

1994—No. 470

TRANSPORT ADMINISTRATION ACT 1988—REGULATION

(Relating to penalties)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Transport Administration Act 1988, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD, M.P.,
Minister for Transport and Minister for Roads.

Commencement

1. This Regulation commences on 1 September 1994.

Amendments

2. The Transport Administration (Penalty Notices) Regulation 1989 is amended:

- (a) by omitting from clause 7 (a) the words “in Part 1, 2 or 3” and by inserting instead the words “in Division 1 of Part 1, Division 1 of Part 2 or Part 3”;
- (b) by inserting in Part 1 of Schedule 1 after the heading the following matter:

Division 1

(c) by inserting in Part 1 of Schedule 1 after the matter relating to clause 10 (c) the following matter:

Division 2

OFFENCE	PENALTY
	\$

An offence under any of the following clauses:

(d) by omitting Part 2 of Schedule 1 and by inserting instead the following Part:

PART 2—Offences under the Transport Administration (Railway Offences) Regulation 1994

Division 1

OFFENCE	PENALTY
	\$

An offence under any of the following clauses:

Clause 5 (1)	100
Clause 6 (1)	100
Clause 8	100
Clause 9 (1)	100

Division 2

OFFENCE	PENALTY
	\$

An offence under any of the following clauses:

Clause 10 (1)	100
Clause 11 (1)	100
Clause 12 (1)	100
Clause 13 (1)	100
Clause 14 (1)	100
Clause 15 (1) (a)	100
Clause 15 (1) (b)	100

Clause 15 (1) (c)	100
Clause 16 (1)	100
Clause 16 (3)	100
Clause 18 (3)	100
Clause 20 (1) (a)	100
Clause 20 (1) (b)	100
Clause 20 (1) (c)	100
Clause 20 (1) (d)	100
Clause 21 (1) (a)	200
Clause 21 (1) (b)	200
Clause 22 ('I)	100
Clause 23 (a)	100
Clause 23 (b)	100
Clause 24	100
Clause 25 (1) (a)	100
Clause 25 (1) (b)	100
Clause 25 (1) (c)	100
Clause 25 (1) (cl)	100
Clause 26 (1)	100
Clause 27 (1) (a)	200
Clause 27 (1) (b)	200
Clause 27 (2)	100
Clause 28 (a)	100
Clause 28 (b)	100
Clause 29 (1)	100
Clause 30 (1)	100
Clause 30 (2) (a)	100
Clause 30 (2) (b)	100
Clause 30 (3) (a)	100
Clause 30 (3) (b)	100

Clause 37	100
Clause 38	100
Clause 40	100
(e) by omitting from Parts 3 and 4 of Schedule 1 the matter “50” wherever occurring and by inserting instead the matter “100”;	
(f) by inserting at the end of Part 3 of Schedule 1, under the headings “OFFENCE” and “PENALTY”, respectively, the following matter:	
Section 97 (1) (c)	100
Section 97 (1) (d)	100
Section 97 (1) (e)	100

EXPLANATORY NOTE

The Transport Administration (Penalty Notices) Regulation 1989 prescribes offences and penalties for the purposes of section 117 of the Transport Administration Act 1988 and the penalty notice system. A penalty notice is a notice to the effect that it appears that the person on whom it is served is guilty of an offence. If that person does not wish to have the matter determined by a Court, he or she may pay the amount of the penalty prescribed for the offence if dealt with by way of penalty notice, and the matter is then at an end.

Clause 7 of the Regulation provides that, if the alleged offender was under the age of 18 years at the time of the alleged offence, the prescribed amount of the penalty payable under the penalty notice is one-half of the penalty that would otherwise be payable under that notice. One of the objects of this Regulation is to limit that concession to offences concerning tickets. In future, minors will be liable for the full amount of the prescribed penalty for all other prescribed offences (items (a)-(c) and, in part, items (d) and (f)).

The Regulation also does the following:

- (a) it repeals the matter relating to offences under the Railway Offences By-law 1983 and inserts instead matter relating to offences under the new Transport Administration (Railway Offences) Regulation 1994 (item (d)). The By-law is repealed and the new Regulation commenced at the same time as this Regulation;
- (b) it increases from \$50 to \$100 the prescribed penalty for offences prescribed under the Transport Administration Act 1988 and the Transport Administration (Traffic Control—SRA and STA Land) Regulation 1989 (item (e));
- (c) it prescribes 3 further offences under the Transport Administration Act 1988 in respect of which penalty notices may be issued (item (f)). The new penalty notice offences all relate to failure to pay train fares in specified circumstances.

The Regulation is made under section 117 of the Transport Administration Act 1988.
