

TRANSPORT ADMINISTRATION ACT 1988—REGULATION

(Transport Administration (Bus Offences) Regulation 1995)

NEW SOUTH WALES



[Published in Gazette No. 102 of 25 August 1995]

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, M.P.,
Minister for Transport.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Transport Administration (Bus Offences) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Application

3. This Regulation applies to bus services conducted by the STA or SRA.

Definitions

4. In this Regulation:

“authorised officer” means:

- (a) a police officer;
- (b) a member of the transit police service;
- (c) an officer or employee of the relevant Authority;

(d) any other person or member of a class of persons appointed in writing by the Chief Executive of the relevant Authority;

“bus” means any bus used on a bus service operated by the STA or SRA;

“concession ticket” means a ticket issued free or at a reduced fare;

“fare” means a charge determined by the STA or SRA under section 85 of the Act for the use of a bus service;

“relevant Authority” means:

(a) the STA, in relation to a bus service operated by or on behalf of the STA; and

(b) the SRA, in relation to a bus service operated by or OR behalf of the SRA;

“SRA” means the State Rail Authority;

“STA” means the State Transit Authority;

“the Act” means the Transport Administration Act 1988;

“ticket” includes anything issued by the relevant Authority for the purpose of authorising a person to travel on a bus belonging to the bus service conducted by the Authority;

“valid ticket” is defined in clause 5.

PART 2—TICKETS

Validity of tickets

5. (1) A ticket is valid for travel only for the journey or journeys for which it is issued.

(2) A ticket transferred in contravention of clause 6 is not a valid ticket.

(3) The conditions to which a ticket is subject may be notified to the purchaser of the ticket by means of a notice:

(a) that is displayed on the ticket, or at or in the immediate vicinity of the place where the ticket is issued; and

(b) that sets out those conditions or indicates where information as to those conditions is obtainable.

Tickets not transferable

6. (1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a portion of the ticket, to another person.

Maximum penalty: 5 penalty units.

(2) This clause does not apply if:

- (a) the ticket was bought on behalf of that other person; or
- (b) the transfer is authorised by the relevant Authority.

Alteration or defacement of tickets prohibited

7. A person must not, with intent to deceive, alter or deface a ticket or make a ticket illegible (or, in the case of a ticket with a magnetic strip, inoperative).

Maximum penalty: 5 penalty units.

Valid ticket required for travel

8. A person must not travel or attempt to travel in a bus without holding a valid ticket for the travel concerned.

Maximum penalty: 5 penalty units.

Concession tickets

9. (1) A person must not travel in a bus on the authority of a concession ticket unless the person is, by reason of his or her age, occupation or status, entitled to the concession ticket.

Maximum penalty: 5 penalty units.

(2) An authorised officer may direct a person:

- (a) who is travelling in a bus on the authority of a concession ticket; or
- (b) who makes a concession ticket available for inspection under clause 10; or
- (c) who offers a concession ticket for collection or processing under clause 11,

to produce evidence satisfactory to an authorised officer, within 24 hours of the direction, that the person is entitled to the concession ticket.

(3) A person to whom such a direction is given must comply with it.

Maximum penalty: 5 penalty units.

(4) A person may not be prosecuted for offences under both subclause (1) and subclause (3) in relation to the same travel.

(5) A person must not:

- (a) in or in connection with an application for a concession ticket; or
- (b) in purported compliance with a direction under this clause,

give any information or tender any document that contains a false or misleading particular with respect to the age, occupation or status of the person to whom the application or direction relates.

Maximum penalty: 5 penalty units.

Inspection of tickets

10. A person who is in a bus must make his or her ticket available for inspection or processing by an authorised officer on request. In the case of a return ticket, this requirement extends to making the return half of the ticket available on the forward journey, if an authorised officer so requests.

Maximum penalty: 5 penalty units.

Tickets to be offered for collection or processing

11. (1) A person must not, without reasonable excuse, board a bus without offering the person's ticket for processing in accordance with this clause.

Maximum penalty: 5 penalty units.

(2) For the purposes of this clause, a person offers a ticket for processing:

- (a) by putting it into automatic equipment provided to read or record any details on the ticket; or
- (b) by showing the ticket to an authorised officer on request.

(3) A person must offer his or her ticket for processing in the manner specified in subclause (2) (a), unless:

- (a) the person's ticket is not designed for insertion in automatic equipment; or
- (b) the bus concerned is not supplied with automatic equipment; or
- (c) the person has a reasonable excuse for not using the automatic equipment.

PART 3—CONDUCT OF PASSENGERS

Conduct generally

12. (1) A person must not in any bus wilfully interfere with the comfort or safety of other persons.

Maximum penalty: 5 penalty units.

(2) Without limiting subclause (1), a person who does any of the following interferes with the comfort or safety of other persons:

- (a) puts feet on seats;
- (b) spits;
- (c) uses offensive language;
- (d) behaves offensively;
- (e) uses roller skates, roller blades or a skateboard.

