

BILL NO. 28 OF 2017

A BILL

FOR AN ACT TO AMEND THE OMNIBUS ELECTRONIC FARE TICKETING ACT 2014

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Omnibus Electronic Fare Ticketing (Budget Amendment) Act 2017.

(2) This Act comes into force on the date the Omnibus Electronic Fare Ticketing Act 2014 comes into force.

(3) In this Act, the Omnibus Electronic Fare Ticketing Act 2014 is referred to as the “Principal Act”.

Long title amended

2. The long title of the Principal Act is amended by deleting “OMNIBUS”.

Section 1 amended

3. Section 1 of the Principal Act is amended by deleting “Omnibus”.

2 *Omnibus Electronic Fare Ticketing (Budget Amendment)— of 2017*

Section 2 amended

4. Section 2 of the Principal Act is amended by—

(a) in paragraph (d) of the definition of “buscard”, deleting “10” and substituting “9”; and

(b) inserting the following new definitions—

““blacklist” means the act of disabling the use of a buscard by the solution provider upon receiving proper and valid notification from the—

(a) registered user of the buscard;

(b) Ministry of Education; or

(c) Department of Social Welfare;

“disposable buscard” means a temporary buscard that is purchased by a person and that does not require registration by a solution provider;”.

Section 4 amended

5. Section 4 of the Principal Act is amended by—

(a) in subsection (1), deleting “within 60 days from the commencement of this Act” and substituting “on or before 1 October 2017”;

(b) in subsection (2), deleting “following the expiration of the period specified in subsection (1)” and substituting “on or after 1 October 2017”; and

(c) in subsection (3) after “buscard reader”, inserting “on or after 1 October 2017”.

Section 5 amended

6. Section 5 of the Principal Act is amended by—

(a) in subsection (1) after “buscard”, inserting “to pay for the omnibus fare to his or her destination”;

(b) deleting subsection (4) and substituting the following—

“(4) Notwithstanding anything contained in this section, no person may use cash or voucher to pay an omnibus fare on or after 1 October 2017.”; and

(c) deleting subsection (5) and substituting the following—

“(5) The Minister may prescribe by regulations the circumstances in which a person may use his or her buscard to pay for the omnibus fare of another person.”.

New section 5A inserted

7. The Principal Act is amended after section 5 by inserting the following new section—

“Disposable buscards

5A.—(1) A passenger may purchase a disposable buscard from a solution provider, top up issuing agent or an omnibus driver.

- (2) The Minister may prescribe the following in the MSR—

- (a) the retail value of the disposable buscards;
- (b) the terms of expiry of a disposable buscard; and
- (c) the minimum amount that may be refunded on a disposable buscard to a passenger.

(3) E-money that is not refunded to a passenger upon the expiry date of a disposable buscard must be transferred by the solution provider to a fund prescribed by regulations for the development of information and communication technologies in Fiji.”.

Section 29 amended

8. The Principal Act is amended by deleting section 29 and substituting the following—

“Other passengers

29.—(1) No other passengers may be issued with a buscard except upon registration with a solution provider.

(2) A solution provider must register other passengers upon the receipt of all necessary information for the purposes of registration.”.

Section 33 amended

9. The Principal Act is amended by deleting section 33 and substituting the following—

“Regulations

33. The Minister may make regulations to give effect to the provisions of this Act and to prescribe the following penalties—

- (a) a fine not exceeding \$500,000;
- (b) a term of imprisonment not exceeding 10 years; or
- (c) both (a) and (b).”.

New section 36 inserted

10. The Principal Act is amended after section 35 by inserting the following new section—

“Amendments to references to “Omnibus Electronic Fare Ticketing Act 2014”

36. All written laws and all State documents of any nature whatsoever (including the titles of any written law) are amended by deleting “Omnibus Electronic Fare Ticketing Act 2014” wherever it appears and substituting “Electronic Fare Ticketing Act 2014”, unless the context otherwise requires.”.

June 2017

**OMNIBUS ELECTRONIC FARE TICKETING (BUDGET AMENDMENT)
BILL 2017**

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Omnibus Electronic Fare Ticketing (Budget Amendment) Bill 2017 (**‘Bill’**) seeks to amend the Omnibus Electronic Fare Ticketing Act 2014 (**‘Act’**).
- 1.2 The Bill amends the Act to ensure the effective implementation of the electronic fare ticketing system for omnibuses.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on the date the Act comes into force.
- 2.2 Clauses 2 and 3 of the Bill amend the long title and short title respectively. If the Bill is passed by Parliament, the Act will be referred to as the Electronic Fare Ticketing Act 2014.
- 2.3 Clause 4 of the Bill amends section 2 of the Act by inserting the definition of a “blacklist” and a “disposable buscard” to provide more clarity when reading the Act. This clause also amends the definition of a “buscard”. Previously, the Act mandated that a buscard store cash value data for at least 10 most recent transactions. This has been amended to at least 9 most recent transactions.
- 2.4 Clause 5 of the Bill amends section 4 of the Act to provide that an omnibus operator must ensure that all omnibuses are fitted and operational with a buscard reader on or before 1 October 2017 and that if the omnibus operator does not comply with this requirement, the omnibus operator is liable for an offence under the Act. This clause further amends section 4 of the Act to provide that if an omnibus operates without a buscard reader on or after 1 October 2017, the omnibus driver must allow a passenger boarding the omnibus to travel on the omnibus without paying for his or her omnibus fare.

- 2.5 Clause 6 of the Bill amends section 5 of the Act to provide that a passenger must ensure that he or she has sufficient funds in his or her buscard to pay for the omnibus fare to his or her destination. This clause also amends section 5 of the Act to provide that a passenger may only use cash or a voucher for the payment of his or her omnibus fare before 1 October 2017. Clause 5 further stipulates that the Minister may prescribe by regulations the circumstances in which a person may use his or her buscard to pay for the omnibus fare of another person.
- 2.6 Clause 7 of the Bill inserts a new section 5A. The new section 5A provides for the issuance of disposable cards by the solution provider, top up issuing agents or omnibus drivers. This clause also empowers the Minister to prescribe the minimum standard requirements of a disposable buscard. Furthermore, clause 7 provides that e-money that is not refunded to a passenger upon the expiry date of a disposable buscard must be transferred by the solution provider to a fund prescribed by regulations for the development of information and communication technologies in Fiji.
- 2.7 Clause 8 of the Bill substitutes section 29 of the Act and makes it mandatory for a solution provider to register a person who is not a subsidised student or subsidised senior citizen or person with disability in order to purchase a buscard.
- 2.8 Clause 9 of the Bill substitutes section 33 of the Act and empowers the Minister to make regulations to give effect to the provisions of the Act and to prescribe penalties for any offence. The penalties include a fine not exceeding \$500,000 or a term of imprisonment not exceeding 10 years or both.
- 2.9 Clause 10 of the Bill amends all written laws and State documents to change all references to the “Omnibus Electronic Fare Ticketing Act 2014” to the “Electronic Fare Ticketing Act 2014”.

3.0 MINISTERIAL RESPONSIBILITY

- 3.1 The Act comes under the responsibility of the Minister responsible for communications.

A. SAYED-KHAIYUM
Attorney-General