

Transport (Infringements) Regulations 1990 No. 197

Anstat consolidation incorporating amendments
up to S.R. 1995 No. 189

PART 1—PRELIMINARY

101. Title

These Regulations are the Transport (Infringements) Regulations 1990.

102. Commencement



These Regulations come into operation on the commencement of section 42 of the **Crimes Legislation (Miscellaneous Amendments) Act 1989**.

103. Authorising provision

R.103 Am. by S.R.
1994/221 r.5.



These Regulations are made under sections 215 and 215G of the **Transport Act 1983**.

104. Objective

R.104 Am. by S.R.
1994/221 r.6.

The objective of these Regulations is to prescribe transport and safety work infringements and associated procedural matters.

105. Revocation

The Transport (Infringements) Regulations 1984 are revoked, to the extent that those Regulations have not previously been revoked.



PART 2—INFRINGEMENTS

R.201 Subst. by
S.R. 1994/91 r.4.

201. Definitions

In this Part—

“the Act” or “T.A.” means the **Transport Act 1983**;

“PTCR” means the Transport (Public Transport Corporation) Regulations 1994.

202. Offences

- (1) For the purposes of Part 7 of the Act, the prescribed offences are the offences set out in Column 2 of the following Table.
- (2) For the purposes of sections 212(5) and 215B(5) of the Act, the penalty prescribed for a prescribed offence is the amount set out opposite the prescribed offence in Column 4 of the following Table.
- (3) A description of an offence in Column 2 opposite a provision specified in Column 3 is for convenience of reference only and is not to be taken to affect the nature or elements of the offence to which such a description refers or the operation of these Regulations.

R.202(2) Am. by
S.R. 1994/221
r.7(a).

R.202 Table Am. by
S.R. 1992/106
r.5(a)–(e), Subst. by
S.R. 1994/91 r.5,
Am. by S.R.
1994/221 r.7(b),
1995/189
rr.5(a)–(h),
6(a)(b), 7.

TABLE
LIST OF INFRINGEMENTS

Column 1 Code	Column 2 Short Description of Offence	Column 3 Reference	Column 4 Penalty
			\$
	Ticket Offences		
3100	Fail to produce evidence of concession	T.A. s.221(4A)	100
3102	Expired ticket	PTCR r.202	100
3103	Transfer ticket to another person	PTCR r.204	100
3104	Make journey without valid ticket	T.A. s.221(3)	100
3105	Remain in vehicle or on premises without ticket having been requested to leave	PTCR r.324(2)	100
3106	Unable to produce valid ticket while making journey	T.A. s.221(4)	100

Transport (Infringements) Regulations 1990 No. 197

Column 1 Code	Column 2 Short Description of Offence	Column 3 Reference	Column 4 Penalty
			\$
Behaviour Offences			
3120	Distribute hand bills, busk, or solicit money	PTCR r.325(c)(d)(e)	100
3121	Play a musical instrument or radio	PTCR r.301(1)(b)	100
3122	Trespass	T.A. s.223	135
3123	Fail to give correct name and address	T.A. s.218B(4)(a)	100
3124	Refuse to give name and address	T.A. 218B(4)(a)	100
3125	Unauthorised operation of equipment or vehicle	PTCR r.302(a)	50
3126	Failure to place luggage or goods as directed by employee	PTCR r.327	50
3127	Unauthorised hawking, selling, touting or soliciting	PTCR r.325(a)(b)(d)	100
3128	Ride bicycle, skateboard or skates on vehicle, platform or other property	PTCR r.301(2)(a)	100
Offensive Behaviour			
3140	Smoke in carriage or on premises	T.A. s.222(1)	100
3141	Open lock or locked door of vehicle	PTCR r.305(a)	100
3142	Lock unlocked door of vehicle	PTCR r.305(b)	100
3143	Cause vehicle to be stopped	PTCR r.304	75
3144	Drink intoxicating liquor	PTCR r.317	200
3145	Remain on platform or in certain parts of vehicle after request to refrain	PTCR r.324(2)	50
3146	Create obstruction	PTCR r.315	50
3147	Indecent/offensive language or gesture	PTCR r.301(3)(a)	100
3148	Radio/Tape recorder/television playing and causing annoyance	PTCR r.301(1)(b)	100
3149	Unauthorised exit/entry	PTCR r.309(1)	100
3150	Interfere with gates or doors on premises	PTCR r.305(c)	100
3151	Light/extinguish lamps	PTCR r.302(b)	100
3152	Spit	PTCR r.316	50
3153	Driver fail to obey reasonable direction	PTCR r.321(a)	50
3154	Offender refuse to leave	PTCR r.324(2)	50
3155	Consign motor vehicles etc. not drained of fuel	PTCR r.311	50

