



Australian Capital Territory

Motor Omnibus Services Act 1955

A1955-12

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About this republication

The republished law

This is a republication of the *Motor Omnibus Services Act 1955* effective 29 November 1994 to 14 June 1995.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
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Australian Capital Territory

MOTOR OMNIBUS SERVICES ACT 1955

As at 29 November 1994

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An Act relating to Motor Omnibus Services

Short title

1. This Act may be cited as the *Motor Omnibus Services Act 1955*.¹

Interpretation

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

“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;

“fare” means a charge determined under subsection 4 (1) for travel on a motor omnibus;

“holiday” means a day that is, pursuant to the *Holidays Act 1958*, to be observed as a public holiday in the Territory;

“inspector” means a person appointed as an inspector under section 5;

“journey” means a journey on an omnibus;

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

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

“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;

“ticket” means a ticket issued pursuant to a determination made by the Minister under section 4.

(2) For the purposes of this Act, the regulations and a determination made by the Minister under section 4, 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 Act shall be deemed to have been established under this Act.

Power of Minister to determine charges

4. (1) The Minister may, by notice in writing published in the *Gazette*, determine charges for the purposes of this Act.

(2) Charges determined under subsection (1) shall be charges for travel on a motor omnibus.

(3) In a determination under subsection (1) the Minister may determine different charges with respect to different classes of persons and different journeys or classes of journeys.

Section signs and stopping places

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

- (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
- (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—

- (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—

- (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.

(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.

(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.

(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 Act, the Minister may, in giving an authority under subsection (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.

Sale of tickets

4B. The Minister may make arrangements for the sale of tickets for use in connection with motor omnibus services.

Offences—use of tickets

4C. (1) A person shall not, for the purpose of avoiding payment of a fare for a journey, produce to the driver or inspector of the motor omnibus a ticket—

- (a) on a day—
 - (i) other than the day; or
 - (ii) that is not within the period,
to which the ticket is expressed to be applicable; or
- (b) not being a ticket purchased by the person.

(2) A person shall not, for the purpose of avoiding payment of a fare for a journey, tender to the driver or inspector of the motor omnibus a ticket taken from a book of tickets, not being a book of tickets purchased by the person.

Penalty: \$50.

Section signs and bus stop signs deemed to have been erected with authority

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 Act 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 a omnibus service under this Act 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.

Refunds

4E. (1) In this section—

“period ticket” means a ticket sold pursuant to an arrangement made under section 4B, 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;

“whole day” means a period of 24 hours.

(2) Subject to subsection (3), where—

- (a) a person has purchased a period ticket; and
- (b) motor omnibus services were not conducted on any 2 or more whole days (whether consecutive or not) during the period to which that ticket is expressed to be applicable,

that person is entitled to a refund from the Territory of an amount that bears the same proportion to the price paid for that ticket as the number of whole days on which motor omnibus services were not conducted during the period bears to the number of whole days in the period.

(3) For the purposes of subsection (2), in calculating the number of whole days on which motor omnibus services were not conducted, a day (being a day referred to in subparagraph 3 (1) (a) (i), (iii) or (viii) of the *Holidays Act 1958*) that was observed as a public holiday in the Territory shall not be taken into account.

Appointment of inspectors

5. (1) The Minister may appoint such inspectors as are necessary for the purposes of this Act.

Regulations

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

- (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;
 - (ca) the behaviour of passengers in, and of persons intending to enter, an omnibus; and
 - (d) the imposition of penalties not exceeding \$100 for breaches of the regulations.
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NOTE

1. The *Motor Omnibus Services Act 1955* was originally the *Commonwealth Motor Omnibus Services Ordinance 1955*. It was renamed by the *Motor Omnibus Services Ordinance 1973* Ord1973-52 (see s 1). The *Motor Omnibus Services Act 1955* as shown in this reprint comprises Act No. 12, 1955 amended as indicated in the Tables below.

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 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Commonwealth Motor Omnibus Services Ordinance 1955</i>	12, 1955	15 Dec 1955	15 Dec 1955	
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>Commonwealth Motor Omnibus Services Ordinance 1964</i>	21, 1964	5 Nov 1964	5 Nov 1964	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
	as amended by 36, 1967	30 Nov 1967	23 Dec 1966	—
<i>Commonwealth Motor Omnibus Services Ordinance 1970</i>	42, 1970	29 Oct 1970	Ss. 1, 2 and 6: 29 Oct 1970 Remainder: 16 Nov 1970 (see <i>Gazette</i> 1970, p. 7530)	S. 6
<i>Commonwealth Motor Omnibus Services Ordinance 1972</i>	32, 1972	5 Oct 1972	5 Oct 1972	—
<i>Motor Omnibus Services Ordinance 1973</i>	52, 1973	19 Dec 1973	19 Dec 1973	—
<i>Motor Omnibus Services Ordinance 1974</i>	11, 1974	11 Apr 1974	11 Apr 1974	—
<i>Motor Omnibus Services Ordinance 1975</i>	42, 1975	10 Nov 1975	10 Nov 1975	—
<i>Motor Omnibus Services (Amendment) Ordinance 1976</i>	41, 1976	9 Sept 1976	Ss. 2, 3, 6, 8 (2) and 10: 9 Sept 1976 Remainder: 13 Sept 1976	Ss. 10 and 11
<i>Motor Omnibus Services (Amendment) Ordinance 1977</i>	2, 1977	2 Feb 1977	2 Feb 1977	S. 3 (2)-(5)

