



Australian Capital Territory

Motor Omnibus Services Ordinance 1955

Ord1955-12

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The republished law

This is a republication of the *Motor Omnibus Services Ordinance 1955* effective 1 September 1978 to 29 June 1981.

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AUSTRALIAN CAPITAL TERRITORY

MOTOR OMNIBUS SERVICES ORDINANCE 1955

Incorporating all amendments by legislation made to 30 April 1979

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An Ordinance relating to Motor Omnibus Services

Title amended
by No. 52, 1973,
s. 2

1. This Ordinance may be cited as the *Motor Omnibus Services Ordinance* 1955.¹

2. (1) In this Ordinance, unless the contrary intention appears—

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

“bus stop sign” means a sign the painting or marking of which has been, or is to be deemed to have been, authorized by paragraph 4A(1) (b);

“child” means a person who has not attained the age of 15 years;

“motor omnibus service” means a motor omnibus service established or deemed to have been established under this Ordinance;

Interpretation

Sub-section (1) amended by
No. 42, 1970,
s. 3; No. 32,
1972, s. 2;
No. 52, 1973,
s. 3; No. 11,
1974, s. 2;
No. 41, 1976,
s. 4; No. 2, 1977,
s. 5; No. 22,
1978, s. 4

24835/79 R78/1694 Cat. No. 79 8013 8—Recommended retail price 40c

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

“pensioner” has the same meaning as in the *National Health Act* 1953;

“section sign” means a sign the painting or marking of which has been, or is to be deemed to have been, authorized under paragraph 4A(1)(a);

“school student” means a person attending as a full-time student a primary school, a secondary school or a secondary college;

“stopping place” means a place at which there is a bus stop sign;

“tertiary education institution” has the same meaning as in the *Student Assistance Act* 1973;

“the Director” means the person occupying, or performing the duties of, the office of Director of the Transport Operations Section of the Transport Branch of the Department of the Capital Territory.

Added by
No. 41, 1976, s. 4

(2) For the purposes of this Ordinance and of the regulations made under this Ordinance, a ticket or book of tickets purchased by a person for or on behalf of another person shall be deemed to have been purchased by that other person.

Minister may
establish
motor
omnibus
services

3. (1) The Minister may establish, maintain and conduct such motor omnibus services within the Australian Capital Territory as he deems necessary.

(2) The motor omnibus services maintained and conducted by the Minister at the commencement of this Ordinance shall be deemed to have been established under this Ordinance.

No fare
payable on
certain
routes
Inserted by
No. 52, 1973, s. 4

3A. The Minister may, by notice published in the *Gazette*, declare that—

(a) no fare is payable in respect of a journey on a route or part of a route specified in the notice; and

(b) no fare is payable in respect of a journey, on a route or part of a route specified in the notice, made on the day or days, or during the period, specified in the notice during the times (if any) specified in the notice.

Fares
Repealed by
No. 21, 1964,
s. 2; inserted by
No. 42, 1970, s. 4
Sub-section (1)
amended by
No. 52, 1973, s. 5

4. (1) The regulations may make provisions for or in relation to the fares to be charged on a motor omnibus service.

(2) Without limiting the generality of sub-section (1), the regulations may—

Amended by
No. 52, 1973,
s. 5; No. 2, 1977,
s. 5

(a) provide that—

(i) the fare to be charged in respect of a journey on a motor omnibus service is a fare based on the number of sections of which the journey consists; or

(ii) the fare to be charged in respect of a journey on a specified motor omnibus service is a fare specified in, or ascertained in accordance with, the regulations;

(b) provide that the fare to be charged in respect of a journey on a motor omnibus service by a person having a specified description is a fare specified in, or ascertained in accordance with, the regulations being a fare that is less than the fare otherwise payable; and

(c) provide that persons included in a specified class of persons are, in accordance with specified conditions, exempt from the payment of fares.

4A. (1) The Minister may, for the purposes of this Ordinance—

Section signs
and stopping
places

(a) authorize the painting or marking on a shed, post or notice board placed, by the authority of the Minister, at the side of a road on a route taken by an omnibus of a sign, in a form approved by the Minister, bearing the word “Section”, whether with or without any other words; and

Inserted by
No. 42, 1970, s. 4
Sub-section (1)
amended by
No. 42, 1975, s. 2

(b) authorize the painting or marking on a shed, post or notice board placed, by the authority of the Minister, at the side of a road on a route taken by an omnibus of a sign, in a form approved by the Minister, bearing the words “Bus Stop” or “Signal Bus”, whether with or without any other words.

