

1993—No. 348

JUSTICES ACT 1902—REGULATION

(Relating to short descriptions of certain offences under the Transport Administration Act 1988)

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.

J. P. HANNAFORD, M.L.C.,
Minister for Justice.

Commencement

1. This Regulation commences on 1 August 1993.

Amendments

2. The Justices (Short Descriptions of Transport Offences) Regulation 1987 is amended:

- (a) by omitting from the definition of “summary offence” in clause 3 the matter “145A” and by inserting instead the matter “145B”;
- (b) by inserting at the end of clause 4 the following subclause:
 - (2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(c) by omitting Schedule 1 and by inserting instead the following Schedule:

SCHEDULE 1

(Cl. 4)

Column 1	Column 2
Offence	Prescribed expression
Offences under the Transport Administration Act 1988	
Section 97 (1) (a)—without reasonable excuse, travel or attempt to travel on train without paying fare	travel/attempt to travel without paying train fare
Section 97 (1) (b)—travel or attempt to travel on train without having previously paid fare and fail, without reasonable excuse, to pay the fare on demand by authorised officer	not pay train fare on demand
Section 97 (1) (c)—knowingly, and without reasonable excuse, fail to leave train at end of journey paid for	travel on train beyond distance paid for
Section 97 (1) (d)—knowingly, and without reasonable excuse, travel or attempt to travel on train in carriage of a class to which ticket does not apply	travel/attempt to travel in carriage to which not entitled
Section 97 (1) (e)—knowingly use travel pass to travel or attempt to travel on train, being an invalid pass or one to which not entitled	use/attempt to use pass to which not entitled/invalid pass
Section 97 (1) (f)—knowingly avoid or attempt to avoid payment in connection with railway services (other than fare for train travel)	avoid/attempt to avoid payment (other than fare)
Section 98 (3) (a)—obstruct or hinder authorised officer exercising power under section 98	obstruct/hinder authorised officer
Section 98 (3) (b)—fail to comply with reasonable requirement of authorised officer	not comply with requirement
Schedule 4, clause 3—being a railway employee, carry out railway safety work with prescribed concentration of alcohol in blood	carry out safety work with p.c.a.
Schedule 4, clause 4 (1)—being a railway employee, carry out railway safety work under influence of alcohol or other drug	carry out safety work under influence of alcohol/drugs
Schedule 4, clause 17 (2) (a)—being a railway employee, refuse or fail to submit to breath analysis	refuse/fail to undergo breath analysis

Column 1 Offence	Column 2 Prescribed expression
Schedule 4, clause 17 (2) (b)—being a railway employee, refuse or fail to provide sample of blood or urine	refuse/fail to give bloodurine sample
Schedule 4, clause 18—being a railway employee, introduce, or alter concentration of, alcohol or other drug in blood or urine before breath analysis or providing sample of blood or urine for purpose of preventing or restricting use of the results	alter concentration of alcohol/drugs
Schedule 4, clause 19 (1) (a)—being a medical practitioner, refuse or fail to take blood or urine sample from railway employee	refuse/fail to take blood/urine sample
Schedule 4, clause 19 (1) (b)—being a medical practitioner, not comply with requirements of clause 14 as to taking of blood or urine sample	not comply with procedures for taking sample
Schedule 4, clause 19 (3)—hinder or obstruct medical practitioner in attempting to take blood or urine sample from another person	hinder/obstruct doctor taking bloodurine sample
Offences under Railway Offences By-law 1983	
Clause 1 (5)—use or attempt to use a cancelled ticket	use/attempt to use cancelled ticket
Clause 2 (2) (c)—use or attempt to use an expired ticket	use/attempt to use expired ticket
Clause 6 (2)—use or attempt to use a defaced, mutilated, altered or illegible ticket unless defacing, mutilation, alteration or illegibility occurred as a result of the ordinary use of the ticket	use/attempt to use defaced/mutilated/altered/illegible ticket
Clause 7—being a passenger, place foot or feet on seat or part of seat in carriage or other vehicle	foot on seat while in carriage/vehicle
Clause 9 (1) (a)—being a male (other than child of 6 years or under accompanied by a female, or officer of the Authority) enter area, carriage or vehicle (or part of area, carriage or vehicle) set apart for exclusive accommodation, or use, of females	enter area/carriage/vehicle set apart for females

Column 1 Offence	Column 2 Prescribed expression
Clause 9 (1) (b)—being a male (other than child of 6 years or under accompanied by a female, or officer of the Authority) remain in area, carriage or vehicle (or part of area, carriage or vehicle) set apart for exclusive accommodation, or use, of females, after having been requested to leave	remain in area/carriage/vehicle/part of area/part of carriage/part of vehicle set apart for females
Clause 10 (1)—smoke in or on railway, station, wharf, pier, jetty, land, premises, carriage or other vehicle contrary to sign	smoke in/on prohibited railway/station/wharf/pier/ jetty/land/premises/ carriage/vehicle
Clause 12—without reasonable excuse, enter or leave or attempt to enter or leave a carriage or other vehicle while train is in motion	enter/leave/attempt to enter/leave while train in motion
Clause 12—without reasonable excuse, enter or leave or attempt to enter or leave a carriage or other vehicle elsewhere than at the side of the carriage or other vehicle adjoining the platform or other place appointed for persons to enter or leave	enter/leave/attempt to enter/leave on wrong side of train/wrong place
Clause 13 (d)—without reasonable excuse, open door, whether locked or not, while train is in motion	open door while train in motion
Clause 14 (1) (c)—without reasonable excuse, travel in portion of carriage or other vehicle not intended for conveyance of passengers	travel in unauthorised part of carriage/vehicle
Clause 15 (1)—being under the influence of liquor or drugs, enter, remain in or upon or be in a carriage or other vehicle, a station or other State Rail Authority premises	under the influence of liquor/drugs enter/remain/be in/on carriage/vehicle/station/ SRA premises
Clause 15 (2) (a)—commit a nuisance in or on a carriage or other vehicle or a station or other State Rail Authority premises	commit nuisance in/on carriage/vehicle/station/ SRA premises
Clause 15 (2) (c)—use or write insulting, indecent, abusive, blasphemous, obscene, threatening or offensive words in or on a carriage or other vehicle or a station or other State Rail Authority premises	use/write insulting/indecent/abusive/ blasphemous/obscene/ threatening/offensive words in/on carriage/vehicle/station/ SRA premises