NOTE—continued

Table 1—continued

Table of Ordinances—continued

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Motor Omnibus Services (Amendment) Ordinance (No. 2) 1977</i>	25, 1977	1 July 1977	1 July 1977	—
<i>Motor Omnibus Services (Amendment) Ordinance 1978</i>	22, 1978	16 Aug 1978	Ss. 5, 6, 7 (2) and 8: 1 Sept 1978 Remainder: 16 Aug 1978	Ss. 9 and 10
<i>Motor Omnibus Services (Amendment) Ordinance 1981</i>	17, 1981	30 June 1981	30 June 1981	S. 4
<i>Motor Omnibus Services (Amendment) Ordinance (No. 2) 1981</i>	25, 1981	11 Sept 1981	11 Sept 1981	—
<i>Motor Omnibus Services (Amendment) Ordinance (No. 3) 1981</i>	44, 1981	17 Nov 1981	1 July 1981	—
<i>Motor Omnibus Services (Amendment) Ordinance 1983</i>	13, 1983	22 July 1983	22 July 1983	—
<i>Motor Omnibus Services (Amendment) Ordinance 1985</i>	53, 1985	1 Oct 1985	1 Oct 1985	—
<i>Motor Omnibus Services (Amendment) Ordinance (No. 2) 1985</i>	54, 1985	1 Oct 1985	1 Oct 1985	—
<i>Limitation Ordinance 1985</i>	66, 1985	19 Dec 1985	19 Dec 1985	—
<i>Motor Omnibus Services (Amendment) Ordinance 1986</i>	48, 1986	22 Aug 1986	22 Aug 1986	—
<i>Motor Omnibus Services (Amendment) Ordinance 1988</i>	12, 1988	9 Mar 1988	9 Mar 1988	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

NOTE—continued

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statute Law Revision (Penalties) Act 1994</i>	81, 1994	29 Nov 1994	Ss. 1 and 2: 29 Nov 1994 Remainder: 29 Nov 1994 (see <i>Gazette</i> 1994, No. S269, p. 2)	—

Table of Amendments

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

Provision	How affected
Title	am. No. 52, 1973
S. 1	am. No. 52, 1973
S. 2	am. No. 42, 1970; No. 32, 1972; No. 52, 1973; No. 11, 1974; No. 41, 1976; No. 2, 1977; No. 22, 1978; No. 25, 1981; No. 13, 1983; No. 54, 1985; No. 48, 1986; No. 38, 1989
S. 3A	ad. No. 52, 1973 rep. No. 48, 1986
S.4	am. No. 21, 1959 rep. No. 21, 1964 ad. No. 42, 1970 am. No. 52, 1973; No. 2, 1977 rs. No. 48, 1986
S. 4A	ad. No. 42, 1970 am. No. 32, 1972; No. 42, 1975; No. 41, 1976; No. 2, 1977
S. 4B	ad. No. 42, 1970 rs. No. 48, 1986
S. 4BA	ad. No. 11, 1974 am. No. 41, 1976; No. 25, 1977 rs. No. 22, 1978 am. Nos. 53 and 54, 1985 rep. No. 48, 1986
S. 4BB	ad. No. 41, 1976 rep. No. 25, 1977 ad. No. 25, 1981 am. No. 13, 1983; No. 53, 1985 rep. No. 48, 1986

NOTE—continued**Table of Amendments—continued**

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

Provision	How affected
S. 4C	ad. No. No. 42, 1970 am. No. 52, 1973; No. 41, 1976; No. 22, 1978; No. 53, 1985 rs. No. 48, 1986 am. Act No. 81, 1994
S. 4CA	ad. No. 41, 1976 am. Nos. 2 and 25, 1977 rs. No. 22, 1978 am. No. 53, 1985 rep. No. 48, 1986
S. 4CB	ad. No. 41, 1976 rs. No. 22, 1978 am. No. 25, 1981; No. 13, 1983; No. 53, 1985 rep. No. 48, 1986
S. 4CC	ad. No. 41, 1976 am. Nos. 2 and 25, 1977; No. 22, 1978; No. 25, 1981 rep. No. 48, 1986
S. 4CD	ad. No. 53, 1985 rep. No. 48, 1986
S. 4D	ad. No. 42, 1970 rs. No. 32, 1972 am. No. 2, 1977
S. 4E	ad. No. 44, 1981 am. No. 48, 1986; No. 38, 1989
S. 5	am. No. 48, 1986; No. 12, 1988
S. 6	am. No. 52, 1973; No. 2, 1977 rep. No. 66, 1985
S. 7	am. No. 19, 1966 (as am. by No. 36, 1967); No. 42, 1970; No. 52, 1973; No. 2, 1977; No. 17, 1981; No. 38, 1989