

SOUTH AUSTRALIA

STATE TRANSPORT AUTHORITY REGULATIONS, 1989

REGULATIONS UNDER THE STATE TRANSPORT AUTHORITY ACT, 1974

State Transport Authority Regulations, 1989

being

No. 145 of 1989: *Gaz.* 20 July 1989, p. 147¹

as varied by

No. 176 of 1989: *Gaz.* 21 September 1989, p. 917

No. 148 of 1990: *Gaz.* 12 July 1990, p. 286

¹ Came into operation 1 October 1989: reg. 2.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix 1.

PART I

PRELIMINARY

Short title

1. These regulations may be cited as the *State Transport Authority Regulations, 1989*.

Commencement

2. These regulations will come into operation on 1 October, 1989.

Revocation of prior regulations

3. The following regulations are revoked:

(a) the *State Transport Authority Regulations, 1983* (No. 201 of 1983, see *Gazette*, 22 December, 1983, p. 1752) as varied;

and

(b) all regulations previously made under the *Railways Act, 1936*.

Interpretation

4. In these regulations—

"the Act" means the *State Transport Authority Act, 1974*:

"authorized person" means—

(a) an employee of the Authority;

or

(b) a person who is authorized by the Authority to exercise the powers of an authorized person under these regulations:

"the Authority's premises" means any land, building or structure owned or leased by the Authority:

"busway" means that part of a public transport system constructed or set apart for the exclusive passage of buses and authorized vehicles:

"passenger station" means any building, structure or place at which passengers board, or alight from, passenger vehicles:

"passenger vehicle" means any train, bus, tram or other means of conveyance used by the Authority for the carriage of passengers:

* * * * *

"student identification card" means a non-transferable card issued to a student and approved by the Authority, entitling the holder to travel on passenger vehicles free of charge or at concessional fares fixed by the Authority:

3.

"ticket" means a ticket issued or approved by the Authority, entitling the holder to travel on a passenger vehicle in accordance with the information encoded or printed on the ticket:

"ticket validating equipment" or "ticket validator" means equipment owned or operated by the Authority for the purposes of encoding or printing information on tickets and scanning information previously encoded on tickets:

"travel concession card" means a non-transferable concession card issued or accepted by the Authority, entitling the holder to travel on passenger vehicles at concessional fares fixed by the Authority:

"to validate" means to insert a ticket in a ticket validator so that it may be encoded, printed or scanned; and "validated" has a corresponding meaning.

Note: For definition of divisional penalties see Appendix 2.

4.

PART II

CONDUCT OF PASSENGERS AND OTHERS

Inspection of tickets

5. A person—

(a) who has boarded a passenger vehicle;

or

(b) who is at a passenger station and apparently intends to board a passenger vehicle,

must forthwith hand over to an authorized person his or her ticket, student identification card or travel concession card for validation or inspection, when requested to do so by the authorized person.

Penalty: Division 10 fine.

Validation of tickets

6. (1) A person who obtains a ticket must validate his or her ticket each time that he or she boards a passenger vehicle.

Penalty: Division 10 fine.

(2) In proceedings for an offence against subregulation (1), it is a defence to prove that the failure by the defendant to validate his or her ticket was attributable to honest inadvertence on the defendant's part.

Invalid tickets, etc.

7. (1) If an authorized person suspects on reasonable grounds—

(a) that a person has presented an invalid ticket, student identification card or travel concession card for inspection;

or

(b) that a person is using an identification card or travel concession card that has not been issued for his or her use,

the authorized person may require that person to hand over that ticket or card forthwith.

(2) A person who fails to comply with a requirement under subregulation (1) is guilty of an offence.

Penalty: Division 9 fine.

Nuisances and annoyances

8. (1) A person must not, while in a passenger vehicle or at the Authority's premises, commit any nuisance or act in a way that is likely to interfere with the comfort of, or disturb or annoy, any person.

Penalty: Division 10 fine.

(2) A person must not, without the consent of an authorized person, take into a passenger vehicle or onto the Authority's premises any article that is likely to cause obstruction or annoyance.

Penalty: Division 10 fine.

(3) A person must not, without the consent of an authorized person, play any musical instrument, radio, tape player or other instrument or device capable of emitting sound while in a passenger vehicle or at the Authority's premises.

Penalty: Division 10 fine.

