

1990 - No. 740

JUSTICES ACT 1902 - REGULATION

(Relating to short descriptions of offences
under the Passenger Transport Regulation 1990)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

JOHN DOWD
Attorney General.

Citation

1. This Regulation may be cited as the Passenger Transport (Short Description of Offences) Regulation 1990.

Short description of summary offences

2. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out opposite it in Column 2 of the Schedule.

(2) If a choice of words is indicated in Column 2 of the Schedule, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) A reference in Column 1 of Schedule 1 to a provision of the Passenger Transport Regulation 1990 that creates an offence is a reference to that provision as in force at the time the offence is alleged to have occurred.

SCHEDULE 1

(C1.2)

Column 1	Column 2
OFFENCE UNDER PASSENGER TRANSPORT REGULATION 1990	PRESCRIBED EXPRESSION

Clause 4 -

- | | |
|---|--------------------|
| <ul style="list-style-type: none">• not retain record required to be kept• not produce record on demand• not deliver record when required | not retain record |
| | not produce record |
| | not deliver record |

Clause 5 (a) - permit person to drive public passenger vehicle without ensuring -

- | | |
|--|-----------------------------------|
| <ul style="list-style-type: none">• the person is authorised to drive the vehicle• the person holds driver's licence of the appropriate class | not verify driver's authorisation |
| | not verify driver's licence |

Clause 5 (b) -

- | | |
|--|-----------------------------|
| <ul style="list-style-type: none">• not record full name of driver of public passenger vehicle• not record place of residence of driver of public passenger vehicle• not record date on which public passenger vehicle driven• not record time at which public passenger vehicle driven | not record driver's name |
| | not record driver's address |
| | not record date of driving |
| | not record time of driving |

Clause 5 (c) - not ensure records of names and addresses of drivers of public passenger vehicles and dates and times of their driving those vehicles are kept up-to-date

not keep records up-to-date

Clause 6 - not maintain required insurance	not maintain insurance
Clause 9 (2) - stand or drive on public street taxi-cab which is hired or available for hire without having authority card contained in approved holder affixed to, and displayed in, taxi-cab in required manner	stand/drive hired taxi/taxi for hire w/out properly contained/affixed/displayed authority card
Clause 9 (3) - not take reasonable precautions to prevent taxi-cab which is hired or available for hire from standing or being driven on public street without having authority card contained in approved holder affixed to, and displayed in, taxi-cab in required manner	not prevent authority card offence
Clause 9 (4) (a) - stand or drive or cause or permit to stand or be driven on public street taxi-cab displaying: <ul style="list-style-type: none">• altered, mutilated or defaced authority card• authority card issued in respect of another person• authority card containing incorrect particulars	stand/drive cause/permit stand/be driven taxi displaying altered/mutilated/defaced authority card stand/drive cause/permit standbe driven taxi displaying another person's card stand/drive cause/permit stand/be driven taxi displaying inaccurate card
Clause 9 (4) (b) - alter/deface authority card	alter/deface authority card

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Clause 9 (4) (c) - • lend authority card • part with authority card	lend authority card part with authority card
Clause 10 (1) - sell ticket for public passenger service without authority	unauthorised sale of ticket
Clause 10 (2) - transfer ticket to person other than person on whose behalf ticket purchased	unauthorised transfer of ticket
Clause 10 (6) - not surrender ticket at end of journey or period for which issued	not surrender ticket
Clause 10 (7) - not make ticket available for inspection or other dealing on request	not make ticket available on request
Clause 10 (8) - alter/deface ticket or make ticket illegible or inoperable	alter/deface ticket/make ticket illegible/inoperable
Clause 12 - permit public passenger vehicle to stand at place other than a stand	stand at place not a stand
Clause 13 (1) - not ensure timetable for long-distance service can reasonably be met	not ensure timetable can reasonably be met
Clause 13 (2) - not provide copy of long-distance service timetable on request	not provide copy of time table
Clause 15 (1) - drive taxi-cab or private hire vehicle that is not clean and tidy	drive unclean/untidy taxi/private hire vehicle

Clause 15(2) - allow use in service of bus or ferry that is not clean and tidy	allow use unclean/untidy bus/ferry
Clause 16 (1) - smoke tobacco or other substance in bus or in other public passenger vehicle (or part of vehicle) displaying signs prohibiting smoking	smoke in bus/contrary to sign
Clause 16 (2) - operator not cause signs prohibiting smoking in bus to be displayed in bus	not cause display in bus of no-smoking signs
Clause 17 (1) - eat or drink in taxi-cab	eat/drink in taxi
Clause 17 (2) - eat or drink in public passenger vehicle displaying signs prohibiting eating and drinking in the vehicle	eat/drink in public passenger vehicle contrary to sign
Clause 18 (2) - not comply with direction (arising from condition of person's clothing, luggage, etc.) concerning the person's presence on public passenger vehicle or wharf	not comply with direction (clothing)
Clause 19 (2) - not comply with direction (arising from person's state of intoxication, etc.) concerning the person's presence on public passenger vehicle or wharf	not comply with direction (intoxication)
Clause 20 (1) - driver permit in or on public passenger vehicle article inconveniencing other person	allow inconvenient article in/on public passenger vehicle