(2) Where—

Amended by
No. 2, 1977, s. 5

(a) immediately, before the commencement of this section, a sign consisting of the word “Section” is painted or marked on a shed, post or notice board placed at the side of a road on a route taken by an omnibus; and

(b) the sign is in a form approved by the Minister for the purposes of paragraph (1)(a),

the painting or marking of the sign shall be deemed to have been authorized by the Minister under that paragraph.

(3) Where—

Amended by
No. 2, 1977, s. 5

(a) immediately before the commencement of this section, a sign consisting of the words “Bus Stop” or “Signal Bus” is painted or marked on a shed, post or road on a route taken by an omnibus; and

- (b) the sign is in a form approved by the Minister for the purposes of paragraph (1) (b),

the painting or marking of the sign shall be deemed to have been authorized by the Minister under that paragraph.

Amended by
No. 41, 1976, s. 5

- (4) The Minister shall not authorize the placing of any 2 successive section signs on any route taken by an omnibus if the distance between them will be less than 7 kilometres.

Sub-section (5)
omitted by
No. 41, 1976, s. 5

* * * * *

- (6) Except on a road, or part of a road, specified in the regulations, the Minister shall not give an authority for the placing of a section sign elsewhere than at a stopping place.

Substituted by
No. 32, 1972,
s. 3; amended by
No. 2, 1977, s. 5

- (7) Where a road or part of a road forms part of the route taken by omnibuses engaged in 2 or more services under this Ordinance, the Minister may, in giving an authority under sub-section (1) for the placing of a sign on that road or part of that road, direct that the sign shall include an indication with respect to the service or services for which it is a section sign or a bus stop sign, as the case requires, and, where a sign includes such an indication, the sign is a section sign or a bus stop sign, as the case requires, only for the service or services so indicated.

Number of
sections in a
journey
Inserted by
No. 42, 1970, s. 4

- 4B. (1) For the purposes of this Ordinance, the number of sections of which the journey on an omnibus consists is—

- (a) where the omnibus does not, during the journey, pass any section sign—one; and
- (b) in any other case—the number of section signs passed by the omnibus during the journey plus one.

- (2) Where a passenger commences or ends a journey at a bus stop at which there is a section sign, that section sign shall not be taken into account in determining the number of sections of which the journey consists.

Daily tickets
Substituted by
No. 22, 1978, s. 5

- 4BA.² (1) The Minister may make such arrangements as he considers necessary for the sale of daily tickets for use on motor omnibus services.

- (2) The price payable for a daily ticket, other than a daily ticket referred to in sub-section (3), is that specified in the regulations for the purpose of this sub-section.

- (3) The price payable for a daily ticket purchased by a person included in a class of persons prescribed for the purpose of this sub-section is the price prescribed in relation to that class of persons.

(4) A person by whom a daily ticket has been purchased is, on production of that ticket to the driver or conductor of an omnibus, entitled, at any time during the day to which the ticket is expressed to be applicable, to travel without payment of a fare.

(5) A person who, for the purpose of avoiding payment of the fare for a journey on an omnibus—

- (a) produces to the driver or conductor of the omnibus a daily ticket on a day other than the day to which the ticket is expressed to be applicable; or
- (b) produces to the driver or conductor of the omnibus a daily ticket, not being a ticket purchased by the person,

is guilty of an offence and punishable, on conviction, by a fine not exceeding \$50.

* * * * *

Section 4B
repealed by
No. 25, 1977, s. 4

4C. (1) The Minister may make such arrangements as he considers necessary for the sale of monthly tickets for use on motor omnibus services.

Monthly
tickets
Inserted by
No. 42, 1970, s. 4
Sub-section (1)
amended by
No. 52, 1973, s. 5

(2) The price payable for a monthly ticket, other than a monthly ticket referred to in sub-section (2A), is that specified in the regulations.

Amended by
No. 41, 1976, s. 8

(2A)² The price payable for a monthly ticket purchased by a person included in a class of persons prescribed for the purpose of this sub-section is the price prescribed in relation to that class of persons.