Prohibition of smoking

9. A person must not smoke in a passenger vehicle.

Penalty: Division 10 fine.

Consumption of alcohol

10. A person must not consume alcohol in a passenger vehicle or at the Authority's premises except in areas specifically set apart for that purpose by the Authority.

Penalty: Division 10 fine.

Consumption of food, etc.

11. A person must not consume food or drink in a passenger vehicle after being requested not to do so by an authorized person.

Penalty: Division 10 fine.

Use of seats

12. A person must not stand on, or place a foot on or against, a seat in a passenger vehicle or at the Authority's premises.

Penalty: Division 10 fine.

Unoccupied seats

13. A person must not prevent or deter any other person from occupying an unoccupied seat in a passenger vehicle or at the Authority's premises.

Penalty: Division 10 fine.

Occupying non-carriage areas in vehicles

14. A person must not occupy any stairway, step, entrance platform or exit platform, or any part of a passenger vehicle designated by the Authority as a prohibited area—

(a) while the vehicle is in motion;

or

(b) contrary to stipulations contained in a notice affixed on or near the relevant part of the vehicle.

Penalty: Division 10 fine.

Obstruction of passengers, etc.

15. A person must not obstruct the entrance or exit of passengers from a passenger vehicle, or refuse to move, when requested to do so by an authorized person.

Penalty: Division 10 fine.

Objects, etc., protruding from vehicles

16. A person must not allow any part of his or her body, or any object, to protrude from any window, door or other opening of a passenger vehicle.

Penalty: Division 10 fine.

Interference with equipment, etc.

17. A person must not, without lawful authority—

(a) interfere with the controls of, or any equipment installed in, or attached to, any of the Authority's vehicles;

or

(b) interfere with any ticket validating equipment.

Penalty: Division 9 fine.

Throwing of objects from vehicles, etc.

18. (1) A person must not throw or catapult any object while in a passenger vehicle or at the Authority's premises.

Penalty: Division 9 fine.

(2) A person must not throw or catapult an object from a passenger vehicle, or at a passenger vehicle.

Penalty: Division 9 fine.

Boarding or alighting from vehicles in motion

19. A person must not board or alight from, or attempt to board or alight from, a passenger vehicle while it is in motion.

Penalty: Division 10 fine.

Unlawful boarding of vehicles

20. A person must not, without lawful authority—

(a) board or alight from a passenger vehicle through a window;

(b) board a bus through any doors marked by the Authority as "EXIT ONLY" doors;

or

(c) open a locked door of a passenger vehicle.

Penalty: Division 9 fine.

Prohibition of animals in vehicles

21. (1) Subject to subregulation (2), a person must not, without the authority of an authorized person, bring an animal on board a passenger vehicle.

Penalty: Division 10 fine.

(2) This regulation does not apply in relation to a guide dog or hearing dog accompanying a person with a sight or hearing impairment.

Reserved seats

22. A person, while in a passenger vehicle or at the Authority's premises, must not occupy a seat that is reserved for aged or physically impaired persons so as to prevent an aged or physically impaired person from occupying such a seat.

Penalty: Division 10 fine.

Persons under 21 years to surrender seats in favour of adults

23. A person under the age of 21 years who is seated in a passenger vehicle and who is travelling on the vehicle free of charge must surrender his or her seat to an adult who would not otherwise obtain a seat.

Penalty: Division 12 fine.

Abandoned goods

24. A person who takes possession of goods left in a passenger vehicle or at the Authority's premises must forthwith deliver the goods to an authorized person.

Penalty: Division 9 fine.

Removal of goods

25. A person must not, without lawful authority, remove from a passenger vehicle or the Authority's premises any goods entrusted to the Authority for carriage.

Penalty: Division 9 fine.

Motor vehicles, etc.

26. (1) A person must not drive, ride, park or leave standing any motor vehicle on any part of the Authority's premises that is not set aside by the Authority for the use of motor vehicles.

Penalty: Division 9 fine.

(2) A person who drives or rides a motor vehicle on the Authority's premises must—

(a) comply with any reasonable directions of an authorized person;

and

(b) obey any speed restrictions, traffic control signs or parking control signs displayed on the premises.

Penalty: Division 10 fine.

Pedal cycles, skateboards, etc.