Column 1 Offence	Column 2 Prescribed expression
Clause 15 (2) (d)—behave in disorderly or offensive manner in or on a carriage or other vehicle or a station or other State Rail Authority premises	disorderly/offensive conduct in/on carriage/vehicle/station/ SRA premises
Clause 15 (2) (e)—wilfully interfere with comfort of a passenger or other person lawfully in or on a carriage or vehicle or a station or other State Rail Authority premises	interfere with comfort of persons in/on carriage/vehicle/station/ SRA premises
Clause 20 (c)—wilfully or negligently remove or injure any number-plate, notice or advertisement	remove/injure number-plate/notice/ advertisement
Clause 24—wilfully trespass on railway, pier, wharf, jetty, station, land, or other State Rail Authority premises	trespass on SRA premises
Clause 26 (a)—cross, or drive a vehicle, or attempt to cross or drive a vehicle, over a line of railway on the level elsewhere than at an authorised crossing place	cross/drive vehicle/attempt to cross/attempt to drive vehicle/over line at unauthorised place
Clause 27 (a)—cross or attempt to cross a line of railway on the level at a station	cross/attempt to cross railway line at station
Clause 27 (b)—cross or attempt to cross a line of railway on the level where overbridge or subway provided	cross/attempt to cross railway line (not use overbridge/subway)
Clause 34—throw, or cause to be thrown, in, on, about, at or from a carriage or other vehicle, or on to a railway, station, building, pier, wharf, jetty, land or other premises vested in the State Rail Authority, any glass, stone or other missile, or any burning match, cigar, cigarette (or part of any cigarette), or any burning tobacco, or any filth, dirt, rubbish, or other similar matter	throw/cause to be thrown glass/stone/missile/burning match/burning cigar/burning cigarette/burning tobacco/filth/dirt/rubbish/ similar matter in/on/about/at/from carriage/vehicle/on to SRA premises
Clause 43 (1) (a)—stand or loiter in or on a railway station or building, the property of the State Rail Authority, to the inconvenience of railway officers or passengers	stand/loiter on SRA premises causing inconvenience
Clause 43 (1) (b)—obstruct good government and maintenance of order in or on a railway station or building, the property of the State Rail Authority	obstruct order on SRA premises

Column 1 Offence	Column 2 Prescribed expression
Clause 45 (1)—without permission enter train stopping at station only to set down passengers	join train when unauthorised
Clause 45 (2)—without permission travel or attempt to travel by train to station other than station to which train conveys passengers	travel/attempt to travel to other than specified station
Clause 46 (1)—being a person whose dress or person might, in the opinion of an authorised officer, soil the dress of another passenger or the fittings of a carriage, enter or remain in or on any carriage or railway premises	person/dress likely to soil passengers/fittings
Clause 46 (1)—being a person whose presence would, in the opinion of an authorised officer, be offensive to other passengers, enter or remain in or on any carriage or railway premises	person's presence offensive to others
Clause 49—without authority, in or on any carriage, building, station, land or other premises of the State Rail Authority, collect or solicit, or attempt to collect or solicit, money from other persons	collect/solicit/attempt to collect/solicit money in/on carriage/building/station/land/SRA premises
Clause 54—tender a certificate or application for concession ticket, or reduction in fare, containing incorrect or misleading statement	tender false/misleading information for fare concession/reduction
Clause 56 (1) (a)—drink intoxicating liquor in or on any railway, station, wharf, pier, jetty, land, premises, carriage or other vehicle vested in, belonging to or employed by, the State Rail Authority except in a place specially provided for the purpose	drink liquor in/on railway/station/wharf/pier/jetty/land/premises/carriage/vehicle other than in place provided
Clause 62—obstruct or impede, or attempt to obstruct or impede the operation of, or in any other way interfere with, any automatically operated door of any carriage or premises vested in the State Rail Authority	obstruct/impede/attempt to obstruct/attempt to impede/interfere with automatic door of carriage/premises
Clause 63—without reasonable excuse, enter or attempt to enter a railway, station, platform or other works or premises other than by the appointed place	enter/attempt to enter station by unauthorised entry

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Column 1	Column 2
Offence	Prescribed expression
Clause 63—without reasonable excuse, leave or attempt to leave a railway, station, platform or other works or premises other than by the appointed place	leave/attempt to leave station by unauthorised exit

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 offences under the Transport Administration Act 1988 and the Railway Offences By-law 1983 (which is taken to be a regulation made under that Act) (clause 2 (b)–(c)).

The Regulation also makes a minor amendment by way of law revision (clause 2 (a)).
