

**Version No. 004**  
**Transport (Ticketing) Regulations 2006**  
**S.R. No. 86/2006**

Version incorporating amendments as at 21 September 2010

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1 Objectives	1
2 Authorising provisions	2
3 Commencement	2
4 Amendments to related Regulations	2
5 Definitions and reference provision	2
<b>PART 2—FARE EVASION</b>	<b>9</b>
<b>Division 1—Obligations</b>	<b>9</b>
6 Obligation to hold valid ticket	9
7 Obligation to produce a ticket valid for travel	10
8 Obligation to produce a ticket valid for entry to a designated area	10
9 Obligation to produce evidence of entitlement to rely on a concession ticket for travel	11
10 Obligation to produce evidence of entitlement to rely on a concession ticket for an entry to a designated area	12
11 Application of regulations 7 to 10 where a person's ticket is held by another person	12
<b>Division 2—Defences</b>	<b>13</b>
12 Defence in relation to travel	13
13 Defence in relation to entry to a designated area	15
14 Insufficient time not a defence in certain circumstances	18
<b>PART 3—TICKET CONTRACTS AND CONDITIONS</b>	<b>19</b>
15 Ticket contracts	19
16 Ticket conditions	20

<i>Regulation</i>	<i>Page</i>
<b>PART 4—GENERAL</b>	<b>21</b>
17 Ticket not to be transferred	21
18 Inspection etc. of ticket	21
19 Ticket to be surrendered	21
20 Additional requirements for buses etc.	22
21 Convictions or findings of guilt for certain offences	23
22 Exemptions	23
23 Prescribed kind of portable device	24
<hr/>	
<b>SCHEDULE</b>	<b>25</b>
<b>Amendments to Related Regulations</b>	<b>25</b>
1 Transport (Ticketing and Conduct) Regulations 2005	25
2 Transport (Passenger Vehicles) Regulations 2005	26
3 Transport (Infringements) Regulations 1999	28
<hr/>	
<b>ENDNOTES</b>	<b>30</b>
1. General Information	30
2. Table of Amendments	31
3. Explanatory Details	32

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**PART 1—PRELIMINARY**

**1 Objectives**

The objectives of these Regulations are to—

- (a) require and regulate the use of tickets for Victoria's public transport system with the intention of supporting the collection of revenue for that system and reducing fare evasion and the consequential revenue losses incurred by public transport operators and the State; and
- (b) clarify contractual arrangements in relation to certain tickets; and
- (c) prescribe certain conditions and enforcement powers in relation to tickets; and
- (d) make related amendments to the Transport (Ticketing and Conduct) Regulations 2005, the Transport (Passenger Vehicles) Regulations 2005 and the Transport (Infringements) Regulations 1999; and
- (e) make a further minor amendment to the Transport (Passenger Vehicles) Regulations 2005 to clarify the scope of the offences in Division 2 of Part 5 of those Regulations.

Reg. 2  
amended by  
S.R. No.  
95/2010 reg. 3.

## 2 Authorising provisions

These Regulations are made under sections 56, 162, 215, 221AA and 256 of the **Transport (Compliance and Miscellaneous Act 1983)**.

## 3 Commencement

These Regulations come into operation on 31 July 2006.

## 4 Amendments to related Regulations

On the coming into operation of these Regulations, the Regulations referred to in the heading to an item in the Schedule are amended as set out in that item.

## 5 Definitions and reference provision

(1) In these Regulations—

*authorised officer* has the same meaning as in section 208 of the **Transport Act 1983**;

*authorised person (ticketing)* means—

- (a) an authorised officer; or
- (b) a member of the police force; or
- (c) a person employed by a passenger transport company or a bus company who has duties in relation to the issue, inspection or collection of tickets for travel in a passenger vehicle or for entry to a designated area; or
- (d) a person (other than a person referred to in paragraph (a) or (c)) appointed in writing by a passenger transport company or a bus company or the Secretary or the Director for the purposes of these Regulations; or
- (e) if a bus company is a natural person, that person;

*bus* has the same meaning as in section 3(1) of the  
**Public Transport Competition Act 1995**;

*bus company* has the same meaning as in  
section 2(1) of the **Transport Act 1983**;

*concession ticket* means a ticket that, in  
accordance with conditions determined and  
published under section 220D of the  
**Transport Act 1983**—

- (a) authorises a holder of the ticket to  
travel in a passenger vehicle, or to enter  
a designated area, at a price less than  
the full price to travel in the passenger  
vehicle or to enter the designated area;  
or
- (b) authorises a holder of the ticket, or a  
person accompanying the holder of the  
ticket, to free travel in a passenger  
vehicle or free entry to a designated  
area;

*designated area* means—

- (a) an area of land or an area within  
premises owned or occupied by a  
passenger transport company that is  
designated by the passenger transport  
company by means of signs in or near  
the area as an area for entry to which a  
ticket valid for that entry is required; or
- (b) if a railway station is specified by the  
Director in a notice published in the  
Government Gazette as a station to  
which this paragraph applies—
  - (i) a platform at that station;

Reg. 5(1)  
def. of  
*designated  
area*  
amended by  
S.R. No.  
84/2009  
reg. 4(a)(b).

