

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.

By Command of the Governor,

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