



Australian Capital Territory

Motor Omnibus Services Regulations 1955

SL1955-14

made under the

Motor Omnibus Services Act 1955

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A1999-20 and A2001-27)

About this republication

The republished law

This is a republication of the *Motor Omnibus Services Regulations 1955* effective 12 September 2001 to 1 December 2001.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

MOTOR OMNIBUS SERVICES REGULATIONS 1955

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 12 September 2001

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PRESCRIBED OFFENCES AND PRESCRIBED PENALTIES



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MOTOR OMNIBUS SERVICES REGULATIONS 1955

PART I—PRELIMINARY

1. Citation

These Regulations may be cited as the *Motor Omnibus Services Regulations 1955*.¹

3. Interpretation

In these Regulations, unless the contrary intention appears—

charges determination means the determination of fares in force from time to time under section 23 (Determination of fees and charges) of the Act.

Court means the Magistrates Court.

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.

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

zone means the Central zone, the North zone, the South zone or a shared zone, as defined respectively in the schedule to the charges determination.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

PART II—DRIVERS

4. Fare to be demanded

The driver of an omnibus or an authorised officer shall not knowingly demand from a passenger more or less than the fare properly payable by the passenger.

Penalty: 1 penalty unit.

5. Re-starting omnibus

Where an omnibus has stopped for the purpose of taking up or setting down passengers, the driver shall not cause the omnibus to move unless it is safe to do so.

Penalty: 1 penalty unit.

6. Moving an omnibus while passengers entering or alighting

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

Penalty: 5 penalty units.

7. Stopping omnibus when signalled

The driver 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 at that stopping place.

Penalty: 1 penalty unit.

8. Alighting of passengers

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

- (a) bring the omnibus 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.

Penalty: 5 penalty units.

9. Passengers not to be carried on driver's seat etc.

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.

Penalty: 2 penalty units.

10. Driver not to moisten fingers with saliva

The driver of an omnibus or an authorised officer shall not moisten his or her fingers with saliva before issuing tickets.

Penalty: 1 penalty unit.

12. Drivers to remain on driving seat

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.

Penalty: 1 penalty unit.

13. Driver not to permit carriage of certain persons

(1) The driver of an omnibus or an authorised officer shall not knowingly cause or permit to be carried in or upon the omnibus—

- (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.

Penalty: 1 penalty unit.

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

14. Driver not to permit carriage of offensive substances etc.

The driver of an omnibus or an authorised officer 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

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- (c) that is likely to soil or damage the omnibus or the clothing of another person.

Penalty: 2 penalty units.

PART III—OFFENCES BY PASSENGERS AND OTHER PERSONS

17. Passengers to hold and produce valid tickets

(1) A person on an omnibus as a passenger commits an offence if the person—

- (a) is not in possession of a valid ticket; or
- (b) fails to produce, on request, a valid ticket to—
 - (i) the driver of the omnibus; or
 - (ii) an inspector.

Penalty: 5 penalty units.

(2) For subregulation (1), a ticket in the possession of, or produced by, a person is a **valid ticket** only if, under the charges determination, it is valid—

- (a) in relation to the person; and
- (b) for travel on the date, and at the time, when the person is on the omnibus; and
- (c) for travel within the zone where the omnibus is, at that time, travelling (whether or not the omnibus is moving).

18. Expectoration

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

Penalty: 1 penalty unit.

19. Standing on seats prohibited

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

Penalty: 1 penalty unit.

20. Boarding or alighting from omnibus in motion

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

Penalty: 1 penalty unit.

21. Luggage

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 driver or an authorised officer, interfere with the comfort of another person.

Penalty: 1 penalty unit.

22. Soliciting alms etc.

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.

Penalty: 1 penalty unit.

23. Intoxicated persons

(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 driver, an authorised officer or an inspector, is in a state of intoxication, shall, upon being requested by the driver, authorised officer or inspector to do so, leave the omnibus, and his or her fare, if paid, shall be forfeited.

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

Penalty: 1 penalty unit.

24. Drinking intoxicating liquor

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

Penalty: 1 penalty unit.

25. Offensive persons

(1) A person—

- (a) whose clothing or luggage is, in the opinion of the driver of an omnibus, an authorised officer 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 driver of an omnibus, an authorised officer or an inspector, likely to be offensive to other passengers, shall not enter or remain in an omnibus.

(2) The driver of an omnibus, an authorised officer or an inspector, and a person requested by the driver, authorised officer or inspector to assist him or her, may prevent a person referred to in subregulation (1) from entering the omnibus.