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- (ii) a waiting room or area adjoining a platform from which the platform can be accessed without the need to pass a ticket validating machine, a smartcard reader or a ticket barrier;
- (iii) an area between a platform and any ticket validating machine, smartcard reader or ticket barrier that it is necessary to pass to gain access to the platform;

**Note**

The following diagrams are illustrative of designated areas at a railway station.

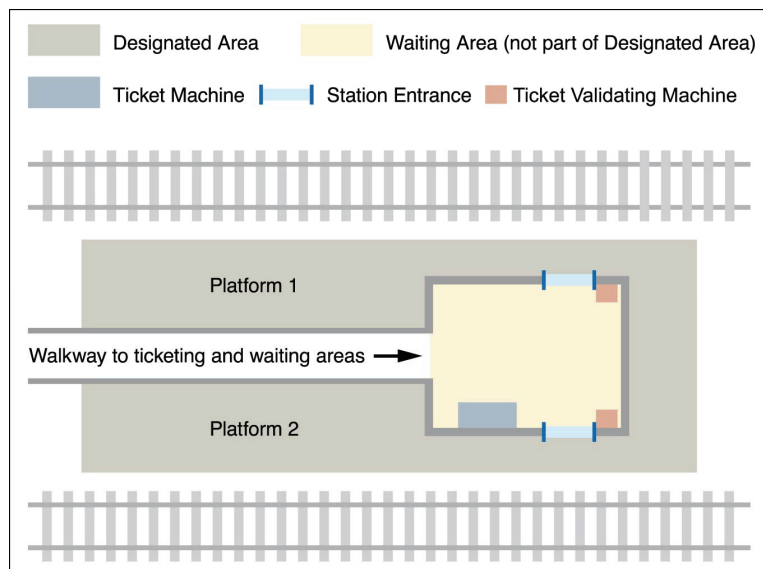


Diagram 1: A designated area at a specified railway station with an island platform

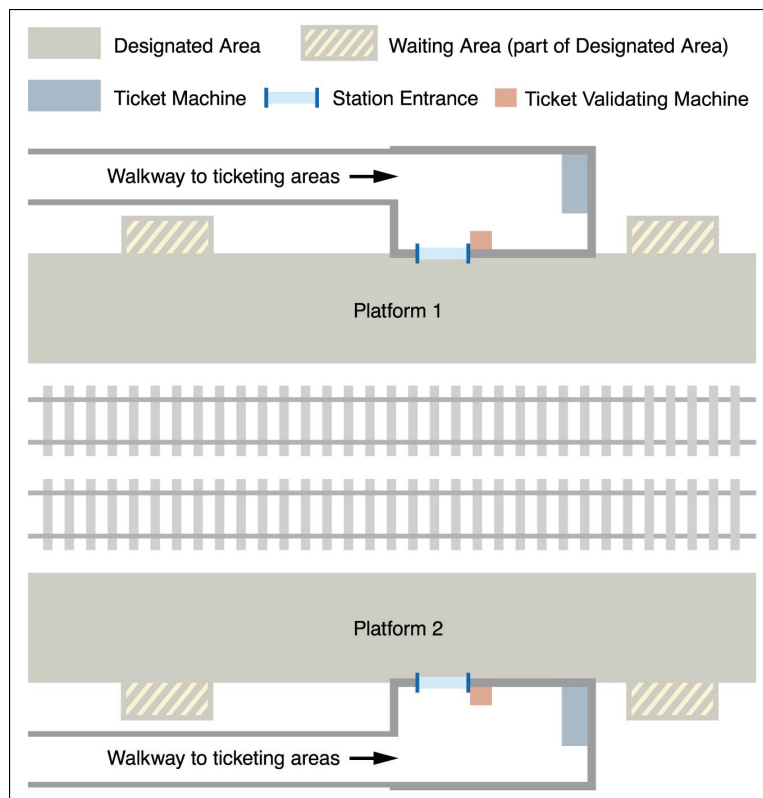


Diagram 2: A designated area at a specified railway station with side platforms

**myki** means a ticket that is a smartcard capable of—

- (a) recording the details of travel in a passenger vehicle or entry to a designated area for which payment has been made; and
- (b) when money has been paid into an account associated with the smartcard—
  - (i) recording the value of that money; and

Reg. 5(1)  
def. of  
**myki**  
inserted by  
S.R. No.  
84/2009  
reg. 4(c).

