

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 February, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Public Transport Commission Act, 1972, in relation to damage to the Commission's property, the parking of vehicles and for certain other purposes.

BE

Public Transport Commission (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Public Transport Short title. Commission (Amendment) Act, 1977".

2. The Public Transport Commission Act, 1972, is amended in the manner set forth in Schedule 1. is Amendment of Act No. 53, 1972.

10

SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972.

(1) Part I, heading—

Before section 1, insert :—

15

PART I.

PRELIMINARY.

(2) Section 2A—

After section 2, insert :—

2A. This Act is divided as follows :—

Division
of Act.

20

PART I.—PRELIMINARY—ss. 1–3.

PART II.—THE COMMISSION—ss. 4–21.

PART III.—GENERAL—ss. 21A–37.

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

(3) Part II, heading—

5 Before section 4, insert :—

PART II.

THE COMMISSION.

(4) Part III, heading, and sections 21A, 21B—

After section 21, insert :—

10 PART III.

GENERAL.

21A. A person shall not wilfully damage or deface any property vested in or belonging to the Commission.

Damage to
Commis-
sion's
property.

Penalty : \$400 or imprisonment for 6 months.

15 21B. (1) In this section—

“owner”, in relation to a vehicle, includes—

Parking of
vehicles on
land vested
in the
Commission.

20 (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 (b) in the case of a vehicle that is a
motor vehicle—

10 (i) the person in whose name
the vehicle is registered
under the regulations made
under the Motor Traffic
Act, 1909, except where
that person has sold or
otherwise disposed of the
vehicle and has complied
15 with the provisions of those
regulations applicable to
him with respect to that sale
or disposal; or

20 (ii) where the vehicle has affixed
to it a trader's plate issued
under that Act for use as
prescribed by those regula-
tions—the person to whom
that trader's plate is on
issue;

25 “parking offence” means the offence committed
by a person who contravenes any regulation
made under this Act for or with respect to
the standing, waiting or parking of vehicles.

30 (2) Where a parking offence occurs, the
person who, at the time of the occurrence of the
offence, is the owner of the vehicle to which the
offence relates is, by virtue of this section, guilty of an
offence under the regulation relating to the parking

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 offence in all respects as if he were the actual offender
guilty of the parking offence unless the court is satis-
fied that the vehicle was, at the relevant time, a stolen
vehicle or a vehicle illegally taken or used.

10 (3) Nothing in this section affects the liability
of an actual offender in respect of a parking offence
but, where a penalty has been imposed on, or
recovered from, any person in relation to any parking
offence, no further penalty shall be imposed on or
recovered from any other person in relation thereto.

15 (4) Notwithstanding anything in subsection
(2) or (3), no owner of a vehicle is, by virtue of this
section, guilty of an offence if he—

20 (a) within 21 days after service on him of a
summons in respect of that offence, supplies
by statutory declaration to the informant
the name and address of the person who
was in charge of the vehicle at all relevant
times relating to the parking offence
concerned; or

25 (b) satisfies the court that he did not know and
could not with reasonable diligence have
ascertained that name and address.

30 (5) A statutory declaration that relates to
more than one parking offence shall be deemed not
to be a statutory declaration supplying a name and
address for the purposes of subsection (4).

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 (6) Where a statutory declaration supplying
the name and address of a person for the purpose of
subsection (4) is produced in any proceedings against
that person in respect of the parking offence to which
the statutory declaration relates, the statutory declara-
10 tion is evidence that that person was, at all relevant
times relating to that parking offence, in charge of
the vehicle to which the parking offence relates.

15 (7) The provisions of this section shall be
construed as supplementing, and not as derogating
from, any other provision of this Act or the regulations
or any other Act or regulation, by-law or ordinance
under any other Act.

(5) Section 23 (1)—

Omit “the holder of any prescribed office”, insert
instead “any officer or employee of the Commission”.