Penalty: 1 penalty unit.

26. Passengers not to ride on step etc.

(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, an authorised officer or an inspector, to do so.

Penalty: 2 penalty units.

27. Certain articles not to be taken onto omnibuses

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 driver, an authorised officer or an inspector, likely to damage the omnibus or cause injury or inconvenience to, or damage to the property of, another person.

Penalty: 2 penalty units.

27A. Food and beverages on omnibuses

(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.

Penalty: 1 penalty unit.

28. Offensive behaviour

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 or her duty.

Penalty: 1 penalty unit.

Note A person may not smoke in an omnibus (see Smoke-free Areas (Enclosed Public Places) Act 1994).

29. Interference etc. with omnibus

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.

Penalty: 5 penalty units.

30. Damaging omnibus

(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.

Penalty: 5 penalty units.

31. Animals

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

Penalty: 1 penalty unit.

33. Boarding full omnibuses

(1) A person, upon being informed by the driver, an authorised officer 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 or her fare, is informed by the driver, an authorised officer or an inspector that the omnibus has a full complement of passengers or is overcrowded, shall, upon being requested by the driver, authorised officer or inspector so to do, forthwith leave the omnibus.

Penalty: 2 penalty units.

PART IV—MISCELLANEOUS

36. Children may be required to surrender seats

(1) The driver of an omnibus, an inspector or an authorised officer 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 the omnibus; and
- (b) has not paid the full adult fare in respect of the journey on which he or she 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 the driver of an omnibus, an inspector or an authorised officer to surrender a seat in pursuance of that subregulation, forthwith surrender the seat.

37. Prescribed offences and prescribed penalties

For the purposes of section 12 of the Act—

- (a) a prescribed offence is—
 - (i) an offence under a provision of the Act specified in Column 1 of Part I of the Schedule; or
 - (ii) an offence under a provision of these Regulations specified in Column 1 of Part II of the Schedule; and
- (b) in relation to a prescribed offence—the prescribed penalty is the penalty specified in Column 3 of a Part of the Schedule opposite the reference to the relevant provision.

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SCHEDULE

Regulation 37

PRESCRIBED OFFENCES AND PRESCRIBED PENALTIES

PART I—PROVISIONS OF THE ACT

| Column 1 Provision | Column 2 Description | Column 3 Penalty |
|-----------------------|---|---------------------|
| Section 4C | failing to validate a ticket or to purchase a ticket | \$50 |
| Subsection 7 (2) | failing to produce a ticket or a concession card for inspection | \$50 |

PART II—PROVISIONS OF THE REGULATIONS

| Column 1 Provision | Column 2 Description | Column 3 Penalty |
|-----------------------|-----------------------------------|---------------------|
| Regulation 17 | travelling without a valid ticket | \$50 |
| Regulation 18 | spitting or expectorating | \$25 |
| Regulation 19 | standing on a seat | \$25 |
| Regulation 24 | drinking intoxicating liquor | \$25 |
| Regulation 26 | riding on omnibus steps | \$25 |
| Regulation 29 | interfering with an omnibus | \$50 |
| Regulation 30 | damaging an omnibus | \$50 |
| Regulation 33 | boarding an overcrowded omnibus | \$25 |

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NOTES

1. The *Motor Omnibus Services Regulations 1955* (in force under the *Motor Omnibus Services Act 1955*) was originally the *Commonwealth Motor Omnibus Services Regulations*. It was renamed by the Amendments of the Commonwealth Motor Omnibus Services Regulations SL1974-6 (see r 1). The regulation was later renamed by the *Motor Omnibus Services Regulations (Amendment) SL1999-14*. The *Motor Omnibus Services Regulations 1955* in this reprint are 1955 No. 14 amended as indicated in the Tables below.

The *Motor Omnibus Services Regulations* were amended by the *Magistrates Court Ordinance 1985*, the *Self-Government (Consequential Amendments) Ordinance 1989*, the *Public Sector Management (Consequential and Transitional Provisions) Act 1994* and the *Statutory Offices (Miscellaneous Provisions) Act 1994*. The amendments are incorporated in this reprint.

For any application, saving or transitional provisions relating to the amendments see the previously mentioned Acts.

