

## **APPENDIX 1**

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### **POWERS OF AUTHORISED OFFICERS**

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Persons authorised by the Secretary of the Department of Infrastructure may be given power under the provisions of Division 4AA, Part 7 of the Transport Act (the Act) to exercise the following powers:

**Under section 218B (2) and (4):** of the Act to request a person to state his or her name and address if the officer believes on reasonable grounds that the person has committed or is about to commit an offence against the Act or regulations made under the Act. Under the Act, a person who is requested under this power to provide their name and address must do so or they commit a further offence.

**Under section 218B (6A):** to request a person to provide evidence of the correctness of their stated name and address where an authorised officer has reasonable grounds for believing that the person has stated a false name and address.

**Under section 218B (6D):** an authorised officer is prohibited from divulging to any other person information obtained in response to a request made under sub-section (6A).

**Under section 219:** to arrest a suspected offender if they believe on reasonable grounds that the arrest is necessary to ensure the appearance of the person before a court, to preserve public order or to prevent continuation or repetition of the offence or another offence being committed. The authorised person may also ask any other person to assist in the arrest. The authorised person may hold the person arrested until the reason for the arrest ceases to exist or until the offender is handed in to the charge of a police officer.

**Under section 219AA:** an authorised person may detain a person if the authorised person believes on reasonable grounds that the detention is necessary to ensure that the person appears before a court, to prevent continuation or repetition of the offence or the commission of another offence or to preserve public order or to ensure the safety or welfare of the public or the person arrested.

**Under section 220:** an authorised person may remove a person and their property from a vehicle or from premises of a passenger transport company where the authorised person believes on reasonable grounds that the person has committed an offence against the Act or regulations and that the commission of the offence is, or is likely to be, attended with danger or annoyance to the public or to hinder the police, an authorised person or an employee of the transport company in lawful use of the vehicle or the premises. An authorised person may also take such other action as is necessary to obviate or remove any similar danger or hindrance and may use reasonable force to do so.

**Under section 221(4A):** to request a person making a journey on a train, tram or bus to produce a ticket which is valid for that journey and to produce evidence of entitlement to a concession fare where a concession ticket is used.

**Under various sections:** in the regulations made under the Transport Act there are numerous other transport offences relating to use of tickets and/or behaviour that is a nuisance, causes property damage or personal danger to the public or the person committing the offence which may be reported by an authorised person. Where the authorised person has a reasonable belief that a person has committed any such offence, the authorised person may exercise the powers set out above.

## OTHER OFFENCES

Under the *Transport (Infringements) Regulations 1999* and the *Transport (Passenger and Rail Freight) Regulations 1994* authorised officers and authorised persons have the power to prosecute for the following offences:

### Ticket Offences

#### Regulation

202	using expired ticket
204	transferring a ticket to another person
324(2)	remaining in a vehicle or on premises without a ticket and having been requested to leave

### Behaviour Offences

#### Regulation

325 (c)(d) or (e)	distribute hand bills, busk, or solicit money
301(1)(b)	play a musical instrument or radio
302(a)	unauthorised operation of equipment or vehicle
327	failure to place luggage or goods as directed by employee
325(a) or (b)	unauthorised hawking, selling, touting or soliciting
301(2)(a)	ride bicycle, skateboard or skates on vehicle, platform or other property
305(a)	open lock or locked door of vehicle
305(b)	lock unlocked door of vehicle
304	cause vehicle to be stopped
317	drink intoxicating liquor
315	create obstruction
301(3)(a)	indecent offensive language or gesture
309(1)(a) or (c)	unauthorised exit/entry
305(c)	interfere with gates or doors on premises
302(b)	light/extinguish lamps
316	spit
321(a)	driver fails to obey reasonable direction
324(2)	offender refuse to leave
311	consign motor vehicle etc. not drained of fuel
301(1)(c)	litter
326	adult allows child to offend
318	articles on seats which prevent another from using seat

### Offences Causing Danger

#### Regulation

309(2)	travel on part of vehicle not meant for travel
303	apply brake or emergency device
321(c)	drive in a dangerous manner
321(b)	speed while driving;
310(1) or (2)	explosives and other dangerous articles
301(4)(a)	disorderly or offensive behaviour
306	interfere with doors of vehicle
302(a)	interfere with equipment

308(1)(a)	cross lines while gates closed
308(1)(c)	cross against employees direction
309(1)(b)	enter or leave wrong side of road vehicle
307	cross pit between platforms

#### Offences Causing Damage

Reg 301(3)(d)	write or draw on vehicle or premises
Reg 301(4)(b)	damage property
Reg 312(a)	light fire
Reg 312(c)	bring burning substance onto vehicle or premises
Reg 312(d)	throw burning substance

All references to regulations are under the *(Passenger and Rail Freight) Regulations 1994* unless otherwise indicated.