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Clause 20 (2) - driver permit in or on public passenger vehicle dog, cat, bird or other animal	allow animal in/on public passenger vehicle
Clause 21 - consume alcohol in public passenger vehicle or on wharf	consume alcohol in public passenger vehicle/on wharf
Clause 22 - spit, urinate or defecate in public passenger vehicle or on wharf	spit/urinate/defecate in public passenger vehicle/on wharf
Clause 23 (1) - prevent, by placement of goods on seat, person from occupying seat in public passenger vehicle 01 on wharf	prevent person occupy seat in public passenger vehicle/on wharf
Clause 23 (3) - occupy (on bus or ferry) seat for aged or disabled person despite aged or disabled person's request for seat	not yield special seat to aged/disabled
Clause 24 - place foot or feet on seat in public passenger vehicle or on wharf	place feet on seat in public passenger vehicle/on wharf
Clause 25 - interfere with comfort or safety of person in public passenger vehicle or on wharf	interfere safety/comfort person in public passenger vehicle/on wharf
Clause 26 - ride or operate skateboard, etc. in public passenger vehicle or on wharf	ride/operate skateboard/skates/bicycle/vehicle in public passenger vehicle/on wharf
Clause 27 - throw object or thing at or from public passenger vehicle or wharf	throw object at/from public passenger vehicle/wharf

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Clause 28 (a) - litter in public passenger vehicle or on wharf	litter in public passenger vehicle/on wharf
Clause 28 (b) - deposit dangerous article in public passenger vehicle or on wharf	deposit dangerous article in public passenger vehicle/on wharf
Clause 29 (a) - place graffiti on public passenger vehicle or wharf	place graffiti on public passenger vehicle/wharf
Clause 29 (b) - damage or deface public passenger vehicle or wharf	damage/deface public passenger vehicle/wharf
Clause 30 (1) (a) - sell, hire, or offer or expose for hire, articles or goods in public passenger vehicle or on wharf	sell/hire/offer for hire/expose for hire goods in public passenger vehicle/on wharf
Clause 30 (1) (b) - distribute handbills or solicit money in public passenger vehicle or on wharf	distribute handbills/solicit money in public passenger vehicle/on wharf
Clause 30 (1) (c) - play musical instrument in public passenger vehicle or on wharf	play musical instrument in public passenger vehicle/on wharf
Clause 30 (2) - solicit for custom/hire/employment in or on public passenger vehicle or wharf	solicit custom/hire/employment in/on public passenger vehicle/wharf
Clause 31A (a) - driver carry passenger on portion of bus not intended for conveyance of passengers	carry passenger on unauthorised portion of bus

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Clause 31A (b) - driver allow passenger to stand on upper deck of two-decked bus while bus being driven	allow standing on upper deck
Clause 31A (c) - driver permit person occupy driving seat of bus or part of bus abreast of that seat on right-hand side	allow person occupy driving seat/area to right of driving seat
Clause 31A (d) - driver permit person on portion of bus in front of driving seat	allow person in front of driving seat
Clause 31B (a) - ride on front or rear platform, step, stairway, roof or other part of bus not intended for conveyance of passengers	ride on front/rear platform/step/stairway/roof of bus/part of bus not intended for passengers
Clause 31B (b) - stand on upper deck of two-decked bus being driven	stand on upper deck
Clause 31C (1) (a) - driver carry greater than authorised number of passengers	carry extra passenger
Clause 31C (1) (b) - driver carry greater number of seated passengers than authorised to carry seated	carry extra seated passenger
Clause 31C (1) (c) - driver carry greater number of standing passengers than authorised to carry standing	carry extra standing passenger
Clause 32 (2) - not comply with direction to leave public passenger vehicle or wharf	not comply with direction to leave public passenger vehicle/wharf

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Clause 33 (1) - not pay fare	not pay fare
Clause 33 (3) - demand excess amount as fare	demand excess amount as fare
Clause 33 (4) - not give correct change	not give correct change
Clause 33 (5) (a) - travel or attempt to travel on bus or ferry without paying fare	travel/attempt to travel without paying fare
Clause 33 (5) (b) - not leave bus or ferry at end of journey paid for	travel beyond distance paid for
Clause 33 (5) (c) - use invalid ticket or ticket to which not entitled to travel or attempt to travel on bus or ferry	use invalid ticket/ticket to which not entitled
Clause 34 (1) - driver fail to allow passenger to get on or off bus	not allow passenger on/off bus
Clause 35 - conduct self in offensive manner or use offensive language in or on public passenger vehicle or wharf	offensive behaviour/language in/on public passenger vehicle/wharf
Clause 36 - not drive bus or ferry in accordance with timetable and published route	not drive bus/ferry according to timetable/published route
Clause 37 (a) - smoke while conveying passenger	smoke while conveying passenger
Clause 37 (b) - solicit for passenger or for a hiring	solicit passenger/hiring
Clause 37 (c) - move public passenger vehicle while doors open	move public passenger vehicle with doors open