Substituted by
No. 22, 1978, s. 6

(3) A person who has purchased a monthly ticket is, on production of that ticket to the driver or conductor of an omnibus, entitled, at any time during the month of the year to which the ticket is expressed to be applicable, to travel without payment of the fare otherwise applicable.

(4) A person who, for the purpose of avoiding payment of the fare for a journey on an omnibus—

Substituted by
No. 41, 1976, s. 8

- (a) produces to the driver or conductor of the omnibus a monthly ticket at any time during a month of the year, not being the month of the year to which the ticket is expressed to be applicable; or
- (b) uses a monthly ticket, not being a monthly ticket purchased by him,

is guilty of an offence against this Ordinance and, on conviction, is punishable by a fine not exceeding \$50.

4CA.² (1) The Minister may make such arrangements as he considers necessary for the sale of books of tickets for use on motor omnibus services.

Books of
tickets
Substituted by
No. 22, 1978, s. 7

(2) Subject to sub-section (3), the prices payable for books of tickets are those specified in the regulations for the purpose of this sub-section.

(3) The price payable for a book of tickets purchased by a person included in a class of persons prescribed for the purpose of this sub-section is the price prescribed in relation to that class of persons.

(4) Subject to sub-section (5), a person who has purchased a book of tickets is, on tendering to the driver or conductor of an omnibus, a ticket or tickets taken from that book, entitled to travel on that omnibus for a journey consisting of a number of sections equal to the number of tickets so tendered without payment of a fare.

(5) Sub-section (4) does not apply in relation to the tender, by a person who has attained the age of 15 years, of a ticket or tickets taken from a book of tickets purchased at a price prescribed for the purpose of sub-section (3).

(6) A person who, for the purpose of avoiding payment of the fare for a journey on an omnibus, tenders to the driver or conductor of the omnibus a ticket taken from a book of tickets, not being a book of tickets purchased by the person, is guilty of an offence and punishable, on conviction, by a fine not exceeding \$50.

(7) A book of tickets shall be so prepared that, for each ticket taken from the book, a counterfoil remains in the book.

Quarterly
tickets
Substituted by
No. 22, 1978, s. 7

4CB.² (1) The Minister may make such arrangements as he considers necessary for the sale of quarterly tickets for use on motor omnibus services by—

- (a) children;
- (b) school students; and
- (c) pensioners.

(2) The prices payable for quarterly tickets are those specified in the regulations.

(3) A person who has purchased a quarterly ticket is, on production of the ticket to the driver or conductor of an omnibus, entitled, at any time during the period to which the ticket is expressed to be applicable, to travel on that omnibus without payment of a fare.

(4) A person who, for the purpose of avoiding payment of the fare for a journey on an omnibus—

- (a) produces to the driver or conductor of the omnibus a quarterly ticket on a day that is not within the period to which the ticket is expressed to be applicable; or
- (b) produces to the driver or conductor of the omnibus a quarterly ticket, not being a ticket purchased by the person,

is guilty of an offence and punishable, on conviction, by a fine not exceeding \$50.

(5) A quarterly ticket shall be expressed to be applicable to a period of three months, being a period commencing on the first day of a month.

4CC. (1) The Director, or a person authorized by the Director, may, on the application of a school student or of a person who is a full-time student attending a course of study or instruction at a tertiary education institution, issue to the student or person a student card showing the following details:

- (a) the name and address of the student or person;
- (b) the name and address of the school attended by the student or the tertiary education institution at which the person attends a course of study or instruction.

(2) A person empowered, in accordance with the arrangements made by the Minister under this Ordinance, to sell—

- (a)² monthly tickets at a price prescribed for the purpose of sub-section 4C (2A); or
- (b)² quarterly tickets,

shall not sell one of those tickets to any person unless that last-mentioned person produces a student card or an identity card issued by a tertiary education institution which indicates that he is entitled to purchase that ticket.

(3) A person who—

- (a)² for the purpose of purchasing a monthly ticket at a price prescribed for the purpose of sub-section 4C (2A) or a quarterly ticket; or
- (b) when required by the driver or conductor of an omnibus or by an inspector or a member of the Police Force of the Territory to do so,

produces a student card or an identity card issued by a tertiary education institution—

- (c) at a time when the person is not a school student or a person who is a full-time student attending a course of study or instruction at a tertiary education institution;
- (d) other than a student card issued to him under sub-section (1) or an identity card issued to him by a tertiary education institution; or
- (e) which does not accurately show the name and address of the person and the name and address of the school attended by the person or the tertiary education institution at which the person attends a course of study or instruction,

is guilty of an offence against this Ordinance and, on conviction, is punishable by a fine not exceeding \$50.

