



Australian Capital Territory

Motor Omnibus Services Regulations

SL1955-14

made under the

Motor Omnibus Services Ordinance 1955

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About this republication

The republished law

This is a republication of the *Motor Omnibus Services Regulations* effective 1 September 1978 to 22 December 1981.

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AUSTRALIAN CAPITAL TERRITORY

MOTOR OMNIBUS SERVICES REGULATIONS

Incorporating all amendments by legislation made to 30 June 1979

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AUSTRALIAN CAPITAL TERRITORY

MOTOR OMNIBUS SERVICES REGULATIONS

PART I—PRELIMINARY

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

Citation

Amended by
1974 No. 6 r. 1

Regulation 2
repealed by 1975
No. 2 r. 1

* * * * *

3. (1) In these Regulations, unless the contrary intention appears—
“conductor” means a conductor of an omnibus, and includes a driver of an omnibus on which no conductor is employed;

Interpretation

Sub-reg. (1)
amended by
1974 No. 6 r. 2;
1976 No. 15 r. 2;
1978 No. 13 r. 2

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

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

“period ticket” means—

- (a) a daily ticket;
- (b) a monthly ticket; or
- (c) a quarterly ticket,

sold under the Ordinance;

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

“the Ordinance” means the *Motor Omnibus Services Ordinance* 1955–1974;

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

* * * * *

Sub-reg. (2)
omitted by 1976
No. 15 r. 2

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

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

Driver to
re-start
omnibus on
signal of
conductor

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
Amended by 1972 No. 9 r. 1; 1975 No. 28 r. 2

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 that is a stopping place for the service on which that omnibus is engaged, stop the omnibus or cause it to stop at that stopping place.

Driver or conductor to allow passengers to alight
Amended by 1972 No. 9 r. 2

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 that is a stopping place for the service on which that omnibus is engaged; 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

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

Drivers to remain on driving seat

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.

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.

Conductor not to permit carriage of certain persons

- (2) It is not an offence under sub-regulation (1) to convey a person referred to in paragraph (1) (c) to a Police Station.

Amended by 1976 No. 15 r. 3

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.

- (3) This regulation does not apply to a passenger who has purchased a period ticket or who has purchased a book of tickets sold under the Ordinance and is entitled to travel, on production of that ticket or on tendering a ticket or tickets taken from that book of tickets without payment of the fare otherwise applicable.

Substituted by 1974 No. 6 r. 3; amended by 1976 No. 15 r. 4

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
Amended by 1976 No. 15 r. 5

- (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 sub-regulation (1).

Inserted by 1970
No. 10 r. 4;
amended by
1974 No. 6 r. 4;
1976 No. 15 r. 5

(2A) Where—

- (a) a person who has purchased a period ticket is entitled to travel, on production of that ticket, without payment of the fare otherwise applicable;
- (b) a demand is made of that person under sub-regulation (1); and
- (c) the person produces for inspection that ticket,

that person shall, subject to sub-regulation (2C), be deemed to have complied with the demand.

Inserted by 1976
No. 15 r. 5;
amended by
1977 No. 1 r. 1

(2B) Where—

- (a) a person who has purchased a book of tickets sold under the Ordinance is entitled to travel, on tendering a ticket or tickets taken from that book of tickets, without payment of the fare otherwise applicable;
- (b) a demand is made of that person under sub-regulation (1); and
- (c) the person produces for inspection the counterfoil of the ticket or of each of the tickets taken from that book and tendered in respect of that travel,

that person shall be deemed to have complied with the demand.

Substituted by
1978 No. 13 r. 3

(2C) Where, as a result of a demand under sub-regulation (1), a person, being a school student or a pensioner, produces for inspection—

- (a) a daily ticket sold at a price prescribed for the purpose of sub-section 4BA (3) of the Ordinance;
- (b) a monthly ticket sold at a price prescribed for the purpose of sub-section 4C (2A) of the Ordinance; or
- (c) a quarterly ticket,

the person shall be taken not to have complied with the demand unless—

- (d) in the case of a person who produces a daily or monthly ticket—he produces written evidence that he is a person entitled to purchase such a ticket at a price prescribed for the purpose of sub-section 4BA (3) or 4C (2A), as the case may be, of the Ordinance; and
- (e) in the case of a person who produces a quarterly ticket—he produces written evidence that he is a person entitled to purchase such a ticket.