- (ii) transferring information to other electronic devices so as to effect modifications to that value to reflect payment for travel in a passenger vehicle or entry to a designated area; and
- (iii) recording that value as so modified;

**Note**

*smartcard* is defined in section 208 of the **Transport Act 1983**.

*passenger transport company* has the same meaning as in section 2(1) of the **Transport Act 1983**;

*passenger vehicle* means—

- (a) a passenger train;
- (b) a tram;
- (c) a bus;
- (d) a public commercial passenger vehicle—

operated by or on behalf of a passenger transport company or a bus company;

*public commercial passenger vehicle* has the same meaning as in section 86(1) of the **Transport Act 1983**;

*smartcard reader* means a machine that is designed and intended to—

- (a) be used to electronically record and process information from a ticket that is a smartcard; and

Reg. 5(1)  
def. of  
*smartcard*  
*reader*  
inserted by  
S.R. No.  
84/2009  
reg. 4(d).



(b) perform related functions—

when the smartcard is scanned by the machine as part of the actions necessary for the smartcard to be made valid for travel in a passenger vehicle or entry to a designated area regardless of whether or not at any particular time the machine is in working order;

***the Act*** means the **Transport (Compliance and Miscellaneous) Act 1983**;

Reg. 5(1) def. of *the Act* inserted by S.R. No. 95/2010 reg. 4.

***ticket*** means a ticket, pass, card, permit, authority, device, symbol or other thing issued, or which may be used, for the purpose of authorising travel in a passenger vehicle or entry to a designated area;

Reg. 5(1) def. of *ticket* amended by S.R. No. 84/2009 reg. 4(e).

***ticket barrier*** means a barrier which is intended to be used to regulate access to or egress from a part of a railway station that is a designated area;

***ticket validating machine*** means a machine which is designed and intended to be used to electronically record information about a ticket (other than a ticket that is a smartcard) when the ticket is inserted into the machine, or presented to the machine for scanning, regardless of whether or not at any particular time the machine is in working order;

Reg. 5(1) def. of *ticket validating machine* amended by S.R. No. 84/2009 reg. 4(f).

***train*** includes a single carriage (whether powered or not) which does not form part of a set or series of carriages.

- (2) For the purposes of these Regulations, the fact that a tramway is not laid entirely in public streets or roads does not prevent a vehicle running on that tramway from being characterised as a tram.

Reg. 5(4)  
inserted by  
S.R. No.  
84/2009 reg. 5.

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- (3) For the purposes of these Regulations—
- (a) a ticket is valid for the whole of a person's travel in a passenger vehicle if the ticket authorises the whole of that travel; and
  - (b) a ticket is not valid for the whole of a person's travel in a passenger vehicle if any part of that travel is not authorised by the ticket; and
  - (c) a ticket is valid for a person's entry to a designated area if the ticket authorises that entry to the designated area.
- (4) For the purposes of these Regulations, a person's travel in a passenger vehicle—
- (a) begins—
    - (i) in the case of a bus, on the earlier of—
      - (A) when the person, after boarding the bus, first moves past the driver's seat towards the back of the bus; or
      - (B) when the bus first starts to move after the person has boarded the bus; or
    - (ii) in all other cases, when the passenger vehicle first starts to move after the person has boarded the vehicle; and
  - (b) ends when the person leaves the passenger vehicle.
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## **PART 2—FARE EVASION**

### **Division 1—Obligations**

#### **6 Obligation to hold valid ticket**

- (1) A person who is travelling in a passenger vehicle must have in his or her possession a ticket that is valid for the whole of the person's travel in that passenger vehicle.

Penalty: 5 penalty units.

**Note**

Regulation 12 sets out various defences that may apply in respect of this subregulation.

- (2) A person who is in a designated area must have in his or her possession a ticket that is valid for that entry to the designated area.

Penalty: 5 penalty units.

**Note**

Regulation 13 sets out a defence that may apply in respect of this subregulation.

- (3) For the purposes of this regulation, a person has a ticket in his or her possession only if—

- (a) the person holds the ticket on or about his or her person; or
- (b) the person is accompanied by another person and that other person holds the ticket on or about his or her person on behalf of the first mentioned person.

**Examples for subregulation (3)(b):**

Examples of another person holding a ticket on a person's behalf—

- A parent holding a ticket on behalf of a child.
- The holder of a ticket authorising group travel.

**Note**

What constitutes a ticket that is valid for travel or for an entry to a designated area is specified in the conditions to which the ticket is subject. For most tickets, these are conditions determined and published in the Government Gazette under section 220D of the **Transport Act 1983**.