27. A person must not, without the consent of the Authority—

(a) ride a pedal cycle, scooter, skateboard, roller-skates or similar device;

or

(b) ride, lead or tether any animal,

on the Authority's premises.

Penalty: Division 10 fine.

Pedestrians

28. A pedestrian must not, without the consent of an authorized person, enter or remain on any part of the Authority's premises that is not set aside for use by pedestrians.

Penalty: Division 9 fine.

Duty of pedestrians at pedestrian crossings

29. (1) In this regulation—

"pedestrian crossing" means a place designated by the Authority as a place where pedestrians may pass over a busway, railway or tramway:

"traffic lights" means signals for controlling traffic by means of illuminated signs.

9.

(2) A pedestrian must not enter or remain on a pedestrian crossing—

- (a) when any vehicle with which he or she may collide is approaching along the busway, railway or tramway, or is on the crossing;
 - (b) if warned not to do so by an authorized person or a member of the police force;
- or
- (c) while any warning device at or near the crossing is oscillating or emitting sounds or flashing lights or while the crossing is closed against traffic by gates or barriers, unless he or she is directed by any such authorized person or member of the police force to proceed across the crossing.

Penalty: Division 9 fine.

(3) A pedestrian must not remain within the limits of a pedestrian crossing any longer than is reasonably necessary for the purpose of passing over the crossing.

Penalty: Division 9 fine.

(4) Where a pedestrian crossing is controlled by traffic lights, a pedestrian must comply with any instructions applicable to the pedestrian that are indicated by the traffic lights or any signs exhibited with the traffic lights.

Penalty: Division 9 fine.

Obeying directions, signs, etc.

30. A person who is in any passenger vehicle, or in or on the Authority's premises, must—

- (a) comply with any reasonable directions of an authorized person;
- and
- (b) obey any signs displayed in the vehicle or in or on the premises by the Authority.

Penalty: Division 9 fine.

Rubbish and other abandoned property

31. (1) A person must not, without the consent of the Authority—

- (a) deposit any garden refuse on the Authority's premises;
 - (b) deposit any rubbish in any of the Authority's vehicles or on the Authority's premises except in receptacles provided for that purpose;
- or
- (c) set fire to any garden refuse or rubbish on the Authority's premises.

Penalty: Division 9 fine.

10.

(2) A person must not abandon any other property (not being a motor vehicle) on any of the Authority's vehicles or on the Authority's premises.

Penalty: Division 9 fine.

(3) Subject to subregulation (6), where property (other than rubbish or a motor vehicle) is found on any of the Authority's vehicles or on the Authority's premises, the Authority must hold the property for at least three months.

(4) Any property held under subregulation (3) will be handed over to a person—

(a) who supplies proof of ownership that is satisfactory to an authorized person;

and

(b) who pays such fees as may be fixed by the Authority from time to time.

(5) Any property that is not claimed within three months may be sold by the Authority and the proceeds applied towards the administrative costs of maintaining a Lost Property Office.

(6) Any perishable goods left or abandoned on a vehicle or on the Authority's premises may be disposed of by the Authority as it thinks fit.

Abandoned vehicles

32. (1) A person must not leave a motor vehicle unattended on the Authority's premises except in an area set aside for the parking of motor vehicles.

Penalty: Division 10 fine.

(2) A person must not abandon a motor vehicle on the Authority's premises.

Penalty: Division 9 fine.

(3) An employee of the Authority may remove a motor vehicle left or abandoned in contravention of this regulation and for that purpose, may enter the vehicle and drive it, or arrange for it to be towed, driven or taken, to a convenient place.

(4) As soon as practicable after removal of a motor vehicle, the Authority will give the owner of the vehicle notice of the removal and of the place to which the vehicle was removed.

(5) The notice may be given—

(a) by post;

or

(b) if the identity or whereabouts of the owner is unknown—by publication in a newspaper circulating generally in the State.

(6) If the owner of the motor vehicle does not, within one month after such a notice is given, pay all expenses in connection with the removal, custody and maintenance of the vehicle and of proceedings under this regulation, the Authority may sell it by public auction and apply the proceeds as follows:

- (a) firstly, in payment of the costs of, and incidental to, the sale;
- (b) secondly, in payment of the costs of, and incidental to, the removal, custody and maintenance of the vehicle and of proceedings under this regulation;

and

- (c) thirdly, in payment of the balance to the owner.