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Clause 37(d) - negligently or wilfully start or cause to be started public passenger vehicle so as to subject any passenger or intending passenger to the risk of injury	neg./wilf. start/cause start veh. risking injury to passenger/intend. passenger
Clause 38- leave driving seat of public passenger vehicle on public street	leave driving seat
Clause 39 (a) - driver not be clean and tidy and wearing clean and respectable clothes	driver not clean and tidy/wearing clean/respectable clothes
Clause 39 (b) - <ul style="list-style-type: none">• driver not behave in orderly manner• driver not behave with civility and propriety	driver not behave in orderly manner driver not behave with civility and propriety
Clause 39 (c) - driver not comply with passenger's reasonable requirement	driver not comply passenger's requirement
Clause 41 - sit or stand on side rails of ferry	sit/stand on ferry rail
Clause 42 (1) - remain on wharf	remain on wharf
Clause 42 (2) - remain on wharf contrary to sign	remain on wharf contrary to sign
Clause 43 (1) - <ul style="list-style-type: none">• embark on ferry not moored at wharf• disembark from ferry not moored at wharf	embark on ferry not moored at wharf disembark from ferry not moored at wharf

Clause 43(2) -

- | | |
|--|--|
| • embark on ferry at place other than place provided by operator of ferry service | embark on ferry at unauthorised place |
| • disembark from ferry at place other than place provided by operator of ferry service | disembark from ferry at unauthorised place |
| • embark on ferry by means other than means provided by operator of ferry service | embark on ferry by unauthorised means |
| • disembark from ferry by means other than means provided by operator of ferry service | disembark from ferry by unauthorised means |

Clause 44 - enter or attempt to enter:

- | | |
|---|---|
| • wheelhouse/engine room of ferry | enter /at tempt enter wheelhouse/engine room of ferry |
| • area of ferry to which entry is, by signs, restricted to the crew | enter /attempt enter part of ferry contrary to sign |

Clause 45 -

- | | |
|---|---------------------------------|
| • berth vessel at State Transit Authority's wharf | unauthorised berthing of vessel |
| • land person at State Transit Authority's wharf | unauthorised landing of person |
| • land goods at State Transit Authority's wharf | unauthorised landing of goods |

Clause 46 -

- | | |
|---------------------------------------|------------------------------|
| • obstruct approaches to wharf | obstruct approaches to wharf |
| • impede ferry's approach to wharf | impede ferry's approach |
| • impede ferry's departure from wharf | impede ferry's departure |

Clause 47 - licensee not deliver or cause delivery of taxi licence or private hire vehicle licence to Director-General on cancellation, suspension or expiration	not deliver licence
Clause 48 - allow altered taxi-cab or private hire vehicle to be driven on public street without giving Director-General written particulars of alteration	not notify DG alteration taxi/private hire vehicle
Clause 49 (1) - not maintain approved form of record of operation of stand-by taxi-cab	not maintain record operation stand-by taxi
Clause 50 - drive taxi-cab or allow taxi-cab stand on public street without displaying, in approved manner and form: <ul style="list-style-type: none"> (a) summary of rights and obligations of hirer (b) fares and charges on which authorised fare for hiring taxi-cab is calculated (c) maximum number of passengers taxi-cab may carry (d) registration number of taxi-cab (e) authority card issued to driver 	not display hirer's rights and obligations not display fares and charges not display maximum no. passengers taxi may carry not display taxi's reg. no. not display authority card
Clause 51 (1) - taxi-cab available for hire on public street without being fitted with required roof sign	not have required roof sign
Clause 51 (2) - taxi-cab available for hire on public street without having amber lamp on roof sign	not have amber lamp on roof sign

Clause 51(3) - taxi-cab available for hire on public street without having lamps wired to taxi-meter as required	not have lamps wired to meter as required
Clause 51 (4) - taxi-cab available for hire on public street without having lamps operating as required	not operate lamps as required
Clause 51 (5) - display prohibited indication that taxi-cab is for hire	prohibited indication
Clause 52 (2) - operate as taxi-cab vehicle more than 6 years old	operate as taxi vehicle more than 6 years old
Clause 52 (5) - operator of private hire vehicle operate a vehicle older than maximum age specified	operate vehicle older than maximum age
Clause 53 (1) - allow taxi-cab be driven or stand on public street without its being fitted with taxi-meter conforming to guidelines	allow taxi stand/be driven without appropriate meter
Clause 53 (4) interfere, or permit interference, with taxi-meter	interfere /permit interference with taxi-meter
Clause 54(1)- taxi-driver: (a) set taxi-meter in motion before taxi-cab hired (b) not set taxi-meter in motion as soon as taxi-cab hired (c) not keep taxi-meter in motion during hiring	start meter early not start meter on hiring not keep meter going during hiring