**7 Obligation to produce a ticket valid for travel**

- (1) An authorised person (ticketing) may ask a person who—

- (a) is travelling in; or  
(b) has just left—

a passenger vehicle to produce for inspection a ticket that is or was (as the case requires) valid for the whole of the person's travel in that passenger vehicle.

- (2) A person must without delay comply with a request made under subregulation (1).

Penalty: 5 penalty units.

**Note**

Regulation 12 sets out various defences that may apply in respect of this subregulation.

**8 Obligation to produce a ticket valid for entry to a designated area**

- (1) An authorised person (ticketing) may ask a person who—

- (a) is in; or  
(b) has just left—

a designated area, to produce for inspection a ticket that is or was (as the case requires) valid for that entry to the designated area.

- (2) A person must without delay comply with a request made under subregulation (1).

Penalty: 5 penalty units.

**Note**

Regulation 13 sets out a defence that may apply in respect of this subregulation.

**9 Obligation to produce evidence of entitlement to rely on a concession ticket for travel**

- (1) This regulation applies to a person if he or she—  
(a) is travelling in; or  
(b) has just left—

a passenger vehicle and it appears to an authorised person (ticketing) that the person relies, or has relied, (as the case requires) for the person's travel in that passenger vehicle, on a concession ticket.

- (2) Subject to subregulation (2A), the authorised person (ticketing) may ask the person referred to in subregulation (1) to produce for inspection evidence of the person's entitlement to rely on the concession ticket for the person's travel in that passenger vehicle.

Reg. 9(2)  
amended by  
S.R. No.  
84/2009  
reg. 6(1).

- (2A) A request must not be made under subregulation (2) if the concession ticket itself constitutes or contains evidence referred to in that subregulation.

Reg. 9(2A)  
inserted by  
S.R. No.  
84/2009  
reg. 6(2).

- (3) A person must without delay comply with a request made under subregulation (2).

Penalty: 5 penalty units.

**10 Obligation to produce evidence of entitlement to rely on a concession ticket for an entry to a designated area**

(1) This regulation applies to a person if he or she—

(a) is in; or

(b) has just left—

a designated area and it appears to an authorised person (ticketing) that the person relies, or has relied, (as the case requires) for that entry to the designated area, on a concession ticket.

Reg. 10(2)  
amended by  
S.R. No.  
84/2009  
reg. 7(1).

(2) Subject to subregulation (2A), the authorised person (ticketing) may ask the person referred to in subregulation (1) to produce for inspection evidence of the person's entitlement to rely on the concession ticket.

Reg. 10(2A)  
inserted by  
S.R. No.  
84/2009  
reg. 7(2).

(2A) A request must not be made under subregulation (2) if the concession ticket itself constitutes or contains evidence referred to in that subregulation.

(3) A person must without delay comply with a request made under subregulation (2).

Penalty: 5 penalty units.

**11 Application of regulations 7 to 10 where a person's ticket is held by another person**

For the purposes of regulations 7(2), 8(2), 9(3) and 10(3), a person is deemed to have complied with a request made under, respectively, regulation 7(1), 8(1), 9(2) or 10(2) if, at the time the request is made, another person, who is accompanying the person and is holding the relevant ticket or evidence on behalf of the person, produces the ticket or evidence for inspection by the authorised person (ticketing).

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**Division 2—Defences**

**12 Defence in relation to travel**

(1) It is a defence to a charge under regulation 6(1) or 7(2) that the person charged—

(a) before commencing the travel, took all reasonable steps that were available—

Reg. 12(1)(a)  
substituted by  
S.R. No.  
84/2009  
reg. 8(1).

(i) to carry out a relevant action in relation to a ticket for the whole of the travel; and

(ii) to carry out any additional actions necessary for the ticket to be made valid for the whole of the travel; and

(b) while undertaking the travel, had no reasonable opportunity—

(i) to carry out a relevant action in relation to a ticket for the whole of the travel and, if any additional actions were necessary for the ticket to be made valid for the whole of the travel, to carry out those actions; or

Reg. 12(1)(b)(i)  
amended by  
S.R. No.  
84/2009  
reg. 8(2).

(ii) to carry out any additional actions necessary for a ticket in the possession of the person on boarding the passenger vehicle to be made valid for the whole of the travel; and

(c) on completion of the travel, without delay took all reasonable steps that were available—

(i) to carry out a relevant action in relation to a ticket for the whole of the travel and, if any additional actions were necessary for the ticket to be made valid for the whole of the travel, to carry out those actions; or

Reg. 12(1)(c)(i)  
amended by  
S.R. No.  
84/2009  
reg. 8(3).