Student
cards
Inserted by
No. 41, 1976, s. 9

Amended by
No. 2, 1977, s. 4;
No. 25, 1977,
s. 6; No. 22,
1978, s. 8

Amended by
No. 2, 1977, s. 4;
No. 22, 1978, s. 8

Section signs
and bus stop
signs
deemed to
have been
erected with
authority
Substituted by
No. 32, 1972,
s. 4; amended by
No. 2, 1977, s. 5

4D. Unless the contrary is proved—

- (a) evidence in any proceedings that a sign consisting of the word “Section” is painted or marked on a shed, post or notice board placed at the side of a road on the route taken by omnibuses engaged in an omnibus service under this Ordinance is evidence that the sign is a section sign, that the sign is in a form approved by the Minister and that the shed, post or notice board on which it is painted or marked has been placed at that place by the authority of the Minister;
- (b) evidence in any proceedings that a sign consisting of the words “Bus Stop” or the words “Signal Bus” painted or marked on a shed, post or notice board placed at the side of a road on the route taken by omnibuses engaged in an omnibus service under this Ordinance is evidence that the place where the sign is so painted or marked is a stopping place, that the sign is in a form approved by the Minister and that the shed, post or notice board on which it is painted or marked has been placed at that place by the authority of the Minister; and
- (c) evidence in any proceedings that a sign referred to in paragraph (a) or (b) includes an indication with respect to the omnibus service or services for which it is a section sign or bus stop sign, as the case requires, is evidence that that sign includes that indication at the direction of the Minister.

Appointment
of inspectors

5. (1) The Minister may appoint such inspectors as he thinks necessary for the purposes of this Ordinance.

(2) An inspector appointed under the last preceding sub-section has, and may exercise and perform, the powers and functions conferred on an inspector by the regulations.

Limitation of
actions
Sub-section (1)
amended by
No. 52, 1973,
s. 5; No. 2, 1977,
s. 5

6. (1) Subject to this section, an action against the Commonwealth, the Minister or a servant or employee of the Commonwealth to recover damages or compensation in respect of—

- (a) personal injury by accident arising out of the operation of a motor omnibus service; or
- (b) loss of, or damage to, property caused by accident arising out of the operation of such an omnibus service,

is not maintainable unless notice in writing of intention to commence the action has, before the action is commenced and not later than six months after the date upon which the liability arose, been served on the Crown Solicitor and, if the action is brought against a servant or employee of the Commonwealth either alone or as a joint defendant, also on that servant or employee.

- (2) The notice shall state—
- (a) the cause of action;
 - (b) the time and place at which the injury, loss or damage was sustained; and
 - (c) the name and place of abode or business of the intended plaintiff and of his solicitor (if any).
- (3) The notice may be served upon a person by sending it by registered post addressed to him at his usual or last known place of abode or business.
- (4) Where the notice required by this section has not been served within the period specified in sub-section (1), a Court may, in relation to an action sought to be commenced in that Court, if it is satisfied that, having regard to all the circumstances of the case, it would be reasonable to do so, permit the notice to be served within such further period as the Court thinks fit.
- (5) The provisions of this section are in addition to, and do not derogate from the operation of, any other law relating to the limitation of actions.

Amended by
No. 2, 1977, s. 5

7.³ The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which are by this Ordinance required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing matters for or in relation to—

Regulations
Amended by
No. 19, 1966,
s. 2; No. 42,
1970, s. 5;
No. 52, 1973,
s. 5; No. 2, 1977,
s. 5

* * * * *

- (b) the conduct of drivers and conductors employed on a motor omnibus service;
- (c) the conditions under which passengers are carried on any such service; and
- (d) the imposition of penalties not exceeding \$100 for breaches of the regulations.