20 (6) Sections 30A, 30B—

After section 30, insert :—

25 30A. Proceedings for an offence against this Act
or the regulations may be taken before a court of
petty sessions constituted by a stipendiary magistrate
or any 2 justices of the peace. Proceedings
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SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 30B. Any pecuniary penalty recovered pursuant to this Act shall be— Appropriation of penalties.

(a) paid to the Commission; and

(b) allocated by the Commission to any fund under its control that it considers appropriate.

10 (7) Section 32—

After “Act” where thirdly occurring, insert “and, in particular, for or with respect to the standing, waiting or parking of vehicles on land vested in the Commission”.

15 (8) Section 32 (2)—

At the end of section 32, insert :—

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

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No. , 1977.

A BILL

To amend the Public Transport Commission Act, 1972,
in relation to damage to the Commission's property,
the parking of vehicles and for certain other purposes.

[Mr Cox—22 February, 1977.]

BE

Public Transport Commission (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Public Transport Short title. Commission (Amendment) Act, 1977".

2. The Public Transport Commission Act, 1972, is amended in the manner set forth in Schedule 1. is Amendment of Act No. 53, 1972.

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SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972.

(1) Part I, heading—

Before section 1, insert :—

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PART I.

PRELIMINARY.

(2) Section 2A—

After section 2, insert :—

2A. This Act is divided as follows :—

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PART I.—PRELIMINARY—ss. 1-3.

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Division
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SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

(3) Part II, heading—

5 Before section 4, insert :—

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THE COMMISSION.

(4) Part III, heading, and sections 21A, 21B—

After section 21, insert :—

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PART III.

GENERAL.

21A. A person shall not wilfully damage or deface any property vested in or belonging to the Commission.

Damage to
Commission's
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Penalty : \$400 or imprisonment for 6 months.

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21B. (1) In this section—

“owner”, in relation to a vehicle, includes—

Parking of
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- (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

- 5 (b) in the case of a vehicle that is a
motor vehicle—
- (i) the person in whose name
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Act, 1909, except where
that person has sold or
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or disposal; or
- (ii) where the vehicle has affixed
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tions—the person to whom
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- 25 "parking offence" means the offence committed
by a person who contravenes any regulation
made under this Act for or with respect to
the standing, waiting or parking of vehicles.
- 30 (2) Where a parking offence occurs, the
person who, at the time of the occurrence of the
offence, is the owner of the vehicle to which the
offence relates is, by virtue of this section, guilty of an
offence under the regulation relating to the parking

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 offence in all respects as if he were the actual offender
guilty of the parking offence unless the court is satis-
fied that the vehicle was, at the relevant time, a stolen
vehicle or a vehicle illegally taken or used.

10 (3) Nothing in this section affects the liability
of an actual offender in respect of a parking offence
but, where a penalty has been imposed on, or
recovered from, any person in relation to any parking
offence, no further penalty shall be imposed on or
recovered from any other person in relation thereto.

15 (4) Notwithstanding anything in subsection
(2) or (3), no owner of a vehicle is, by virtue of this
section, guilty of an offence if he—

20 (a) within 21 days after service on him of a
summons in respect of that offence, supplies
by statutory declaration to the informant
the name and address of the person who
was in charge of the vehicle at all relevant
times relating to the parking offence
concerned; or

25 (b) satisfies the court that he did not know and
could not with reasonable diligence have
ascertained that name and address.

30 (5) A statutory declaration that relates to
more than one parking offence shall be deemed not
to be a statutory declaration supplying a name and
address for the purposes of subsection (4).

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 (6) Where a statutory declaration supplying
the name and address of a person for the purpose of
subsection (4) is produced in any proceedings against
that person in respect of the parking offence to which
the statutory declaration relates, the statutory declara-
10 tion is evidence that that person was, at all relevant
times relating to that parking offence, in charge of
the vehicle to which the parking offence relates.

15 (7) The provisions of this section shall be
construed as supplementing, and not as derogating
from, any other provision of this Act or the regulations
or any other Act or regulation, by-law or ordinance
under any other Act.

(5) Section 23 (1)—

Omit “the holder of any prescribed office”, insert
instead “any officer or employee of the Commission”.