Reg. 12(2)(a)  
amended by  
S.R. No.  
84/2009  
reg. 8(4).

- (ii) to carry out any additional actions necessary for a ticket in the possession of the person to be made valid for the whole of the travel.
- (2) For the purposes of subregulation (1), if a person, while undertaking the travel referred to in that subregulation, at the first reasonable opportunity—
  - (a) carried out a relevant action in relation to a ticket for the whole of the travel and, if any additional actions were necessary for the ticket to be made valid for the whole of the travel, carried out those actions; or
  - (b) carried out any additional actions necessary for a ticket in the possession of the person on boarding the passenger vehicle to be made valid for the whole of the travel—the requirements of paragraphs (b) and (c) of that subregulation are deemed to have been satisfied.

**Example for regulation 12:**

An example of an additional action necessary for a ticket that is a Metcard to be made valid for travel is to insert it into a ticket validating machine so that it is made valid.

Reg. 12(3)  
inserted by  
S.R. No.  
84/2009  
reg. 8(5).

- (3) In this regulation, *to carry out a relevant action in relation to a ticket for the whole of the travel* means—
  - (a) in the case of a myki—
    - (i) to pay for travel in a passenger vehicle that consists of or includes the whole of the travel and have the details of the whole of the travel recorded on the myki; or
    - (ii) to have recorded on the myki sufficient value to pay for the whole of the travel; or



(iii) to—

- (A) pay for travel in a passenger vehicle that consists of or includes part of the travel and have the details of that part of the travel recorded on the myki; and
- (B) have recorded on the myki sufficient value to pay for the balance of the travel; or
- (b) in the case of a ticket other than a myki, to purchase a ticket for the whole of the travel.
- (4) Subregulations (1)(b)(ii) and (1)(c)(ii) apply in the case of a myki only if the myki has recorded on it—
  - (a) details of travel in a passenger vehicle for which payment has been made and which consists of or includes the whole of the travel referred to in those paragraphs; or
  - (b) sufficient value to pay for the whole of the travel referred to in those paragraphs; or
  - (c) details of travel in a passenger vehicle for which payment has been made and which consists of or includes part of the travel referred to in those paragraphs and sufficient value to pay for the balance of that travel.

Reg. 12(4)  
inserted by  
S.R. No.  
84/2009  
reg. 8(5).

### **13 Defence in relation to entry to a designated area**

- (1) It is a defence to a charge under regulation 6(2) or 8(2) that the person charged—
  - (a) before entering the designated area, took all reasonable steps that were available—
    - (i) to carry out a relevant action in relation to a ticket for that entry to the designated area; and

Reg. 13(1)(a)(i)  
substituted by  
S.R. No.  
84/2009  
reg. 9(1).

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- (ii) to carry out any additional actions necessary for the ticket to be made valid for that entry; and
- (b) while being in the designated area, had no reasonable opportunity—

Reg. 13(1)(b)(i)  
amended by  
S.R. No.  
84/2009  
reg. 9(2).

- (i) to carry out a relevant action in relation to a ticket for that entry to the designated area and, if any additional actions were necessary for the ticket to be made valid for that entry, to carry out those actions; or
- (ii) to carry out any additional actions necessary for a ticket in the possession of the person to be made valid for that entry to the designated area; and
- (c) on leaving the designated area, without delay took all reasonable steps that were available—

Reg. 13(1)(c)(i)  
amended by  
S.R. No.  
84/2009  
reg. 9(3).

- (i) to carry out a relevant action in relation to a ticket for that entry to the designated area and, if any additional actions were necessary for the ticket to be made valid for that entry, to carry out those actions; or
  - (ii) to carry out any additional actions necessary for a ticket in the possession of the person to be made valid for that entry to the designated area.
- (2) For the purposes of subregulation (1), if a person, while being in a designated area referred to in that subregulation, at the first reasonable opportunity—

Reg. 13(2)(a)  
amended by  
S.R. No.  
84/2009  
reg. 9(4).

- (a) carried out a relevant action in relation to a ticket for that entry to the designated area and, if any additional actions were necessary

for the ticket to be made valid for that entry,  
carried out those actions; or

- (b) carried out any additional actions necessary  
for a ticket in the possession of the person to  
be made valid for that entry to the designated  
area—

the requirements of paragraphs (b) and (c) of that  
subregulation are deemed to have been satisfied.

**Example for regulation 13:**

An example of an additional action necessary for a ticket that is a  
Metcard to be made valid for an entry to a designated area is to  
insert it into a ticket validating machine so that it is made valid.

- (3) In this regulation, *to carry out a relevant action  
in relation to a ticket for that entry to the  
designated area* means—

Reg. 13(3)  
inserted by  
S.R. No.  
84/2009  
reg. 9(5).