Table of Laws

| Regulation No. | 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 (see 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 (see r. 1 and Gazette 1988, No. S414) | — |
| No. 31, 1995 | 4 Aug 1995 | 8 Aug 1995 | 8 Aug 1995 | — |
| (Reprinted as at 8 August 1995) | | | | |
| No. 8, 1996 | 27 May 1996 | 6 June 1996 | 6 June 1996 | — |
| Act 1997 No 70 | | 9 Oct 1997 | 10 July 2001 (s 2 (2) and Gaz 2001 No S45) | — |
| Act 1999 No 20 | | 14 April 1999 | 10 July 2001 (s 2 and see Gaz 2001 No S45) | — |

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NOTES—continued

Table of Subordinate Laws

| Regulation No. | Date of making | Date of notification in <i>Gazette</i> | Date of commencement | Application, saving or transitional provisions |
|-------------------|----------------|--|--|---|
| 1999 No 14 | 26 July 1999 | 12 Aug 1999 | 12 Aug 1999 | — |
| Act 2001 No 27 | | 24 May 2001 | 12 Sept 2001 (s 2 and Gaz 2001 No S65) | — |

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NOTES—continued

Table of Amendments

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

| Provision | How affected |
|-------------------------|--|
| R. 1 | am. 1974 No. 6 rs. 1999 No 14 reg 3 |
| 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; Act No. 97, 1994; No. 31, 1995; 1999 No 14 reg 4; Act 2001 No 27 amdt 6.19-6.21 |
| R. 3A..... | ad. 1981 No. 27 am. Ordinance No. 38, 1989; Act No. 38, 1994 rep. No. 31, 1995 |
| Heading to Part II..... | am. No. 31, 1995 |
| R. 4 | am. No. 31, 1995; No. 8, 1996 |
| R. 5 | rs. No. 31, 1995 am. No. 8, 1996 |
| R. 6 | am. No. 31, 1995; No. 8, 1996 |
| R. 7 | am. 1972 No. 9; 1975 No. 28; No. 31, 1995; No. 8, 1996 |
| R. 8 | am. 1972 No. 9; No. 31, 1995; No. 8, 1996 |
| R. 9 | am. No. 8, 1996 |
| R. 10 | am. No. 31, 1995; No. 8, 1996 |
| R. 11 | rep. No. 31, 1995 |
| R. 12 | am. No. 8, 1996 |
| R. 13 | am. 1976 No. 15; No. 31, 1995; No. 8, 1996; Act 1997 No 70 sch 4; Act 1999 No 20 sch 2 |
| R. 14 | am. No. 31, 1995; No. 8, 1996 |
| R. 15 | am. 1970 No. 10; 1974 No. 6; 1976 No. 15; 1983 No. 4 rep. No. 31, 1995 |
| 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. 17 | rep. No. 31, 1995 ad. 1999 No 14 reg 5 am Act 1997 No 70 sch 4 rep Act 2001 No 27 amdt 6.22 |
| Rr. 18-24..... | am. No. 31, 1995 |
| R. 25 | am. 1976 No. 15; No. 31, 1995 |
| R. 25A..... | ad. 1981 No. 27 am. No. 8, 1996 am Act 1997 No 70 sch 4 rep Act 2001 No 27 amdt 6.23 |
| Rr. 26, 27 | am. No. 31, 1995 |
| R. 27A..... | ad. 1986 No. 7 am. No. 31, 1995 |
| R. 28 | am. No. 31, 1995; Act 2001 No 27 amdt 6.24 |
| R. 29 | am. No. 31, 1995 |
| R. 30 | am. No. 31, 1995 |
| R. 31 | am. 1967 No. 10; 1976 No. 15; 1988 No. 27; No. 31, 1995 |

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NOTES—continued

Table of Amendments—continued

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

| Provision | How affected |
|---------------|--|
| R. 32 | am. No. 31, 1995 sub Act 1997 No 70 sch 4 rep Act 1999 No 20 sch 2 |
| R. 33 | am. No. 31, 1995 |
| R. 34 | am. 1976 No. 15; 1981 No. 27; 1986 No. 7 rep. No. 31, 1995 |
| R. 35 | am. 1981 No. 27 rep. No. 31, 1995 |
| R. 35A..... | ad. 1981 No. 27 am. Act No. 38, 1994 rep. No. 31, 1995 |
| R. 36 | am. 1970 No. 10; 1976 No. 15; No. 31, 1995 |
| R. 36A..... | ad. 1986 No. 13 am. No. 31, 1995 rep Act 2001 No 27 amdt 6.25 |
| R. 37 | am. 1967 No. 10; 1976 No. 15; 1981 No. 27 rs. No. 31, 1995 |
| R. 38 | rep. No. 31, 1995 |
| Schedule..... | ad. No. 31, 1995 am. 1999 No 14 reg 6; Act 2001 No 27 amdt 6.26 |