20 (6) Sections 30A, 30B—

After section 30, insert :—

25 30A. Proceedings for an offence against this Act
or the regulations may be taken before a court of
petty sessions constituted by a stipendiary magistrate
or any 2 justices of the peace. <sup>Proceedings
for offences
against Act.</sup>

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 30B. Any pecuniary penalty recovered pursuant to this Act shall be— Appropriation of penalties.

(a) paid to the Commission; and

(b) allocated by the Commission to any fund under its control that it considers appropriate.

10 (7) Section 32—

After “Act” where thirdly occurring, insert “and, in particular, for or with respect to the standing, waiting or parking of vehicles on land vested in the Commission”.

15 (8) Section 32 (2)—

At the end of section 32, insert :—

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

1971

THE BOARD OF DIRECTORS

SECTION 11B-1-continued

ANNUAL REPORT TO THE BOARD OF DIRECTORS

COMPLETED BY 1971-continued

THE BOARD OF DIRECTORS

SECTION 11B-1-continued

ANNUAL REPORT TO THE BOARD OF DIRECTORS

COMPLETED BY 1971-continued

1971

THE BOARD OF DIRECTORS

SECTION 11B-1-continued

ANNUAL REPORT TO THE BOARD OF DIRECTORS

THE BOARD OF DIRECTORS

1971

**PUBLIC TRANSPORT COMMISSION (AMENDMENT)
BILL, 1977**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide for the division of the Public Transport Commission Act, 1972, into Parts (Schedule 1 (1), (2) and (3));
 - (b) to make it an offence punishable by a penalty not exceeding \$400 or imprisonment for a period not exceeding 6 months for any person to wilfully damage or deface any property vested in or belonging to the Public Transport Commission of New South Wales (Schedule 1 (4));
 - (c) to empower the Governor to make regulations relating to the standing, waiting or parking of vehicles on land vested in the Public Transport Commission of New South Wales and to provide that the owner of any vehicle parked in contravention of those regulations is, in certain circumstances, guilty of the offence relating to that contravention (Schedule 1 (4) and (7));
 - (d) to enable the Public Transport Commission of New South Wales to delegate any of its powers, authorities, duties or functions to any officer or employee of the Commission instead of to the holder of any prescribed office (Schedule 1 (5));
 - (e) to provide that proceedings for offences against the Public Transport Commission Act, 1972, shall be disposed of summarily and that penalties imposed for such offences shall be paid to the Public Transport Commission of New South Wales (Schedule 1 (6)); and
 - (f) to provide that any regulation made under the Public Transport Commission Act, 1972, may impose a penalty not exceeding \$100 for any contravention thereof (Schedule 1 (8)).
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PROOF

No. , 1977.

A BILL

To amend the Public Transport Commission Act, 1972,
in relation to damage to the Commission's property,
the parking of vehicles and for certain other purposes.

[MR COX—22 February, 1977.]

BE

Public Transport Commission (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Public Transport Short title. Commission (Amendment) Act, 1977".

2. The Public Transport Commission Act, 1972, is Amendment amended in the manner set forth in Schedule 1. of Act No. 53, 1972.

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SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972.

(1) Part I, heading—

Before section 1, insert :—

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PART I.

PRELIMINARY.

(2) Section 2A—

After section 2, insert :—

2A. This Act is divided as follows :—

Division
of Act.

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PART I.—PRELIMINARY—ss. 1–3.

PART II.—THE COMMISSION—ss. 4–21.

PART III.—GENERAL—ss. 21A–37.

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

(3) Part II, heading—

5 Before section 4, insert :—

PART II.

THE COMMISSION.

(4) Part III, heading, and sections 21A, 21B—

After section 21, insert :—

10 PART III.

GENERAL.

21A. A person shall not wilfully damage or deface any property vested in or belonging to the Commission.

Damage to
Commis-
sion's
property.

Penalty : \$400 or imprisonment for 6 months.