- (a) in the case of a myki—
  - (i) to pay for entry to a designated area  
that consists of or includes that entry to  
the designated area and have the details  
of that entry recorded on the myki; or
  - (ii) to have recorded on the myki sufficient  
value to pay for the entry to the  
designated area; or
- (b) in the case of a ticket other than a myki, to  
purchase a ticket for the entry to the  
designated area.

- (4) Subregulations (1)(b)(ii) and (1)(c)(ii) apply in the  
case of a myki only if the myki has recorded on  
it—

Reg. 13(4)  
inserted by  
S.R. No.  
84/2009  
reg. 9(5).

- (a) details of entry to a designated area for  
which payment has been made and which  
consists of or includes the entry to the  
designated area referred to in those  
paragraphs; or

- (b) sufficient value to pay for the entry to the designated area referred to in those paragraphs.

**14 Insufficient time not a defence in certain circumstances**

Without limiting the generality of regulations 12 and 13, for the purposes of those regulations, a person did not take all reasonable steps that were available to purchase a ticket and, if required, carry out any additional actions referred to in those regulations before—

- (a) commencing travel in a passenger train on which tickets are not normally available for purchase; or
- (b) entering a designated area—

if the primary reason why the person did not purchase a ticket or carry out the additional actions was because there was insufficient time to purchase the ticket or carry out those actions.

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## **PART 3—TICKET CONTRACTS AND CONDITIONS**

### **15 Ticket contracts**

- (1) This regulation applies if a passenger transport company or a bus company is obliged under a contract with the Crown, or the Secretary or the Director on behalf of the Crown, to accept for travel in the company's passenger vehicles or entry to the company's designated areas a ticket that has not been issued by or on behalf of the company.
- (2) If a person enters one of the company's passenger vehicles or designated areas in reliance on a ticket referred to in subregulation (1), on that entry, there is deemed to come into existence a contract between the company and the person for the travel in the passenger vehicle or entry to the designated area (as the case requires).
- (3) If a person purchases a ticket referred to in subregulation (1) on one of the company's passenger vehicles for use in that vehicle, on that purchase, there is deemed to come into existence a contract between the company and the person for the travel in the passenger vehicle.
- (4) The terms of a contract referred to in subregulation (2) or (3) are deemed to be all of the conditions to which the ticket is subject that are relevant to the travel in the passenger vehicle or entry to the designated area, as the case may be.

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- (5) A reference in this regulation—
- (a) to the company's passenger vehicles is a reference to any passenger vehicle operated by, or on behalf of, the company; and
  - (b) to the company's designated areas is a reference to any designated area that is owned or occupied by the company.

## **16 Ticket conditions**

A ticket is subject to the condition that the passenger transport company or bus company providing the service to which the ticket relates may alter the service during the currency of the ticket, including for example—

- (a) altering the mode of transport used to carry passengers;
  - (b) cancelling the service, wholly or in part;
  - (c) altering the point at which passengers will be picked up or set down.
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**PART 4—GENERAL**

**17 Ticket not to be transferred**

- (1) A person who has begun to use a ticket that has not yet expired must not transfer that ticket to another person unless the conditions under which the ticket has been issued permit the transfer.

Penalty: 5 penalty units.

- (2) A ticket is valid for travel in a passenger vehicle, or for entry to a designated area, only by the person who has begun to use it or a person to whom it may be transferred in accordance with subregulation (1).

**18 Inspection etc. of ticket**

If a ticket is produced for inspection under regulation 7 or 8, the authorised person (ticketing) may electronically test or read the ticket at the place where the inspection is being made.

**19 Ticket to be surrendered**

- (1) An authorised officer or a member of the police force may request the holder of a ticket or a purported ticket to surrender the ticket or purported ticket to the authorised officer or the member if the authorised officer or the member believes on reasonable grounds that the ticket or purported ticket may be required as evidence or that its surrender is otherwise necessary for the enforcement of the **Transport Act 1983** or these Regulations.

- (2) The holder of a ticket or a purported ticket must without delay comply with a request made under subregulation (1).

Penalty: 5 penalty units.

- (3) An authorised officer or member of the police force to whom a ticket or a purported ticket has been surrendered under subregulation (1) must, at the time of the surrender, give to the holder of the ticket or purported ticket a receipt for the ticket or purported ticket.

- (4) A request must not be made under subregulation (1) for the surrender of a ticket unless conditions have been determined and published under section 220D of the **Transport Act 1983** which specify whether or not, if such a ticket is surrendered, the ticket will be replaced or a refund will be made, to the extent of the whole or part of any unused value remaining on the ticket at the time of surrender.

Reg. 20  
substituted by  
S.R. No.  
84/2009  
reg. 10.