Inserted by 1976
No. 15 r. 5

(2D) Where a demand is made under sub-regulation (1) of a person referred to in a paragraph of sub-regulation 10 (1) of the Motor Omnibus Fares Regulations and—

- (a) in the case of a person referred to in a paragraph 10 (1) (a) of those Regulations—a person apparently of or over the age of 8

years, being a person in whose care and custody the first-mentioned person apparently is, assures the person making the demand that the first-mentioned person is under the age of 5 years;

- (b) in the case of a person referred to in paragraph 10 (1) (b) of those Regulations—the person produces the written evidence referred to in paragraph 10 (2) (b) of those Regulations;
- (c) in the case of a person referred to in paragraph 10 (1) (c) of those Regulations—the person assures the person making the demand that he is—
 - (i) a blind person; or
 - (ii) accompanying a blind person as an attendant; and
- (d) in the case of a person referred to in paragraph 10 (1) (e) of those Regulations—the person produces the written evidence referred to in paragraph 10 (2) (d) of those Regulations,

the first-mentioned person shall, subject to sub-regulation (2F), be deemed to have complied with the demand.

(2E) A person shall not falsely assure a person who makes a demand under sub-regulation (1) that— Inserted by 1976 No. 15 r. 5

- (a) a person apparently in his custody or control is under the age of 5 years;
- (b) he is a blind person; or
- (c) he is attending a blind person as an attendant.

(2F) Where a person is convicted of an offence under sub-regulation (2E)— Inserted by 1976 No. 15 r. 5

- (a) where the person is convicted in relation to an assurance that a person apparently in his custody or control is under the age of 5 years—that last-mentioned person; or
- (b) where the person is convicted in relation to an assurance that he is a blind person or a person attending a blind person as an attendant—that first-mentioned person,

shall not be deemed to have complied with the demand under sub-regulation (1) in respect of which the assurance was given.

(3) If a passenger does not, when a demand is made of him under sub-regulation (1), comply with that demand, 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. Amended by 1970 No. 10 r. 4; 1974 No. 6 r. 4; 1976 No. 15 r. 5

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

Standing on
seats
prohibited

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.

Boarding or
alighting
from
omnibus in
motion

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

Amended by
1976 No. 15 r. 6

(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 sub-regulation (1) from entering the omnibus.

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. Passengers not to ride on step, &c.

(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.

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.
- Certain articles not to be taken into omnibuses

28. A person shall not, in an omnibus—

- (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.
- Offensive behaviour

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—

- (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.
- Damaging 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. (1) A person shall not take an animal or cause an animal to be taken into or upon an omnibus. Animals on omnibuses

(2) Sub-regulation (1) does not apply to a blind person in respect of a guide dog used for his guidance. Substituted by 1976 No. 15 r. 7

Added by 1976
No. 15 r. 7

(3) In sub-regulation (2), "guide dog" has the same meaning as in the *Dog Control Ordinance* 1975.

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

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 not
to board full
omnibus

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.

(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 IV—MISCELLANEOUS

Power to
remove
certain
offenders

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.

(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.

Amended by
1976 No. 15 r. 8

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

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.

36. (1) A conductor may require a person under the age of 15 years or any other person, being a school student, 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.

Children may be required to surrender seats
Sub-reg. (1) amended by 1970 No. 10 r. 5; 1976 No. 15 r. 9

(2) A person under the age of 15 years or any other person, being a school student, to whom sub-regulation (1) applies shall, upon being required by a conductor to surrender a seat in pursuance of that sub-regulation, forthwith surrender the seat.

Amended by 1970 No. 10 r. 2; 1976 No. 15 r. 9

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

Penalty: \$50.

Penalties
Amended by 1967 No. 10 r. 2; 1976 No. 15 r. 10

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.

Offences resulting from accidents or other unavoidable causes

NOTE

1. The Motor Omnibus Services Regulations (in force under the *Motor Omnibus Services Ordinance* 1955) as shown in this reprint comprise Regulations 1955 No. 14 as amended by the other Regulations specified in the following table:

Year and number	Date of making	Date of notification in Gazette	Date of commencement
1955 No. 14	15 Dec 1955	22 Dec 1955	22 Dec 1955
1967 No. 10	14 Sept 1967	5 Oct 1967	5 Oct 1967
1970 No. 10	30 Oct 1970	5 Nov 1970	16 Nov 1970 (a)
1972 No. 9	6 Oct 1972	12 Oct 1972	12 Oct 1972
1974 No. 6	11 Apr 1974	11 Apr 1974	11 Apr 1974
1975 No. 2	17 Feb 1975	20 Feb 1975	20 Feb 1975
1975 No. 28	3 Nov 1975	6 Nov 1975	6 Nov 1975
1976 No. 15	9 Sept 1976	10 Sept 1976	13 Sept 1976
1977 No. 1	2 Feb 1977	2 Feb 1977	2 Feb 1977
1978 No. 13	16 Aug 1978	17 Aug 1978	1 Sept 1978

- (a) Regulation 1 of Regulations 1970 No. 10 provides that those Regulations are to come into operation on the date fixed under sub-section 2 (2) of the *Commonwealth Motor Omnibus Services Ordinance* 1970. That sub-section provides that certain provisions of that Ordinance are to come into operation on a date fixed by the Minister by notice published in the *Gazette*. The date fixed was 16 November 1970 (*see Gazette* 1970, p. 7530).