

No. 41 of 1976

AN ORDINANCE

To amend the *Motor Omnibus Services Ordinance 1955*.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this ninth day of September, 1976.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

A. A. STALEY
Minister of State for the Capital Territory.

MOTOR OMNIBUS SERVICES (AMENDMENT) ORDINANCE 1976

1. This Ordinance may be cited as the *Motor Omnibus Services (Amendment) Ordinance 1976*.* Short title.

2. In this Ordinance, "Principal Ordinance" means the *Motor Omnibus Services Ordinance 1955*.† Principal Ordinance.

3. (1) This section, sections 2, 6 and 10 and sub-section 8 (2) shall come into operation on the date on which this Ordinance is notified in the *Gazette*. Commencement.

(2) The provisions of this Ordinance, other than the provisions referred to in sub-section (1), shall come into operation on 13 September 1976.

4. Section 2 of the Principal Ordinance is amended— Definitions.

(a) by inserting before the definition of "bus stop sign" the following definition:—

" 'blind person' means a person who is totally or partially blind; "

(b) by omitting the definition of "stopping place" and substituting the following definitions:—

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

* Notified in the *Australian Government Gazette* on 9 September 1976.
† Ordinance No. 12, 1955, as amended by No. 21, 1959; No. 21, 1964; No. 19, 1966; No. 42, 1970; No. 32, 1972; No. 32, 1973; No. 11, 1974; and No. 42, 1975.

‘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.”; and

(c) by adding at the end thereof the following sub-section:—

“(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.”.

Section signs and stopping places.

5. Section 4A of the Principal Ordinance is amended—

(a) by omitting from sub-section (4) the words “Subject to the next succeeding sub-section, the” and substituting the word “The”;

(b) by omitting from sub-section (4) the word “two” and substituting the figure “2”;

(c) by omitting from sub-section (4) the words “one mile” and substituting the figure and word “7 kilometres”; and

(d) by omitting sub-section (5).

Daily tickets.

6. Section 4BA of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-section:—

“(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 daily ticket at any time during a day, not being the day to which the ticket is expressed to be applicable; or

(b) uses a daily ticket, not being a daily ticket purchased by him,

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

7. After section 4BA of the Principal Ordinance the following section is inserted:—

Weekly tickets.

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

“(2) The price payable for a weekly ticket is that specified in the regulations.

“(3) A person who has purchased a weekly ticket is, on production of that ticket to the driver or conductor of an omnibus, entitled, at any time during the week 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—

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

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

8. (1) Section 4c of the Motor Omnibus Services Ordinance is amended— Monthly tickets.

- (a) by inserting in sub-section (2), after the word “ ticket ”, the words “ , other than a monthly ticket referred to in sub-section (2A), ”; and
- (b) by inserting after sub-section (2) the following sub-section:—

“ (2A) A monthly ticket may, subject to sub-section 4cc (2), be sold at a concessional price specified in the regulations to a person who is a full-time student attending a course of study or instruction at a tertiary education institution.”.

(2) Section 4c of the Principal Ordinance is amended by omitting sub-section (4) and substituting the following sub-section:—

“ (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 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.”.

9. After section 4c of the Principal Ordinance, the following sections are inserted:—

“ 4CA. (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.

“ (2) The prices payable for books of tickets, other than books of tickets referred to in sub-section (3), are those specified in the regulations.

“ (3) A book of tickets may, subject to sub-section 4cc (2), be sold at a concessional price specified in the regulations to a school student.

“(4) A person who has purchased a book of tickets, other than a book of tickets referred to in sub-section (3), 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 the fare otherwise applicable.

“(5) Subject to sub-section (6), a person who has purchased a book of tickets at a concessional price in accordance with sub-section (3) is, on tendering to the driver or conductor of an omnibus, a ticket taken from that book, entitled to travel on that omnibus without payment of the fare otherwise applicable.

“(6) A school student to whom a book of tickets has been sold at a concessional price under sub-section (3) is not, on tendering to the driver or conductor of an omnibus a ticket taken from that book of tickets, entitled to travel on that omnibus without payment of the fare otherwise payable unless he is travelling from his home to the school at which he is a student or from that school to his home.

“(7) A school student to whom a book of tickets has been sold at a concessional price under sub-section (3) who, for the purpose of avoiding payment of the fare for a journey on an omnibus, uses a ticket taken from that book of tickets except in travelling from his home to the school at which he is a student or from that school to his home is guilty of an offence against this Ordinance and, on conviction, is punishable by a fine not exceeding \$50.

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

“(9) Books of tickets sold in accordance with this section shall be so prepared that, for each ticket taken from each of those books, a counterfoil remains in the book.

Term
tickets—
school
students.

“4CB. (1) The Minister may make such arrangements as he considers necessary for the sale to persons who are school students of term tickets for use on motor omnibus services.

“(2) The price payable for a term ticket is that specified in, or ascertainable in accordance with, the regulations.

“(3) A person who is a school student is, on production of a term ticket to the driver or conductor of an omnibus, entitled, at any time on a school day during the school term to which the ticket relates, to travel on that omnibus in the course of travelling from his home to the school at which he is a student or from that school to his home, without payment of the fare otherwise applicable.

“ (4) In sub-section (3), ‘school day’, in relation to a school student, means a day other than a Saturday, Sunday or day observed as a holiday in the school attended by that student.

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

- (a) for a journey, other than a journey in respect of which he is entitled, by virtue of sub-section (3), to travel without payment of the fare otherwise applicable; or
- (b) not being a term ticket purchased by him,

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

“ 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:— Student cards.

- (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) monthly tickets at a concessional price in accordance with sub-section 4C (2A);
- (b) term tickets; or
- (c) books of tickets at a concessional price in accordance with sub-section 4CA (3),

shall not sell one of those tickets or books of 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 or book of tickets.

“ (3) A person who—

- (a) for the purpose of purchasing a monthly ticket at a concessional price in accordance with sub-section 4C (2A), a term ticket or a book of tickets at a concessional price in accordance with sub-section 4CA (3); 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.”.

Regulations. **10.** At any time after the date of commencement of this section and before 13 September 1976, regulations may be made under the Principal Ordinance as amended by this Ordinance as if the provisions of this Ordinance referred to in sub-section 3 (2) had come into operation on the date on which this Ordinance is notified in the *Gazette* but regulations so made shall not come into operation until 13 September 1976.

Transitional. **11.** (1) A written authority granted to a person under sub-regulation 10 (2A) of the Motor Omnibus Fares Regulations as in force immediately before 13 September 1976 shall, on and after that day be deemed to be a student card issued on that day by the Director under sub-section 4cc (1) of the Principal Ordinance as amended by this Ordinance.

(2) In sub-section (1), “the Director” has the same meaning as in the Principal Ordinance as amended by this Ordinance.