## **20 Additional requirements for buses etc.**

- (1) A person who—
- (a) boards a bus or public commercial passenger vehicle for travel in respect of which a ticket is required; and
  - (b) requests from the driver a concession ticket for that travel—

must, at the same time as requesting the ticket, show the driver evidence of the person's entitlement to rely on the concession ticket for that travel.

Penalty: 5 penalty units.



- (2) Subregulation (1) does not apply unless a sign stating that evidence of a person's entitlement to rely on a concession ticket must be shown to the driver when such a ticket is requested from the driver is placed in the bus or public commercial passenger vehicle so that it is clearly visible by a person who requests a ticket from the driver.

## **21 Convictions or findings of guilt for certain offences**

- (1) If a person commits an offence against more than one of regulation 6(1), 7(2), 9(3), 20(1) or 20(2) in respect of the same travel in a passenger vehicle, the person must not be convicted or found guilty of more than one of those offences.
- (2) If a person commits an offence against more than one of regulation 6(2), 8(2) or 10(3) in respect of the same entry to a designated area, the person must not be convicted or found guilty of more than one of those offences.

## **22 Exemptions**

Regulations 6, 7, 8 and 20 do not apply in relation to anything done or omitted to be done by—

- (a) a member of the police force or an authorised officer acting in the course of his or her duties;
- (b) a person employed by a passenger transport company or a bus company acting in the course of his or her duties;
- (c) a person (other than a person referred to in paragraph (a) or (b)) who is authorised in writing to do or not do the thing by—
- (i) a passenger transport company or a bus company in respect of that company's passenger vehicles or designated areas owned or occupied by that company; or
- (ii) the Secretary or the Director;

(d) a person who—

(i) is travelling in a passenger vehicle; or

(ii) is in a designated area—

if the passenger transport company or bus company or the Secretary or the Director has determined that a ticket is not required for that travel or that entry to the designated area.

**Examples for paragraph (d):**

- Free travel to a major event.
- The Heritage City Circle Tram Service.

Reg. 23  
inserted by  
S.R. No.  
95/2010 reg. 5.

**23 Prescribed kind of portable device**

For the purposes of the definition of *hand held reader* in section 208 of the Act, the Motorola MobileCompia (M3) MC6500S is a prescribed kind of portable device.

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## SCHEDULE

Regulation 4

### AMENDMENTS TO RELATED REGULATIONS

#### 1 Transport (Ticketing and Conduct) Regulations 2005<sup>1</sup>

- 1.1 In the title, **omit "Ticketing and"**.
- 1.2 In regulation 1, paragraphs (a) and (b) are **revoked**.
- 1.3 In regulation 3(1), for the definition of *authorised person* substitute—  
"*authorised person (conduct)* means—
  - (a) a person employed by a passenger transport company who has duties in relation to the issue, inspection or collection of tickets for, or the operation of, a road vehicle or a rail vehicle operated by the passenger transport company; or
  - (b) a member of the police force; or
  - (c) any other person appointed in writing by a passenger transport company, a rail freight operator, Rail Track, the Director or the Secretary for the purposes of these Regulations;"
- 1.4 In regulation 3(1), the definitions of *designated area*, *ticket*, *ticket barrier*, *ticket validating device*, *ticket validating machine* and *travel concession card* are **revoked**.

Sch.
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- 1.5 In regulations 4, 11(1), 12(1), 13, 14(1), 14(2), 14(3), 14(4), 15, 34(1), 34(2), 34(3), 36(5), 39(e), 40(2)(f), 41, 42(2)(f), 44(f), 52 and 54(3), for "authorised person" **substitute** "authorised person (conduct)".
- 1.6 In regulation 47(b), for "authorised person" (where twice occurring) **substitute** "authorised person (conduct)".
- 1.7 In regulation 54(1), for "authorised person" (wherever occurring) **substitute** "authorised person (conduct)".
- 1.8 In the heading to Part 2, **omit** "TICKETS AND".
- 1.9 Regulations 5, 6, 7, 8, 9 and 10 are **revoked**.
- 1.10 For regulation 54(1)(b) **substitute**—
- "(b) the rail vehicle or road vehicle is a passenger vehicle within the meaning of the Transport (Ticketing) Regulations 2006 and the person fails to comply with regulation 6(1), 7(2) or 9(3) of those Regulations in respect of travel in that passenger vehicle; or
- (ba) the person fails to comply with regulation 6(2), 8(2) or 10(3) of the Transport (Ticketing) Regulations 2006 in respect of an entry to a designated area within the meaning of those Regulations that is part of the rail premises; or".

