

**PUBLIC TRANSPORT COMMISSION
(AMENDMENT) ACT, 1977**

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 6, 1977.

An Act to amend the Public Transport Commission Act, 1972, in relation to damage to the Commission's property, the parking of vehicles and for certain other purposes. [Assented to, 11th March, 1977.]

BE

Public Transport Commission (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Public Transport Commission (Amendment) Act, 1977".

Amendment of Act No. 53, 1972. 2. The Public Transport Commission Act, 1972, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972.

(1) Part I, heading—

Before section 1, insert :—

PART I.

PRELIMINARY.

(2) Section 2A—

After section 2, insert :—

2A. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1-3.

PART II.—THE COMMISSION—ss. 4-21.

PART III.—GENERAL—ss. 21A-37.

Division
of Act.

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

(3) Part II, heading—

Before section 4, insert :—

PART II.

THE COMMISSION.

(4) Part III, heading, and sections 21A, 21B—

After section 21, insert :—

PART III.

GENERAL.

21A. A person shall not wilfully damage or deface any property vested in or belonging to the Commission.

Damage to
Commis-
sion's
property.

Penalty : \$400 or imprisonment for 6 months.

21B. (1) In this section—

“owner”, in relation to a vehicle, includes—

Parking of
vehicles on
land vested
in the
Commission.

- (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

- (b) in the case of a vehicle that is a motor vehicle—
- (i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; or
 - (ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

“parking offence” means the offence committed by a person who contravenes any regulation made under this Act for or with respect to the standing, waiting or parking of vehicles.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation relating to the parking

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

offence in all respects as if he were the actual offender guilty of the parking offence unless the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if he—

- (a) within 21 days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or
- (b) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

(6) Where a statutory declaration supplying the name and address of a person for the purpose of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act.

(5) Section 23 (1)—

Omit “the holder of any prescribed office”, insert instead “any officer or employee of the Commission”.

(6) Sections 30A, 30B—

After section 30, insert :—

Proceedings
for offences
against Act.

30A. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate or any 2 justices of the peace.

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

30B. Any pecuniary penalty recovered pursuant to this Act shall be— Appropriation of penalties.

- (a) paid to the Commission; and
- (b) allocated by the Commission to any fund under its control that it considers appropriate.

(7) Section 32—

After “Act” where thirdly occurring, insert “and, in particular, for or with respect to the standing, waiting or parking of vehicles on land vested in the Commission”.

(8) Section 32 (2)—

At the end of section 32, insert :—

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.