15 21B. (1) In this section—

“owner”, in relation to a vehicle, includes—

Parking of
vehicles on
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(a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

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SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 (b) in the case of a vehicle that is a
motor vehicle—

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the vehicle is registered
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Act, 1909, except where
that person has sold or
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vehicle and has complied
with the provisions of those
15 regulations applicable to
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20 (ii) where the vehicle has affixed
to it a trader's plate issued
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25 "parking offence" means the offence committed
by a person who contravenes any regulation
made under this Act for or with respect to
the standing, waiting or parking of vehicles.

30 (2) Where a parking offence occurs, the
person who, at the time of the occurrence of the
offence, is the owner of the vehicle to which the
offence relates is, by virtue of this section, guilty of an
offence under the regulation relating to the parking

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

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guilty of the parking offence unless the court is satis-
fied that the vehicle was, at the relevant time, a stolen
vehicle or a vehicle illegally taken or used.

10 (3) Nothing in this section affects the liability
of an actual offender in respect of a parking offence
but, where a penalty has been imposed on, or
recovered from, any person in relation to any parking
offence, no further penalty shall be imposed on or
recovered from any other person in relation thereto.

15 (4) Notwithstanding anything in subsection
(2) or (3), no owner of a vehicle is, by virtue of this
section, guilty of an offence if he—

20 (a) within 21 days after service on him of a
summons in respect of that offence, supplies
by statutory declaration to the informant
the name and address of the person who
was in charge of the vehicle at all relevant
times relating to the parking offence
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25 (b) satisfies the court that he did not know and
could not with reasonable diligence have
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30 (5) A statutory declaration that relates to
more than one parking offence shall be deemed not
to be a statutory declaration supplying a name and
address for the purposes of subsection (4).

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

5 (6) Where a statutory declaration supplying
the name and address of a person for the purpose of
subsection (4) is produced in any proceedings against
that person in respect of the parking offence to which
10 the statutory declaration relates, the statutory declara-
tion is evidence that that person was, at all relevant
times relating to that parking offence, in charge of
the vehicle to which the parking offence relates.

15 (7) The provisions of this section shall be
construed as supplementing, and not as derogating
from, any other provision of this Act or the regulations
or any other Act or regulation, by-law or ordinance
under any other Act.

(5) Section 23 (1)—

Omit “the holder of any prescribed office”, insert
instead “any officer or employee of the Commission”.

20 (6) Sections 30A, 30B—

After section 30, insert :—

25 30A. Proceedings for an offence against this Act Proceedings
or the regulations may be taken before a court of for offences
petty sessions constituted by a stipendiary magistrate against Act.
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Public Transport Commission (Amendment).

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At the end of section 32, insert :—

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

Public Health Service
Department of Health and Human Services
Washington, D.C. 20201

Attention: Director of the Center for Disease Control and Prevention
4770 Reservoir Road
Bethesda, Maryland 20895

Dear Sirs:

Reference is made to your letter of September 15, 1978, regarding the request for information concerning the availability of the following publications:

- 1. "The Health of the Nation: Report of the National Commission on the Causes and Prevention of Diseases" (1971)
- 2. "The Health of the Nation: Report of the National Commission on the Causes and Prevention of Diseases" (1971)

The publications listed above are available for sale to the general public. The price of each publication is \$10.00. Payment may be made by check or money order payable to the order of the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20540.

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 6, 1977.

An Act to amend the Public Transport Commission Act, 1972, in relation to damage to the Commission's property, the parking of vehicles and for certain other purposes. [Assented to, 11th March, 1977.]

BE

Public Transport Commission (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Public Transport Commission (Amendment) Act, 1977".

Amendment of Act No. 53, 1972. 2. The Public Transport Commission Act, 1972, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972.

(1) Part I, heading—

Before section 1, insert:—

PART I.

PRELIMINARY.

(2) Section 2A—

After section 2, insert:—

Division
of Act.

2A. This Act is divided as follows:—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—THE COMMISSION—*ss.* 4–21.

PART III.—GENERAL—*ss.* 21A–37.

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Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

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Before section 4, insert :—

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THE COMMISSION.