Seating for aged or disabled people

13. (1) The relevant Authority may, by appropriate notices, set aside seating in a bus for persons who are aged or disabled.

(2) A person who is not aged or disabled must not continue to occupy a seat set aside for the aged or disabled if an aged or disabled person wanting to use the seat asks the person to vacate it.

Maximum penalty: 5 penalty units.

Drinking of alcohol generally prohibited

14. (1) A person must not drink any intoxicating liquor in any bus.

Maximum penalty: 5 penalty units.

(2) This clause does not apply if the liquor is supplied in the bus by, or with the permission of, the STA.

Smoking, eating and drinking

15. (1) A person must not smoke in any bus or part of a bus in which smoking is prohibited by signs displayed in the bus or part, except with the written permission of an authorised officer.

Maximum penalty: 5 penalty units.

(2) A person must not eat or drink in any bus or part of a bus in which eating and drinking is prohibited by signs displayed in the bus or part, except with the written permission of an authorised officer.

Maximum penalty: 5 penalty units.

(3) Nothing in this clause prohibits a person from eating or drinking in a bus for medical reasons.

No unauthorised commercial activities

16. (1) A person must not carry on a commercial activity in any bus, except with the written permission of the STA.

Maximum penalty: 5 penalty units.

(2) For the purposes of this clause, a “commercial activity” means any one or more of the following:

- (a) the sale or hire (or the offer of sale or hire) of any thing;
- (b) the touting or soliciting for custom, hire or employment;
- (c) the distribution of handbills to any person;
- (d) the soliciting of money from any person (whether by way of busking or otherwise).

Entry to and exit from buses

17. A person must not, without reasonable excuse, enter or leave a bus:

- (a) while the bus is in motion; or
- (b) by getting through a window.

Maximum penalty: 5 penalty units.

Limited stop buses

18. (1) A person must not board a bus at a bus stop at which the bus is not scheduled to pick up passengers.

Maximum penalty: 5 penalty units.

(2) A person must not leave a bus at a bus stop at which the bus is not scheduled to set down passengers.

Maximum penalty: 5 penalty units.

No interference with bus equipment

19. (1) A person must not, without reasonable excuse:

- (a) interfere with any equipment attached to or forming part of a bus;
or
- (b) block a bus door; or
- (c) open a locked bus door at any time; or
- (d) open an unlocked bus door while the bus is in motion; or
- (e) in any way interfere with an automatically operated bus door.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to an authorised officer in the execution of his or her duty.

Throwing objects

20. A person must not throw any object or thing in or from a bus.
Maximum penalty: 5 penalty units.

No entry to driver's compartment of bus

21. (1) A person must not enter the driver's compartment of a bus.
Maximum penalty: 5 penalty units.

(2) This clause does not apply to an authorised officer in the execution of his or her duty.

Travel not allowed on certain parts of bus

22. (1) A person must not, without reasonable excuse, travel on any portion of a bus not intended for the conveyance of passengers.

Maximum penalty: 5 penalty units.

(2) Without limiting subclause (1), portions of a bus not intended for the conveyance of passengers include the following:

- (a) the roof, steps and footboard;
- (b) the stairs of a double-decked bus.

STA or SRA property not to be removed

23. (1) A person must not remove any STA or SRA property from any bus.

Maximum penalty: 5 penalty units.

(2) This clause does not apply to an authorised officer in the execution of his or her duty.

No littering

24. A person must not in any bus:

- (a) deposit any litter; or
- (b) deposit any thing that may endanger any person or property,

otherwise than in a receptacle provided for that purpose.

Maximum penalty: 5 penalty units.

Animals

25. (1) A person must not take into any bus any dog, cat, bird or other animal, except with the consent of an authorised officer.

Maximum penalty: 5 penalty units.

(2) Subclause (1) does not apply to:

- (a) a guide dog accompanying a person who is visually or aurally impaired; or
- (b) a guide dog in training.

Luggage and soiled clothing

26. (1) If, in the opinion of the driver of a bus or an authorised officer, a person's clothing or luggage (or any other thing on or carried by the person):

- (a) may soil or damage the bus or the clothing or luggage of other passengers; or
- (b) is of such a size or has such dimensions that it cannot be accommodated in the bus without inconvenience to other passengers,

the driver or authorised officer may direct the person not to enter or to leave the bus.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

Passengers who are intoxicated

27. (1) If, in the opinion of an authorised officer, a person:

- (a) is under the influence of alcohol or any drug; and
- (b) is causing, or is likely to cause, a nuisance or annoyance to other passengers,

the authorised officer may direct the person not to enter or to leave any bus.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

Leaving bus when direct

28. (1) If, in the opinion of an authorised officer, a person is committing an offence under this Part, the authorised officer may direct the person to leave the bus.

(2) A person must not fail to comply with such a direction.

Maximum penalty: 5 penalty units.

Removal of persons from buses

29. A person who fails to comply with a direction under this Part to leave a bus may be removed from the bus by a police officer.