(7) If, after reasonable inquiry, the owner cannot be found, the balance must be paid to the Treasurer as unclaimed money.

Sale of goods

33. A person must not, without the consent of the Authority, sell, or offer for sale, any article or thing in any passenger vehicle or on the Authority's premises.

Penalty: Division 10 fine.

Sale, etc., of liquor

34. Section 123 of the *Liquor Licensing Act, 1985*, modified as set out in the schedule, applies to, or in relation to, the sale, supply or consumption of liquor at places at which the Authority sells or supplies liquor.

Behaviour of children in company of adults

35. Where a child is accompanied by an adult in a passenger vehicle or at the Authority's premises, that adult must take reasonable steps to prevent the child from acting contrary to these regulations.

Penalty: Division 10 fine.

Removal of persons

36. (1) An authorized person may request a person to leave a passenger vehicle or the Authority's premises if—

- (a) the person commits an offence against the Act or these regulations;
- (b) the person appears to be intoxicated or under the influence of a drug;
- (c) the person is not properly dressed, or the condition of the person or the person's clothing or the nature or condition of anything carried by the person is such as would cause justified offence to other persons or is likely to soil any part of the vehicle or premises.

12.

(2) An authorized person may request a person to leave a passenger vehicle if—

(a) when the person entered the vehicle, it displayed a "FULL" sign or was fully loaded with passengers;

or

(b) the person refuses, or is unable, to pay the appropriate fare or charge.

(3) A person who fails to comply immediately with a request under this regulation is guilty of an offence.

Penalty: Division 9 fine.

(4) Where a person who is requested by an authorized person to leave a passenger vehicle or the Authority's premises fails to comply with that request, the authorized person and any persons whom the authorized person may call on to assist may exercise reasonable force to remove the person.

(5) A person removed from a passenger vehicle or premises pursuant to this regulation is not entitled to a refund of any fare or charge.

Authority may require particulars

37. (1) An authorized person may request a person whom the authorized person finds committing, or has reasonable cause to suspect of having committed, an offence against the Act or these regulations to state—

(a) his or her full name and address;

and

(b) if relevant, his or her date of birth.

(2) Where the authorized person has reasonable cause to suspect that the name, address or date of birth stated by a person in response to a request under subregulation (1) is false, the authorized person may request the person to produce to the Authority within a stated time, evidence of the person's name, address or date of birth.

(3) A person who—

(a) fails to comply with a request under subsection (1) or (2);

(b) states a name, address or date of birth that is false in any particular;

or

(c) produces false evidence in relation to his or her name, address or date of birth,

is guilty of an offence.

Penalty: Division 9 fine.

Expiation fee

38. For the purposes of section 29(2) of the Act, the expiation fee for an offence against section 27 of the Act or against any of these regulations (except regulation 24, 25 or 37) is—

(a) if the offender is aged 15 or more but less than 18 years—\$20;

(b) if the offender is aged 18 or more years—

(i) \$50;

or

(ii) one-fifth of the maximum fine for the offence,

whichever is the lesser.

14.

SCHEDULE

(regulation 34)

Liquor Licensing Act, 1985 (as modified)

Power to require minors to leave certain places

123. (1) Where an authorized person suspects on reasonable grounds that a person at a place at which the Authority sells or supplies liquor—

(a) is under the age of 18 years;

and

(b) is there for the purpose of consuming liquor,

the authorized person may require that person to leave that place.

(2) If a person fails to comply forthwith with a requirement under subsection (1), an authorized person may remove him or her from the particular place, using such force as may be reasonably necessary for the purpose.

(3) In this section, "authorized person" means—

(a) a member of the police force;

or

(b) an employee of the Authority.

(4) An employee of the Authority does not incur any civil liability for any act or omission in good faith in the exercise, or purported exercise, of powers under this section.

APPENDIX 1

Legislative History

Regulation 4:	definition of "student" revoked by 148, 1990, reg. 2(a) definition of "student identification card" varied by 148, 1990, reg. 2(b) definition of "travel concession card" varied by 148, 1990, reg. 2(c)
Regulation 23:	substituted by 148, 1990, reg. 3
Regulation 38:	varied by 176, 1989, reg.3

APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	-	\$500
10	-	\$200
11	-	\$100
12	-	\$50

Note: This appendix is provided for convenience of reference only.