



Australian Capital Territory

Motor Omnibus Services Regulations

SL1955-14

made under the

Motor Omnibus Services Act 1955

Republication No 2 (RI)

Effective: 11 May 1989 – 30 June 1994

Republication date of printed version: 31 October 1991

Reissued electronically: 10 February 2017

Last amendment made by A1989-38

(republiation for initial republiation since self-government)

About this republication

The republished law

This is a republication of the *Motor Omnibus Services Regulations* effective 11 May 1989 to 30 June 1994.

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AUSTRALIAN CAPITAL TERRITORY

MOTOR OMNIBUS SERVICES REGULATIONS

Reprinted as at 31 October 1991

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AUSTRALIAN CAPITAL TERRITORY

MOTOR OMNIBUS SERVICES REGULATIONS

PART I—PRELIMINARY

Citation

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

Interpretation

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

“authorized officer” means a person appointed under regulation 3A to be an authorized officer;

“blind person” means a person who is totally or partially blind;

“conductor” means—

(a) a conductor of an omnibus; and

(b) in relation to an omnibus on which a conductor is not employed—the driver of the omnibus;

“Court” means the Magistrates Court;

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

“period ticket” means a ticket sold pursuant to an arrangement made under section 4B of the Act, being a ticket that entitles a person to travel on a motor omnibus on a day or during a period to which the ticket is expressed to be applicable;

“police officer” means a member of the Australian Federal Police;

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

“smoking offence” means an offence against regulation 25A;

“the Act” means the *Motor Omnibus Services Act 1955*.

Appointment of authorised officers

3A. The administrative head may, by instrument in writing, appoint such persons as he considers necessary to be authorized officers for the purposes of these Regulations.

PART II—DRIVERS AND CONDUCTORS

Exact legal fare to be demanded

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

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 etc. 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 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

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 etc.

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.

Conductor not to permit carriage of certain persons

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 subregulation (1) to convey a person referred to in paragraph (1) (c) to a Police Station.

Conductor not to permit carriage of offensive substances etc.

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.

PART III—OFFENCES BY PASSENGERS AND OTHER PERSONS

Payment of fares

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.

(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.

Passengers only allowed in omnibus

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

Expectoration

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

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 etc.

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 subregulation (1) from entering the omnibus.

Smoking prohibited

25A. (1) A person, other than the driver, shall not take into an omnibus a cigarette, cigar, pipe or other article that is alight.

(2) A passenger in an omnibus shall not light or smoke a cigarette, cigar, pipe or other article.

Penalty: \$100.

Passengers not to ride on step etc.

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.

Food and beverages on omnibuses

27A. (1) A person shall not take into or have upon an omnibus—

- (a) any food, being food of a kind that is normally intended for consumption upon or shortly after being acquired, unless the food is so secured within a wrapper, packet, container or by some other means as not to be readily accessible for the purposes of consumption;
- (b) any beverage that is not contained in a properly sealed container.

(2) A person shall not, while in an omnibus, consume any food or beverage.

Offensive behaviour

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.

Interference etc. with omnibus

29. A person shall not interfere with, remove or alter a part of an omnibus to 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.

Damaging 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.

(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.

Animals

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

Persons suffering from infectious etc. 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 police officer or an inspector, and a person requested by a conductor, driver, police officer or inspector to assist him, may remove from an omnibus a person who has committed, or whom the conductor, driver, police officer 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.

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

Power to demand name and address

35. (1) A driver or conductor of an omnibus, a police officer 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 and to produce evidence of his identity.

(2) A person shall not, without reasonable excuse, refuse or fail to comply with a requirement made of him under subregulation (1).

Penalty: \$100.

(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 police officer to be dealt with according to law.

Smoking infringement notice

35A. (1) Where a police officer or an inspector has reason to believe that a smoking offence has been committed by a person, he may serve or cause to be served on the person a smoking infringement notice.

(2) A smoking infringement notice may be served upon the person to whom it is directed—

- (a)** by delivering the notice to the person personally; or
- (b)** by leaving the notice at the last known place of residence or business of the person with some other person who is apparently over the age of 16 years and apparently an occupant of or employed at that place.

(3) Evidence of service of a smoking infringement notice may be given by affidavit.

(4) A smoking infringement notice shall—

- (a)** specify the full name, or surname and initials, and address of the person to whom it is directed;
- (b)** specify the nature of the alleged smoking offence;
- (c)** specify the day and time of the alleged smoking offence;
- (d)** specify the registration number of the omnibus in which the smoking offence is alleged to have been committed;
- (e)** contain a notification to the person to whom it is directed that, if he does not wish the matter to be dealt with by the Court, he may pay the amount of the prescribed penalty specified in the notice within 14 days after the date of service of the notice; and
- (f)** specify the place at which, and the manner in which, the prescribed penalty may be paid,

and may contain such other particulars as the Minister considers necessary.

(5) For the purposes of this regulation, the prescribed penalty for a smoking offence is \$25.

