

1995—No. 422

TRANSPORT ADMINISTRATION ACT 1988—REGULATION

(Relating to the removal of offenders, lost property and penalty notice offences)

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.

BRIAN LANGTON, MP.,
Minister for Transport.

Commencement

1. This Regulation commences on 1 September 1995.

Amendment

2. The Transport Administration (Railway Offences) Regulation 1984 is amended:

- (a) by omitting clause 43 and by inserting instead the following clauses:

Removal of persons from trains and SRA premises

43. A person who fails to comply with a direction under this Regulation to leave any train or SRA premises may be removed from the train or premises by a police officer.

Lost property

44. (1) A person who finds any article in or on a train or SRA premises:

- (a) must return it to its owner; or
- (b) must give it to an authorised person.

Maximum penalty: 2 penalty units.

(2) The Impounding Act 1993 applies to an article that is given to an authorised person under this clause as if it had been impounded under that Act.

Penalty notice offences

45. (1) For the purposes of section 117 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence; and
- (b) the prescribed penalty for such an offence is:
 - (i) the amount specified in Column 3 of Schedule 1; or
 - (ii) if the person alleged to have committed the offence is under the age of 18 years, and if a lesser amount is specified in Column 4 of Schedule 1, the lesser amount; and
- (c) each person referred to in subclause (2) is an authorised officer.

(2) The following persons are authorised officers for offences relating to railway services conducted by the SRA:

- (a) a police officer;
- (b) a member of the transit police service;
- (c) any other person or member of a class of persons appointed in writing by the Chief Executive of the SRA:

Short descriptions

46. (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:

- (a) the expression specified in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

(b) by inserting at the end of the Regulation the following Schedule:

SCHEDULE 1—PENALTY NOTICE OFFENCES

(C11. 45, 46)

Part 1—Offences under the Transport Administration Act 1988

Column 1	Column 2	Column 3	Column 4
Offence	Prescribed expression	Penalty	Penalty
Section 97 (1) (a)	travel/attempt to travel without paying train fare	\$100	—
Section 97 (1) (b)	not pay train fare on demand	\$100	—
Section 97 (1) (c)	travel on train beyond distance paid for	\$100	—
Section 97 (1) (d)	travel/attempt to travel in carriage to which not entitled	\$100	—
Section 97 (1) (e)	use/attempt to use pass to which not entitled/invalid pass	\$100	—

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

Column 1	Column 2	Column 3	Column 4
Offence	Prescribed expression	Penalty	Penalty
Clause 5 (1)	transfer/offer to transfer ticket/portion of ticket	\$100	\$50
Clause 6 (1)	travel without valid ticket	\$100	—
Clause 8	on train/platform not make ticket available for inspection/processing	\$100	—
Clause 9 (1)	leave restricted area without offering ticket	\$100	\$50
Clause 10 (1)	on train/SRA premises interfere with comfort/safety of other persons	\$100	—
Clause 11 (1)	smoke on train/on enclosed/covered SRA premises	\$100	—
Clause 12 (1)	drink liquor on train/SRA premises	\$100	—
Clause 13 (1)	carry on unauthorised commercial activity on train/SRA premises	\$100	—
Clause 14 (1)	enter/leave station/platform/work/premises by unauthorised entry/exit	\$100	—

Clause 15 (1) (a)	enter/leave train while train in motion	\$100	—
Clause 15 (1) (b)	enter/leave train on wrong side of train/at wrong place	\$100	—
Clause 15 (1) (c)	enter/leave train through window	\$100	—
Clause 16 (1)	board train at set-down-only station	\$100	—
Clause 16 (3)	leave train at non-set-down station	\$100	—
Clause 18 (3)	not comply with direction to leave reserved seat	\$100	—
Clause 20 (1) (a)	block train door	\$100	—
Clause 20 (1) (b)	open locked train door	\$100	—
Clause 20 (1) (c)	open unlocked door while train in motion	\$100	—
Clause 20 (1) (d)	interfere with automatic train door	\$100	—
Clause 21 (1) (a)	unauthorised entry to crew compartment	\$200	—
Clause 21 (1) (b)	unauthorised stay in crew compartment	\$200	—
Clause 22 (1)	travel on portion of train not intended for passengers	\$100	—
Clause 23 (a)	use public address/communications system of train	\$100	—
Clause 23 (b)	apply/release brake on train	\$100	—
Clause 24	sit on/obstruct stairway at station	\$100	—
Clause 25 (1) (a)	ride on escalator handrail	\$100	—
Clause 25 (1) (b)	travel down on up escalator/up on down escalator	\$100	—
Clause 25 (1) (c)	convey goods on escalators/in lift	\$100	—
Clause 25 (1) (d)	interfere with escalator/lift/working of escalator/lift	\$100	—
Clause 26 (1)	remove SRA property from train/ SRA premises	\$100	—
Clause 27 (1) (a)	write/draw/affix word/ representation/character/poster on to train/SRA property	\$200	—
Clause 27 (1) (b)	destroy/damage/deface train/SRA property	\$200	—
Clause 27 (2)	on train/SRA premises possess thing for damaging property	\$100	—
Clause 28 (a)	deposit litter on train/SRA premises	\$100	—
Clause 28 (b)	deposit dangerous thing on train/ SRA premises	\$100	—
Clause 29 (1)	cross/drive vehicle over line at unauthorised place	\$100	—
Clause 30 (1)	cross line not using bridge/subway	\$100	—
Clause 30 (2) (a)	cross line despite authorise person's warning	\$100	—
Clause 30 (2) (b)	cross line contrary to displayed warning	\$100	—
Clause 30 (3) (a)	cross line when barriers shut/against warning device	\$100	—

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Clause 30 (3) (b)	cross line against warning device (no barriers)	\$100	—
Clause 37	leave bike on SRA premises/ chained/attached to SRA building fence/installation	\$100	—
Clause 38	not shut and fasten level crossing gate/side gate	\$100	—
Clause 40	throw things at/from train	\$100	—

EXPLANATORY NOTE

The object of this Regulation is to include provisions in the Transport Administration (Railway Offences) Regulation 1994 in relation to the removal of persons from trains and SRA premises, the manner in which lost property is to be dealt with and the prescription of penalty notice offences. Similar provisions are to be included in other regulations under the Transport Administration Act 1988.

This Regulation is made under the Transport Administration Act 1988, including section 119 (the general regulation making power) and sections 99 and 117.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
