver or conductor of an omnibus or an inspector may require a person whom he reasonably suspects of having committed an offence against these Regulations to give his full name and place of abode.

(2.) A person shall, upon being so required, give to the driver, conductor or inspector his correct full name and place of abode.

(3.) A driver or conductor, while employed on an omnibus, or an inspector, may apprehend a person who refuses or fails to give his correct full name or place of abode, and may detain him until he can be delivered into the custody of a member of the Police Force to be dealt with according to law.

Children may
be required to
surrender seats.

36.—(1.) A conductor may require a person under the age of fourteen years who—

(a) is occupying a seat in an omnibus; and

(b) has not paid the full adult fare in respect of the journey on which he is travelling,

to surrender the seat to an adult passenger.

(2.) A person under the age of fourteen years to whom the last preceding sub-regulation applies shall, upon being required by a conductor to surrender a seat in pursuance of that sub-regulation, forthwith surrender the seat.

Penalties.

37. A person who commits a breach of any of these Regulations is guilty of an offence.

Penalty: Twenty-five pounds.

Offences
resulting from
accidents or
other
unavoidable
causes.

38. It is a defence to a charge brought under these Regulations if the defendant proves to the satisfaction of the Court hearing the charge that the occurrence alleged was the result of accident, or could not have been avoided by reasonable efforts on his part.