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- (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

- (b) in the case of a vehicle that is a motor vehicle—
- (i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; or
 - (ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

“parking offence” means the offence committed by a person who contravenes any regulation made under this Act for or with respect to the standing, waiting or parking of vehicles.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation relating to the parking

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offence in all respects as if he were the actual offender guilty of the parking offence unless the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if he—

- (a) within 21 days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or
- (b) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC TRANSPORT
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(6) Where a statutory declaration supplying the name and address of a person for the purpose of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act.

(5) Section 23 (1)—

Omit “the holder of any prescribed office”, insert instead “any officer or employee of the Commission”.

(6) Sections 30A, 30B—

After section 30, insert :—

30A. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate or any 2 justices of the peace.

Proceedings
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Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

30B. Any pecuniary penalty recovered pursuant to this Act shall be—

Appropriation of penalties.

- (a) paid to the Commission; and
- (b) allocated by the Commission to any fund under its control that it considers appropriate.

(7) Section 32—

After “Act” where thirdly occurring, insert “and, in particular, for or with respect to the standing, waiting or parking of vehicles on land vested in the Commission”.

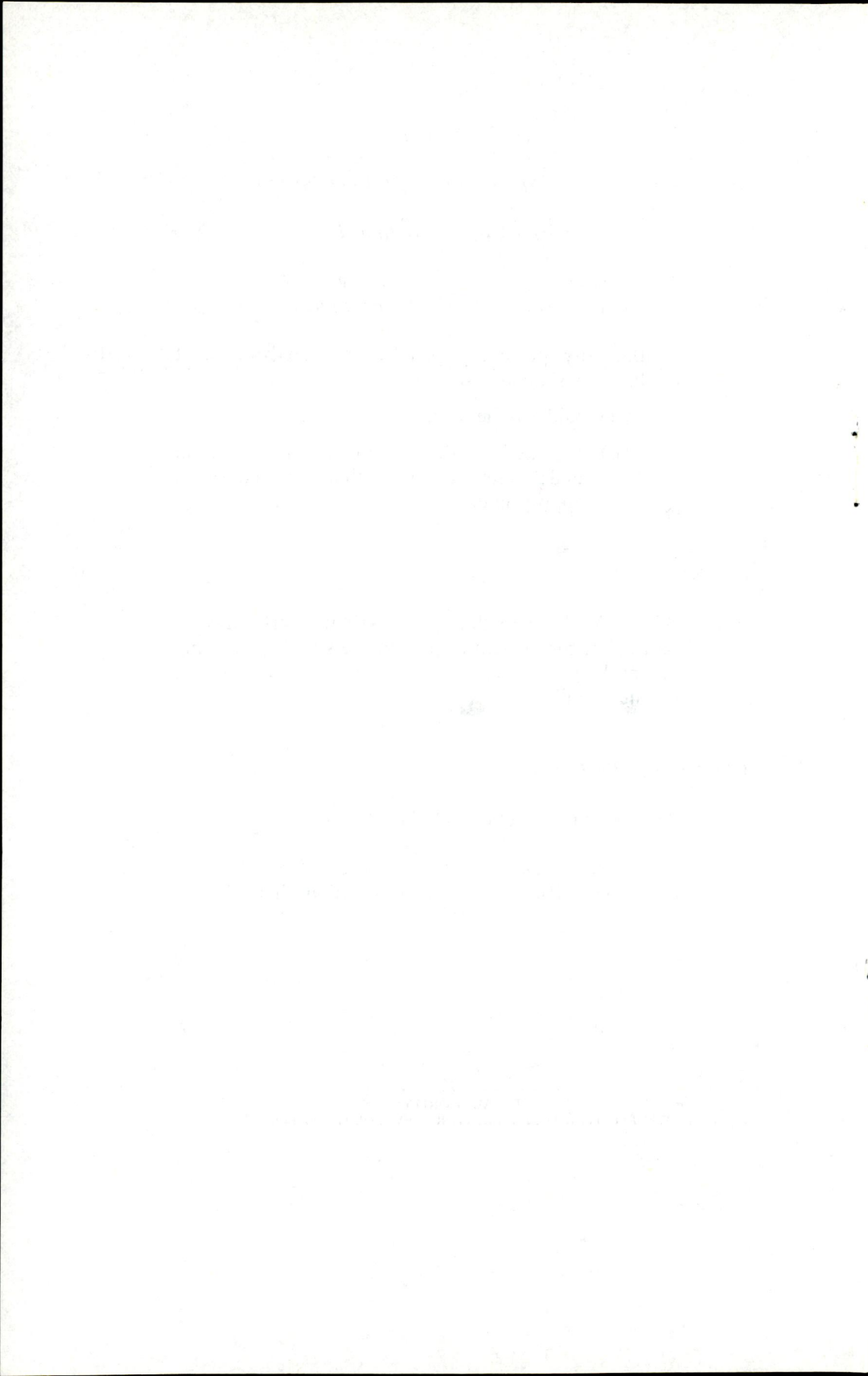
(8) Section 32 (2)—

At the end of section 32, insert :—

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 March, 1977.*

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 6, 1977.

An Act to amend the Public Transport Commission Act, 1972, in relation to damage to the Commission's property, the parking of vehicles and for certain other purposes. [Assented to, 11th March, 1977.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

T. J. CAHILL,
Chairman of Committees of the Legislative Assembly.

Public Transport Commission (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the "Public Transport Commission (Amendment) Act, 1977".

Amendment of Act No. 53, 1972. 2. The Public Transport Commission Act, 1972, is amended in the manner set forth in Schedule 1.

Sec. 2.

SCHEDULE 1.

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972.

(1) Part I, heading—

Before section 1, insert :—

PART I.

PRELIMINARY.

(2) Section 2A—

After section 2, insert :—

2A. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–3.