Lost property

30. (1) A person who finds any article in a bus:

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

Maximum penalty: 5 penalty units.

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

PART 4—MISCELLANEOUS**Authorised officer may demand name and address**

31. (1) An authorised officer who suspects that the driver of a bus, or a passenger in a bus, has contravened a provision of this Regulation may direct the person to provide his or her full name and residential address to the authorised officer.

(2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 2 penalty units.

(3) A person is not guilty of an offence under this clause unless the person was warned, when the direction was given, that failure to comply with the direction would constitute an offence.

Penalty notice offences

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

- (a) each offence 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 the amount specified in Column 3 of Schedule 1; and
- (c) each person referred to in subclause (2) is an authorised officer.

1995—No. 420

(2) The following persons are authorised officers for offences arising under this Regulation:

- (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 relevant Authority.

Short descriptions

33. (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.

SCHEDULE 1—PENALTY NOTICE OFFENCES

(Cl. 32, 33)

Column 1 Provision	Column 2 Short description	Column 3 Penalty
Clause 6 (1)	transfer ticket.....	\$100
Clause 7	alter/deface tickat/make ticket illegible/inoperative...	\$100
Clause 8	travel/attempt to travel on bus while not in possession of a ticket.....	\$100

1995—No. 420

Column 1	Column 2	Column 3
Provision	Short description	Penalty
Clause 9 (1)	use concession ticket while not entitled	\$100
Clause 9 (3)	fail to produce evidence of entitlement to concession	
Clause 9 (5)	supply false particulars for concession purposes	\$100
Clause 10	fail to make ticket available for inspection	\$100
Clause 11 (1)	fail to offer ticket for processing	\$100
Clause 12 (1)	wilfully interfere with comfort/safety of person on bus	
Clause 14 (1)	drink alcohol on bus	\$100
Clause 15 (1)	smoke in prohibited place on bus	\$100
Clause 15 (2)	eat/drink in prohibited place on bus	\$100
Clause 16 (1)	carry out unauthorised commercial activity on bus.	
Clause 17	enter/leave bus in motion/through window	\$100
Clause 18 (1)	board bus at unscheduled stop	\$100
Clause 18 (2)	leave bus at unscheduled stop	\$100
Clause 19	interfere with equipment on bus/block/unlock/open/ interfere with bus door	\$100
Clause 20	throw object/thing in/from bus	\$100
Clause 21 (1)	enter driver's compartment of bus	\$100
Clause 22 (1)	travel on portion of bus not intended for passengers	\$100
Clause 23 (1)	remove State Transit Authority/State Rail Authority property from bus	\$100 \$100
Clause 24	deposit litter/dangerous thing in bus	\$100
Clause 25 (1)	take animal on bus without authority	\$100
Clause 26 (2)	fail to comply with direction not to enter/to leave bus due to luggage/clothing	\$100
Clause 27 (2)	fail to comply with direction not to enter/to leave bus when intoxicated/ondrugs/causing an nuisance/causing annoyance	\$100
Clause 28 (2)	fail to leave bus when directed	\$100
Clause 30 (1)	fail to return lost property/give lost property to authorised officer	\$100

NOTES**TABLE OF PROVISIONS****PART 1—PRELIMINARY**

1. Citation
2. Commencement
3. Application
4. Definitions

PART 2—TICKETS

5. Validity of tickets
6. Tickets not transferable
7. Alteration or defacement of tickets prohibited
8. Valid ticket required for travel
9. Concession tickets
10. Inspection of tickets
11. Tickets to be offered for collection or processing

PART 3—CONDUCT OF PASSENGERS

12. Conduct generally
13. Seating for aged or disabled people
14. Drinking of alcohol generally prohibited
15. Smoking, eating and drinking
16. No unauthorised commercial activities
17. Entry to and exit from buses
18. Limited stop buses
19. No interference with bus equipment
20. Throwing objects
21. No entry to driver's compartment of bus
22. Travel not allowed on certain parts of bus
23. STA or SRA property not to be removed
24. No littering
25. Animals
26. Luggage and soiled clothing
27. Passengers who are intoxicated
28. Leaving bus when directed
29. Removal of persons from buses
30. Lost property

PART 4—MISCELLANEOUS

31. Authorised officer may demand name and address
32. Penalty notice offences
33. Short descriptions

SCHEDULE 1—PENALTY NOTICE OFFENCES

EXPLANATORY NOTE

The object of this Regulation is to remake, with minor changes, the provisions of the Transport Administration (Government Bus and Ferry Services) Regulation 1989 that relate to bus offences. The new Regulation deals with the following matters:

- (a) the issue, validity and inspection of bus tickets for bus services conducted by the State Transit Authority or the State Rail Authority (Part 2);
- (b) the conduct of passengers on buses operated by those Authorities (Part 3);
- (c) other matters of a minor, consequential or ancillary nature (Parts 1 and 4).

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

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