## **2 Transport (Passenger Vehicles) Regulations 2005<sup>2</sup>**

- 2.1 In regulation 5, for "None of the offences in these Regulations apply" **substitute** "The offences in these Regulations (except the offences in Division 2 of Part 5) do not apply".

2.2 In regulation 4, for the definition of *ticket validating machine* **substitute**—

*"ticket validating machine* means a machine which is designed and intended to be used to electronically record information about a ticket when the ticket is inserted into the machine, or presented to the machine for scanning, regardless of whether or not at any particular time the machine is in working order;"

2.3 In regulation 40(1)(a)—

- (a) for "for the journey the passenger is about to take" **substitute** "for the whole of the travel the passenger is about to undertake in that vehicle";
- (b) for "for the journey" (where secondly occurring) **substitute** "for that travel".

2.4 For regulation 40(1)(b) **substitute**—

"(b) if the passenger relies on an existing ticket which, in order to be made valid for the whole of the travel the passenger is about to undertake in that vehicle, must be inserted into a ticket validating machine—

- (i) request that the passenger insert the ticket into the ticket validating machine on the vehicle so as to make the ticket valid; or
- (ii) if there is no ticket validating machine on the vehicle or if the machine is not operational, request that the passenger show the ticket to the driver;"

2.5 In regulation 40(1)(c), for "the passenger leaves the vehicle or the journey ends" **substitute** "the passenger's travel in that vehicle ends".

2.6 In regulation 40, after subregulation (2), **insert**—

"(3) For the purposes of subregulation (1)(b), a ticket is valid for the whole of a passenger's travel if the ticket authorises the whole of that travel."

2.7 Regulations 44, 45, 46 and 51 are **revoked**.

2.8 In regulation 47(1), for "who has not paid a fare in accordance with regulation 44" **substitute** "who has failed to comply with regulation 6(1), 7(2), 9(3), 20(1) or 20(2) of the Transport (Ticketing) Regulations 2006".

### **3 Transport (Infringements) Regulations 1999<sup>3</sup>**

3.1 After regulation 201(1), **insert**—

"(1A) If a person is alleged to have committed an offence against more than one of regulation 6(1), 7(2) or 9(3) of the Transport (Ticketing) Regulations 2006 in respect of the same travel in a passenger vehicle within the meaning of those Regulations, for the purposes of subregulation (1) only one of those offences may be the subject of a ticket infringement notice.

(1B) If a person is alleged to have committed an offence against more than one of regulation 6(2), 8(2) or 10(3) of the Transport (Ticketing) Regulations 2006 in respect of the same entry to a designated area within the meaning of those Regulations, for the purposes of subregulation (1) only one of those offences may be the subject of a ticket infringement notice."

Transport (Ticketing) Regulations 2006  
S.R. No. 86/2006

Sch.

3.2 In Schedule 2, for the Table, **substitute**—

"

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Reference</i>	<i>Short description of offence</i>	<i>Penalty Units</i>	<i>Code</i>
<i>Transport (Ticketing) Regulations 2006</i>			
reg. 6(1) or reg. 6(2)	Failing to hold valid ticket	1.47	3104
reg. 7(2) or reg. 8(2)	Failing to produce valid ticket	1.47	3106
reg. 9(3) or reg. 10(3)	Failing to produce evidence of concession	1.47	3100
reg. 17(1)	Transferring ticket to another person	1.47	3103

"

3.3 In Column 1 in the Table in Schedule 3, **omit** "Ticketing and" (wherever occurring).

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## ENDNOTES

### 1. General Information

The Transport (Ticketing) Regulations 2006, S.R. No. 86/2006 were made on 4 July 2006 by the Governor in Council under sections 56, 162, 215 and 221AA of the **Transport Act 1983**, No. 9921/1983 and came into operation on 31 July 2006: regulation 3.

The Transport (Ticketing) Regulations 2006 will sunset 10 years after the day of making on 4 July 2016 (see section 5 of the **Subordinate Legislation Act 1994**).



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## 2. Table of Amendments

This Version incorporates amendments made to the Transport (Ticketing) Regulations 2006 by statutory rules, subordinate instruments and Acts.

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Transport (Ticketing) Amendment (Mykis and Other Smartcards) Regulations 2009,  
S.R. No. 84/2009

*Date of Making:* 21.7.09

*Date of Commencement:* 21.7.09

Transport (Ticketing) Amendment (Portable Devices) Regulations 2010,  
S.R. No. 95/2010

*Date of Making:* 21.9.10

*Date of Commencement:* 21.9.10

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<b>Endnotes</b>
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### **3. Explanatory Details**

<sup>1</sup> Sch. item 1: S.R. No. 69/2005.

<sup>2</sup> Sch. item 2: S.R. No. 66/2005.

<sup>3</sup> Sch. item 3: S.R. No. 112/1999.