PART II.—THE COMMISSION—*ss.* 4–21.

PART III.—GENERAL—*ss.* 21A–37.

Division
of Act.

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

(3) Part II, heading—

Before section 4, insert :—

PART II.

THE COMMISSION.

(4) Part III, heading, and sections 21A, 21B—

After section 21, insert :—

PART III.

GENERAL.

21A. A person shall not wilfully damage or deface any property vested in or belonging to the Commission.

Damage to
Commis-
sion's
property.

Penalty : \$400 or imprisonment for 6 months.

21B. (1) In this section—

“owner”, in relation to a vehicle, includes—

Parking of
vehicles on
land vested
in the
Commission.

- (a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

- (b) in the case of a vehicle that is a motor vehicle—
- (i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; or
 - (ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

“parking offence” means the offence committed by a person who contravenes any regulation made under this Act for or with respect to the standing, waiting or parking of vehicles.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation relating to the parking

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

offence in all respects as if he were the actual offender guilty of the parking offence unless the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if he—

- (a) within 21 days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or
- (b) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

SCHEDULE

Public Transport Commission (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE PUBLIC TRANSPORT
 COMMISSION ACT, 1972—*continued.*

(6) Where a statutory declaration supplying the name and address of a person for the purpose of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act or the regulations or any other Act or regulation, by-law or ordinance under any other Act.

(5) Section 23 (1)—

Omit “the holder of any prescribed office”, insert instead “any officer or employee of the Commission”.

(6) Sections 30A, 30B—

After section 30, insert :—

30A. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate or any 2 justices of the peace.

Proceedings
for offences
against Act.

SCHEDULE

Public Transport Commission (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PUBLIC TRANSPORT
COMMISSION ACT, 1972—*continued.*

30B. Any pecuniary penalty recovered pursuant to this Act shall be—

Appropriation of penalties.

- (a) paid to the Commission; and
- (b) allocated by the Commission to any fund under its control that it considers appropriate.

(7) Section 32—

After “Act” where thirdly occurring, insert “and, in particular, for or with respect to the standing, waiting or parking of vehicles on land vested in the Commission”.

(8) Section 32 (2)—

At the end of section 32, insert :—

(2) A regulation may impose a penalty not exceeding \$100 for any contravention thereof.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 11th March, 1977.*

