

House of Assembly—No 146

As laid on the table and read a first time, 9 June 2021

South Australia

**Passenger Transport (Transit Barring Orders)
Amendment Bill 2021**

A BILL FOR

An Act to amend the *Passenger Transport Act 1994*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Passenger Transport Act 1994*

- 3 Insertion of section 56A
56A Transit barring orders—fare evasion
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Passenger Transport (Transit Barring Orders) Amendment Act 2021*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Passenger Transport Act 1994*

3—Insertion of section 56A

After section 56 insert:

56A—Transit barring orders—fare evasion

- (1) This section applies to a person who expiates a fare evasion offence and has, within the preceding period of 10 years, expiated at least 2 other fare evasion offences.
- (2) Subject to this section, an authorised person may, by order (a *transit barring order*) served on a person to whom this section applies, bar the person from—
 - (a) boarding or travelling on—
 - (i) specified classes of public transport; or
 - (ii) all public transport other than as specified by the order; or
 - (iii) all public transport; or
 - (b) entering or remaining on—
 - (i) specified prescribed premises; or
 - (ii) specified classes of prescribed premises; or

(iii) all prescribed premises other than as specified by the order; or

(iv) all prescribed premises,

for a specified period (not exceeding 3 months).

5 (3) A transit barring order under this section must be served on the person personally and is not binding on the person until it has been so served.

10 (4) An authorised person may provide a regular passenger service operator with information about a person (including photographic and other information that may identify the person) for the purpose of identifying a person who has been barred from public transport or prescribed premises by order under this section.

(5) An authorised person may vary or revoke a transit barring order by subsequent order served on the person.

15 (6) A person who contravenes a transit barring order issued under this section is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$210.

20 (7) In proceedings for an offence against this section, a certificate apparently signed by an authorised person stating that a person was barred from public transport or prescribed premises under this section for the period specified in the certificate will be accepted, in the absence of proof to the contrary, as proof of the matters stated in the certificate.

25 (8) The regulations may authorise the making of transit barring orders in other circumstances prescribed by the regulations (and may make any other provision in relation to such orders).

(9) In this section—

authorised person means—

30 (a) an authorised officer under section 53; or

(b) a person authorised by the Minister to exercise the powers of an authorised person under this section; or

(c) an employee of a regular passenger service operator; or

35 (d) the driver of a regular passenger service vehicle (whether or not an employee of the operator); or

(e) a police officer;

fare evasion offence means an offence under the regulations relating to the payment of correct fare, or purchase or validation of a ticket, for travel on a regular passenger service vehicle.