(6) Where a smoking infringement notice has been served upon the person to whom it is directed and, before the expiration of the period of 14 days specified in the notice or within such further time (not exceeding 28 days) as the Secretary or an authorized officer, whether before or after the expiration of that period of 14 days, allows, the amount of the prescribed penalty is paid in accordance with the notice—

- (a)** the liability of the person upon whom the notice was served in respect of the alleged smoking offence shall be discharged;

- (b) no further proceedings shall be taken against the person in respect of the alleged smoking offence; and
- (c) the person shall not be regarded as having been convicted of the alleged smoking offence.

(7) At the hearing of a prosecution for a smoking offence in respect of which a smoking infringement notice has been served, a certificate signed by the Secretary or an authorized officer and stating—

- (a) that further time for the payment of the prescribed penalty in respect of the offence was not allowed under subregulation (6); and
- (b) that the prescribed penalty was not paid in accordance with the notice within 14 days after the date of service of the notice,

is evidence of the matters so stated.

(8) At the hearing of a prosecution for a smoking offence in respect of which a smoking infringement notice has been served, a certificate signed by the Secretary or an authorized officer and stating—

- (a) that the further time specified in the certificate for the payment of the prescribed penalty in respect of the offence was allowed under subregulation (6); and
- (b) that the prescribed penalty was not paid in accordance with the notice within 14 days after the date of service of the notice or within the further time allowed under subregulation (6),

is evidence of the matters so stated.

(9) For the purposes of subregulations (7) and (8)—

- (a) a document that purports to have been signed by the Secretary shall be taken to have been so signed unless the contrary is proved; and
- (b) a document that purports to have been signed by an authorized officer shall be taken to have been so signed unless the contrary is proved.

(10) Where a cheque is tendered in payment of the prescribed penalty in respect of a smoking offence, payment of the penalty shall not be taken to have been made unless and until the cheque is honoured upon presentation.

(11) Except as provided by subregulation (6), nothing in this regulation in any way prejudices or affects the institution or prosecution of proceedings in respect of an alleged smoking offence or limits the amount of the fine that may be imposed by the Court in respect of a smoking offence.

(12) Nothing in this regulation shall be construed as requiring the serving of a smoking infringement notice under this regulation or as affecting the liability of a person to be prosecuted in the Court in respect of an alleged smoking offence in relation to which a smoking infringement notice has not been served.

Children may be required to surrender seats

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.

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

Removal etc. of section sign

36A. A person shall not remove, move, damage, deface, obscure, cover up or otherwise interfere with a section sign unless he or she is acting under the authority of the Minister.

Penalties

37. A person who commits a breach of any of these Regulations is guilty of an offence and, where no other penalty is provided, is punishable, on conviction, by a fine not exceeding \$50.

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.

NOTE

1. The Motor Omnibus Services Regulations (in force under the *Motor Omnibus Services Act 1955*) as shown in this reprint comprise Regulations 1955 No. 14 amended as indicated in the Tables below.

The Motor Omnibus Services Regulations were amended by the *Magistrates Court Ordinance 1985* and the *Self-Government (Consequential Amendments) Ordinance 1989*. The amendments are incorporated in this reprint.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table of Regulations

Year and number	Date of making	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
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 (<i>see</i> r. 1 and Gazette 1970, p. 7530)	—
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	—
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	R. 2
1978 No. 13	16 Aug 1978	17 Aug 1978	1 Sept 1978	—
1981 No. 27	9 Dec 1981	23 Dec 1981	23 Dec 1981	—
1983 No. 4	21 July 1983	27 July 1983	27 July 1983	—
1986 No. 7	24 June 1986	7 July 1986	7 July 1986	—
13	22 Aug 1986	22 Aug 1986	22 Aug 1986	—
1988 No. 27	6 Dec 1988	21 Dec 1988	29 Dec 1988 (<i>see</i> r. 1 and Gazette 1988, No. S414)	—

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
R. 1.....	am. 1974 No. 6
R. 2.....	rep. 1975 No. 2
R. 3.....	am. 1970 No. 10; 1974 No. 6; 1975 Nos. 2 and 28; 1976 No. 15; 1978 No. 13; 1981 No. 27; 1983 No. 4; Ordinance No. 67, 1985; 1986 No. 13; Ordinance No. 38, 1989

NOTE—continued

Table of Amendments—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
R. 3A.....	ad. 1981 No. 27 am. Ordinance No. 38, 1989
R. 7.....	am. 1972 No. 9; 1975 No. 28
R. 8.....	am. 1972 No. 9
R. 13.....	am. 1976 No. 15
R. 15.....	am. 1970 No. 10; 1974 No. 6; 1976 No. 15; 1983 No. 4
R. 16.....	am. 1970 No. 10; 1974 No. 6; 1976 No. 15; 1977 No. 1; 1978 No. 13; 1981 No. 27 rep. 1986 No. 13
R. 25.....	am. 1976 No. 15
R. 25A.....	ad. 1981 No. 27
R. 27A.....	ad. 1986 No. 7
R. 31.....	am. 1967 No. 10; 1976 No. 15; 1988 No. 27
R. 34.....	am. 1976 No. 15; 1981 No. 27; 1986 No. 7
R. 35.....	am. 1981 No. 27
R. 35A.....	ad. 1981 No. 27
R. 36.....	am. 1970 No. 10; 1976 No. 15
R. 36A.....	ad. 1986 No. 13
R. 37.....	am. 1967 No. 10; 1976 No. 15; 1981 No. 27

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