

TR302*

Public Transport Authority Act 2003

Public Transport Authority Amendment Regulations 2008

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Public Transport Authority Amendment Regulations 2008*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. The regulations amended

The amendments in these regulations are to the *Public Transport Authority Regulations 2003*.

4. Regulation 43 amended

Regulation 43 is amended as follows:

- (a) after paragraph (g) the following paragraph is inserted —

“

- (ga) the person is in or on Authority property, without reasonable excuse, in contravention of a prohibition order given to the person under regulation 43A(4); or

”;

- (b) after each of paragraphs (a) to (g) by inserting —
“ or ”.

5. Regulations 43A and 43B inserted

After regulation 43 the following regulations are inserted —

“

43A. Prohibiting people from being on or in a conveyance or facility

- (1) For the purposes of this regulation, an offence is a relevant offence if it is an offence specified in subregulation (2).
- (2) The specified offences are —
- (a) an offence under *The Criminal Code* section 313, 317 or 318(1)(d) or (g) committed on or in a conveyance or facility;
 - (b) an offence under *The Criminal Code* section 444 committed in relation to Authority property, a conveyance or a facility;
 - (c) an offence under the *Government Railways Act 1904* section 43(5) committed on or in a conveyance or facility and involving behaving in a violent or offensive manner to the annoyance of others;
 - (d) an offence under regulation 40;
 - (e) an offence under regulation 42 committed when regulation 41(g) was the paragraph relevant to the belief on the grounds of which the offender was advised.
- (3) If the chief executive officer proposes to give a person a prohibition order under subregulation (4), the chief executive officer must, by written notice, give the offender 14 days beginning on the date of the notice to show cause —
- (a) why the order should not be given to the offender; and

- (b) why the order should specify circumstances (an “exception”) in which the offender may be on or in a conveyance or facility despite the person being prohibited from being on or in a conveyance or facility for the period specified in the order.
- (4) If a person has been found guilty of or pleaded guilty to —
- (a) at least 2 relevant offences committed within a period of 12 months beginning on the day on which the first offence was committed; or
 - (b) 3 or more relevant offences committed within a period of 18 months beginning on the day on which the first offence was committed,
- and the offences do not arise from the same acts or circumstances, the chief executive officer may give the person (the “offender”) an order (a “prohibition order”), in a form approved in writing by the chief executive officer, prohibiting the offender from being on or in a conveyance or facility for the period and subject to any exception specified in the order.
- (5) The period specified in the order —
- (a) must not exceed one month if the offender has been found guilty of or pleaded guilty to not more than 2 relevant offences committed within a period of 12 months beginning on the day on which the first offence was committed; and
 - (b) must not exceed 3 months if the offender has been found guilty of or pleaded guilty to more than 2 relevant offences committed within a period of 18 months beginning on the day on which the first offence was committed.
- (6) On the application of an offender the subject of a prohibition order, the chief executive officer may —
- (a) revoke the order; or
 - (b) make the order subject to an exception; or
 - (c) amend any exception to which the order is subject.

43B. Contravention of prohibition order

A person who, without reasonable excuse, contravenes a prohibition order given to the person under regulation 43A(4) commits an offence.

Penalty: a fine of \$2 000.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.