- | | |
|--|-----------------------------|
| (d) not stop meter during specified periods of delay | not stop meter during delay |
| (e) not return meter to zero (or hire charge) at termination of hiring | not cancel meter reading |

Clause 54 (2) - taxi-driver:

- | | |
|--|--------------------------------------|
| (a) not cause amount recorded on taxi-meter to be displayed so that hirer may easily read it | not properly display amount on meter |
| (b) not state amount of extra charges for luggage, goods, tolls or ferry | not state extra charges |

Clause 55 (1) taxi-driver demand more than authorised fare

taxi-driver demand fare exceeding authorised fare

Clause 55 (2) - not pay authorised fare for hiring taxi-cab

not pay taxi-fare

Clause 55 (3) - taxi-driver not issue correct or proper change

taxi-driver not give correct/proper change

Clause 55 (4) - taxi-driver:

- | | |
|--|---|
| (a) not notify prospective hirer of amount to be charged; | not notify amount to be charged |
| (b) demand more than notified amount or any agreed lesser amount | demand more than notified/agreed amount |

Clause 55 (5) - taxi-driver or driver of private hire vehicle demand amount of charge made during delay

demand amount charge made during delay

Clause 56 (1) taxi-cab having travelled to picking-up point:	
(a) driver not advise hirer (or cause hirer to be advised) of taxi's arrival	not advise hirer/cause hirer be advised taxi's arrival
(c) driver not set taxi-meter in operation at time hiring commences	driver booked taxi not start meter on hiring
(d) hirer not pay booking fee	not pay booking fee
Clause 57 (1) - driver of taxi-cab available for hire on public street not accept hiring immediately when offered	not accept hiring immediately
Clause 57 (2) (a) - taxi-driver not carry out hiring punctually	not carry out hiring punctually
Clause 57 (2) (b) - taxi-driver not drive by shortest practicable route	not drive by shortest route
Clause 59 (1) - taxi-driver not wait on request	not wait on request
Clause 60 (1) not convey luggage or goods on request	not convey luggage/goods
Clause 60 (2) (a) - convey luggage or goods on roof of vehicle	convey luggage/goods on roof
Clause 60 (2) (b) - convey goods of aggregate weight exceeding 25kg in portion of vehicle provided for accommodation of passengers	convey heavy goods in passenger area
Clause 61(1) - place or keep taxi-cab on stand if hired or not available for hire	place/keep hired taxi/taxi not available for hire on stand

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Clause 61 (2) - not place or keep taxi-cab in first available vacant position on stand	not close up on stand
Clause 61 (4) - not use stand as directed by police officer	not use stand as directed
Clause 62 (1) - not accept hiring re person or goods on police officer's request	not accept hiring re person/goods on police request
Clause 63 (2) - hirer not pay authorised fare to point of termination of hiring arising from failure of child passenger to wear seat belt	not pay fare to termination point
Clause 64 (2) - not comply with direction varying hiring	not comply variation hiring
Clause 65 (1) permit person other than hirer to ride in taxi-cab	allow additional person ride in taxi
Clause 65 (2) - do or suffer act or thing designed or calculated to result in entry in taxi-cab or riding in taxi-cab of person other than hirer	do/suffer act designed result additional person enter/ride taxi
Clause 66 (3) - carry on public passenger service using taxi-cab not fitted with radio unit operated as part of network	operate taxi without appropriate radio unit
Clause 66 (4):	
• not utilise radio unit of taxi-cab in accordance with network operator's established procedures	not use radio unit correctly
• not observe published rules of authorised network	not observe network rules

Clause 69 (2) -	
• alter/deface credential	alter/deface credential
• lend credential	lend credential
• part with credential	part with credential
Clause 69 (4) - not return illegible credential	not return illegible credential
Clause 70 - not notify Director-General of change of address	not notify change of address
Clause 74 - carry on public passenger service using unregistered bus not displaying operator's accreditation	use unregistered bus
Clause 75 (1) - operate public passenger service using taxi-cab not fitted with appropriate security device	operate taxi without appropriate security device
Clause 75 (2) - operate public passenger service using vehicle not fitted with mandatory security device	operate vehicle without mandatory security device

EXPLANATORY NOTE

The object of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain summary offences under the Passenger Transport Regulation 1990.

The Regulation comprises matter of a machinery nature.