Transport (Infringements) Regulations 1990 No. 197

Column 1 Code	Column 2 Short Description of Offence	Column 3 Reference	Column 4 Penalty
			\$
3156	Litter	PTCR r.301(1)(c)	100
3157	Adult allow child to offend	PTCR r.326	25
3158	Articles on seats which prevent another from using seat	PTCR r.318	25
Offences Causing Danger			
3170	Travel on part of vehicle not meant for travel	PTCR r.309(2)	100
3171	Apply brake or emergency device	PTCR r.303	100
3173	Drive in a dangerous manner	PTCR r.321(c)	100
3175	Speed while driving	PTCR r.321(b)	100
3176	Explosives and other dangerous articles	PTCR r.310(1)	50
3178	Disorderly or offensive behaviour	PTCR r.301(4)(a)	100
3179	Interfere with doors of vehicle	PTCR r.306	100
3180	Interfere with equipment	PTCR r.302(a)	100
3181	Cross lines while gates closed	PTCR r.308(1)(a)	200
3182	Cross against signals	T.A. s.222(3)(ca)	200
3183	Cross against employees direction	PTCR 308(1)(c)	200
3184	Heavy vehicle cross tracks	PTCR r.322(1)	100
3185	Vehicle likely to cause obstruction	PTCR 322(1)(c)	100
3186	Board or leave carriage in motion or attempt	T.A. s.222(3)(a)	135
3187	Protrude part of body from carriage in motion	T.A. s.222(3)(b)	135
3188	Cross line other than at crossing place or attempt to cross	T.A. s.222(3)(c)	200
3189	Pedestrian cross line or attempt when warning device in operation	T.A. s.222(3)(d)	200
3190	Enter or leave wrong side of road vehicle	PTCR r.309(1)	50
3191	Cross pit between platforms	PTCR r.307	200
Offences Causing Damage			
3200	Write or draw on vehicle or premises	PTCR r.301(3)(d)	100
3201	Damage property	PTCR r.301(4)(b)	100
3202	Light fire	PTCR r.312(a)	100
3203	Bring burning substance onto vehicle or premises	PTCR r.312(c)	100
3204	Throw burning substance	PTCR r.312(d)	100

Transport (Infringements) Regulations 1990 No. 197

Column 1 Code	Column 2 Short Description of Offence	Column 3 Reference	Column 4 Penalty
			\$
	Offences Causing Damage		
3205	Feet on furniture or other part of carriage or premises other than the floor	T.A. s.222(3)(e)	100
3206	Over dimensional vehicle cross tracks	PTCR r.322(2)	100
	Safety Work Offence		
3220	Carry out safety work with unlawful blood alcohol level	T.A. s.94(1)(a)	240

203. Service of transport infringement notice or safety work infringement notice

R.203 Am. by S.R. 1994/221 r.8(1).

A transport infringement notice or safety work infringement notice may be served—

- (a) by personally serving the notice upon the alleged offender; or
- (b) by sending the notice by post addressed to the alleged offender at his or her last known place of residence or business.

204. Form of transport infringement notice or safety work infringement notice

- (1) A transport infringement notice or safety work infringement notice is in the prescribed form if it refers to the fact that it is an infringement notice in relation to a transport offence or a safety work offence.

R.204(1) Am. by S.R. 1994/221 r.8(2)(a)(b).

- (2) The particulars that a transport infringement notice or safety work infringement notice must contain are—
 - (a) the date on which the notice is issued;
 - (b) the number of the notice;
 - (c) the name and address of the person alleged to have committed the infringement;
 - (d) the date and approximate time and place of commission of the infringement;
 - (e) if the infringement arises out of the operation or being in charge of a motor vehicle, the registered number or other identification of the vehicle;

R.204(2) Am. by S.R. 1994/221 r.8(3)(a).

Transport (Infringements) Regulations 1990 No. 197

R.204(2)(h) Am. by
S.R. 1994/221
r.8(3)(a)(b).

- (f) a brief description of the kind of infringement alleged to have been committed;
- (g) the amount of the penalty prescribed in regulation 202 in respect of the infringement;
- (h) a statement to the effect that if the amount of the penalty is paid on time, the matter will not be brought before a court unless, before the expiration of the period specified in the notice as the time for payment of the penalty, a member of the police force or an authorised officer (as the case may be) gives notice that the transport infringement notice or safety work infringement notice has been withdrawn; and
- (i) the signature of the member of the police force or authorised officer (as the case may be) by whom the notice was issued.

R.204(2)(i) Am. by
S.R. 1994/221
r.8(3)(c).

R.205 Am. by S.R.
1994/221 r.8(4).

