

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MOTOR OMNIBUS SERVICES (AMENDMENT) BILL 1994

**SUPPLEMENTARY
EXPLANATORY MEMORANDUM**

**Amendments to be moved
on behalf of the Government**

Circulated by Authority of the Minister for Urban Services

David Lamont MLA

MOTOR OMNIBUS SERVICES AMENDMENT BILL 1994

SUPPLEMENTARY EXPLANATORY MEMORANDUM

These amendments to the Motor Omnibus Services (Amendment) Bill 1994 are concerned with offences and powers to demand name and address. The offence provision in proposed new section 4C of the Act is amended to make it clear that a person must have intended to avoid payment of a fare for a journey in order to commit an offence under this section. There is also a technical amendment to the power to demand name and address in proposed new section 9 of the Act so that the section does not detract from existing powers for police in relation to questioning children. In addition there are a number of amendments made as a consequence of the passage by the Legislative Assembly of the Statute Law Revision (Penalties) Bill 1994.

Amendments 1, 2, 4, 5, 6, 9, and 10 are made as a direct consequence of the passage of the Statute Law Revision (Penalties) Bill 1994 by the Legislative Assembly. These amendments change the references to monetary penalties to references to penalty units consistently with the amendments made to Territory legislation by the *Statute Law Revision (Penalties) Act 1994*.

Amendment 3 amends proposed new section 4C, which is inserted by clause 7 of the Bill, to include a stricter requirement in relation to the offence in subsection 4C(2). This amendment means that in order to prove the offence, the prosecution will have to establish an intention on the part of the person to avoid payment of a fare for the journey.

Amendments 7 & 8 amend proposed new section 9 of the Act, which is inserted by clause 10 of the Bill, so that the power to demand name and address is restricted to a driver, an inspector or an authorised officer. The reference to a police officer in the new section 9 is omitted on the basis that police officers already have these powers. It is not necessary to specifically provide for them in this Act and this amendment is made to avoid any confusion in respect of the powers of police officers to demand name and address.