NOTES

1. The *Motor Omnibus Services Ordinance 1955* (a) as shown in this reprint comprises Ordinance No. 12, 1955 as amended by the other Ordinances specified in the following table:

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Commonwealth Motor Omnibus Services Ordinance 1955</i>	No. 12, 1955	15 Dec 1955	15 Dec 1955
<i>Ordinances Revision Ordinance 1959</i>	No. 21, 1959	23 Dec 1959	31 Dec 1959

Motor Omnibus Services Ordinance 1955

NOTES—continued

Ordinance	Number and year	Date of notification in Gazette	Date of commencement
<i>Commonwealth Motor Omnibus Services Ordinance 1964</i>	No. 21, 1964	5 Nov 1964	5 Nov 1964
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	No. 19, 1966	23 Dec 1966	23 Dec 1966
	No. 36, 1967	30 Nov 1967	23 Dec 1966
<i>Commonwealth Motor Omnibus Services Ordinance 1970</i>	No. 42, 1970	29 Oct 1970	Ss. 1, 2 and 6: 29 Oct 1970 Remainder: 16 Nov 1970 (see Gazette 1970, p. 7530)
<i>Commonwealth Motor Omnibus Services Ordinance 1972</i>	No. 32, 1972	5 Oct 1972	5 Oct 1972
<i>Motor Omnibus Services Ordinance 1973</i>	No. 52, 1973	19 Dec 1973	19 Dec 1973
<i>Motor Omnibus Services Ordinance 1974</i>	No. 11, 1974	11 Apr 1974	11 Apr 1974
<i>Motor Omnibus Services Ordinance 1975</i>	No. 42, 1975	10 Nov 1975	10 Nov 1975
<i>Motor Omnibus Services (Amendment) Ordinance 1976</i>	No. 41, 1976	9 Sept 1976	Ss. 2, 3, 6, 8 (2) and 10: 9 Sept 1976 Remainder: 13 Sept 1976
<i>Motor Omnibus Services (Amendment) Ordinance 1977</i>	No. 2, 1977	2 Feb 1977	2 Feb 1977
<i>Motor Omnibus Services (Amendment) Ordinance (No. 2) 1977</i>	No. 25, 1977	1 July 1977	1 July 1977
<i>Motor Omnibus Services (Amendment) Ordinance 1978</i>	No. 22, 1978	16 Aug 1978	Ss. 5, 6, 7 (2) and 8: 1 Sept 1978 (b) Remainder: 16 Aug 1978

(a) This citation is provided for by the *Amendments Incorporation Ordinance 1929* and the *Ordinances Citation Ordinance 1976*.

(b) Sub-section 3 (2) of the *Motor Omnibus Services (Amendment) Ordinance 1978* provides as follows:

“(2) Sections 5 and 6, sub-section 7 (2) and section 8 shall come into operation on 1 September 1978.”

2. Sections 4BA (daily tickets), 4C (2A) (monthly tickets), 4CA (books of tickets) and 4CB (quarterly tickets) were substituted by sections 5, 6, 7 (1) and 7 (2) of the *Motor Omnibus Services (Amendment) Ordinance 1978*, and section 4CC (student cards) was amended generally by section 8 of that Ordinance. Sections 9 and 10 of that Ordinance provide as follows:

“9. (1) A daily, monthly or quarterly ticket expressed to be applicable to a day, month or period that is, or commences, on or after 1 September 1978 may be sold before that date as if the provisions specified in sub-section 3 (2) were in operation.

“(2) A daily, monthly or quarterly ticket expressed to be applicable to a day, month or period that is, or commences, on or after 1 September 1978 shall not be sold before that date except in accordance with the Principal Ordinance, as amended by this Ordinance.

NOTES—continued

“(3) Expressions used in sub-section (1) or (2) have the same respective meanings as the same expressions have when used in the Principal Ordinance, as amended by this Ordinance.

“10. (1) Notwithstanding sub-section 3 (2), regulations may be made for the purposes of the Principal Ordinance, as amended by sections 5 and 6, sub-section 7 (2) and section 8 of this Ordinance, at any time after the commencement of this section.

“(2) Regulations made by virtue of sub-section (1) shall not be expressed to come into operation on a date earlier than 1 September 1978.”

3.—S. 7—Section 6 of the *Commonwealth Motor Omnibus Services Ordinance 1970* provides as follows:

“6. At any time after the notification of the making of this Ordinance is published in the *Gazette* and before the date fixed under sub-section (2) of section 2 of this Ordinance, regulations may be made under the Principal Ordinance as amended by this Ordinance as if the provisions of this Ordinance referred to in that sub-section had come into operation on the date on which notification of the making of this Ordinance is published in the *Gazette*, but regulations so made shall not come into operation before the date fixed under that sub-section.”