205. Service of notice of withdrawal of transport infringement notice or safety work infringement notice

A notice of withdrawal of a transport infringement notice or safety work infringement notice may be served—

- (a) by personally serving the notice upon the alleged offender;
- (b) by sending the notice by post addressed to the alleged offender at his or her last known place of residence or business.

R.206 Am. by S.R.
1994/221
r.8(5)(a)(b).

206. Form of notice of withdrawal of transport infringement notice or safety work infringement notice

A notice of withdrawal of a transport infringement notice or safety work infringement notice is in the prescribed form if it is signed by a member of the police force or an authorised officer (as the case may be) and includes—

- (a) the name and address of the person on whom the transport infringement notice or safety work infringement notice was served;
- (b) the number and date of issue of the transport infringement notice or safety work infringement notice;

R.206(a) Am. by
S.R. 1994/221
r.8(5)(a).

R.206(b) Am. by
S.R. 1994/221
r.8(5)(a).

Transport (Infringements) Regulations 1990 No. 197

- (c) a statement that the transport infringement notice or safety work infringement notice has been withdrawn;
- (d) if it is intended that court proceedings may be instituted against the person in respect of the alleged infringement, a statement to that effect; and
- (e) if the payment has been made in respect of the infringement penalty, a statement as to the refund of the amount paid.

R.206(c) Am. by
S.R. 1994/221
r.8(5)(a).

207. Payment of penalty

R.207 Am. by S.R.
1994/221 r.8(6).

Payment of a penalty under section 213 or 215B(6) of the Act may be made by sending the amount of the penalty by post or delivering it to the address specified in the notice as the address for payment of the penalty.

208. Proof of prior convictions

- (1) A document setting out particulars of alleged prior convictions served under section 214 or section 215F of the Act is in the prescribed form if it sets out—
 - (a) the name and address of the person to whom it applies; and
 - (b) in respect of each alleged prior conviction, a statement of the court at which the person is alleged to have been convicted, the date of the alleged conviction, a short description of the alleged offence and a short description of the alleged penalty imposed.
- (2) A notice which is required to be endorsed on a document served under section 214(2) or section 215F(2) of the Act must state that if the person does not appear in answer to the summons served with the notice and if the person is convicted of the infringement alleged in the summons, the document will be admissible as evidence that the person has been convicted previously as alleged.

R.208(1) Am. by
S.R. 1994/221
r.8(7)(a).

R.208(2) Am. by
S.R. 1994/221
r.8(7)(b).

Transport (Infringements) Regulations 1990 No. 197

NOTES

1. Making, operational and sunset dates

The Transport (Infringements) Regulations 1990, S.R. 1990/197, were made on 31 July 1990 by the Governor in Council under section 215 of the **Transport Act 1983**, No.9921, and came into operation on 8 August 1990: r.102.

The Transport (Infringements) Regulations 1990 will sunset 10 years after the day of making on 31 July 2000 (see section 5 of the **Subordinate Legislation Act 1994**).

2. This consolidation incorporates amendments made to the Transport (Infringements) Regulations 1990 by statutory rules, subordinate instruments and Acts as required by section 18 of the Subordinate Legislation Act 1994.

Name	No.	Date of Making	Date of Commencement
Transport (Infringements) (Amendment) Regulations 1992	1992/106	10.6.92	15.6.92: r.2
Transport (Infringements) (Amendment) Regulations 1994	1994/91	28.6.94	28.6.94
Transport (Infringements) (Safety Work Infringement) Regulations 1994	1994/221	20.12.94	1.1.95: r.3
Transport (Infringements) (Amendment) Regulations 1995	1995/189	19.12.95	1.1.96: r.3

3. Regulation headings appear in bold and are not part of the Regulation. (See Interpretation of Legislation Act 1984.)

4. Where uncommenced amendments are incorporated in the text of this Regulation, matter to be omitted is in blue double underlined type and matter to be inserted is in red single underlined type.

5. R.105: S.R. 1984/194 as amended by S.R. 1985/54, and revoked in part by S.R. 1988/28.

Transport (Infringements) Regulations 1990 No. 197

Anstat consolidation incorporating amendments
up to S.R. 1995 No. 189

TABLE OF PROVISIONS

PART 1—PRELIMINARY

- 101. Title
- 102. Commencement
- 103. Authorising provision
- 104. Objective
- 105. Revocation

PART 2—INFRINGEMENTS

- 201. Definitions
- 202. Offences
- 203. Service of transport infringement notice or safety work
infringement notice
- 204. Form of transport infringement notice or safety work
infringement notice
- 205. Service of notice of withdrawal of transport infringement notice
or safety work infringement notice
- 206. Form of notice of withdrawal of transport infringement notice or
safety work infringement notice
- 207. Payment of penalty
- 208. Proof of prior convictions

NOTES