



New South Wales

Passenger Transport Amendment (Ticket Offences) Regulation 2016

under the

Passenger Transport Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The object of this Regulation is to amend the *Public Transport Regulation 2007* (the ***principal Regulation***) to remove any scope for avoiding prosecution for an offence of travelling or attempting to travel on public transport within a smartcard network without a valid ticket or without processing a valid ticket, on the ground that no facilities were available for the issue or topping-up of a smartcard. This Regulation also clarifies the application of certain offences relating to fares and tickets in the principal Regulation.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Passenger Transport Amendment (Ticket Offences) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Passenger Transport Regulation 2007

[1] Clause 76 Valid smartcards

Omit clause 76 (1) (a). Insert instead:

- (a) the smartcard:
 - (i) has been successfully processed for the journey, or
 - (ii) could have been successfully processed but was not able to be for reasons beyond the control of the person making the journey, and

[2] Clause 76 (1A)

Insert after clause 76 (1):

- (1A) Subclause (1) (a) (ii) does not apply in relation to a smartcard that is not successfully processed because there are no facilities available for the issue or topping-up of a smartcard.

[3] Clause 77A Valid ticket required for travel

Insert after clause 77A (2):

- (2A) Subclause (2) (a) does not apply if the appropriate ticket is a smartcard.

[4] Clause 77B Other offences in relation to fares and tickets

Insert after clause 77B (3):

- (4) This clause does not apply in relation to travel on a route or railway line for which a smartcard may be used.

[5] Clause 77D Tickets to be processed

Insert after clause 77D (1):

- (1A) It is not a reasonable excuse for the purposes of subclause (1) that there were no facilities available for the issue or topping-up of a smartcard.