

Public Transport Authority Amendment Regulations 2020

SL 2020/183

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Public Transport Authority Amendment Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Public Transport Authority Regulations 2003*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *ticket*.
- (2) In regulation 3 insert in alphabetical order:

electronic ticket means a physical data storage device or a software application that —

- (a) is issued or approved by the Authority; and
- (b) holds data that, alone or in conjunction with other data, evidences a person's authorisation to make a journey; and
- (c) at the start and end of the journey and at all times during the journey, is capable of being electronically read by the Authority's reading apparatus;

journey means a journey on a public passenger transport service provided by the Authority;

paper ticket means a voucher, receipt or other document issued by or on behalf of the Authority, that evidences a person's authorisation to make a journey;

ticket means —

- (a) a paper ticket; or
- (b) an electronic ticket.

5. Regulation 5 replaced

Delete regulation 5 and insert:

4A. Use of ticket may be subject to conditions

The Authority may issue or approve a ticket subject to conditions as to its use, including conditions as to —

- (a) the journeys in connection with which the ticket may be used; and
- (b) the places, times and circumstances in which the ticket may be used; and
- (c) the manner in which the ticket may be used; and
- (d) the person or class of persons who may use the ticket.

5. Validity of ticket for journey

- (1) A paper ticket is valid for a journey if it evidences authorisation to make that journey, unless —
 - (a) it is torn; or
 - (b) it is to be validated by a machine before the commencement of the journey and it has not been so validated; or
 - (c) it is in such a condition that the printing or writing on it is not readily legible; or
 - (d) the printing on it has been altered, added to, erased or obliterated; or
 - (e) the period of duration of the ticket expired before the start of the journey; or
 - (f) it is not being used in accordance with any condition on which it was issued; or
 - (g) it is used or purported to be used on the journey beyond the point for which the fare has been paid; or
 - (h) a current certificate or concession card is required to be held by a person as a condition of the use of the ticket on the journey and that certificate or concession card is not presented on demand to a driver, master or authorised person.

- (2) An electronic ticket is valid for a journey if it holds data that, alone or in conjunction with other data, evidences authorisation to make the journey, unless —
- (a) the person using the ticket is required, before or at the start of the journey, to obtain confirmation from the Authority's reading apparatus of authorisation to make the journey, and the reading apparatus has not confirmed authorisation to make the journey; or
 - (b) it is not being used in accordance with any condition on which it was issued or approved; or
 - (c) a current certificate or concession card is required to be held by a person as a condition of the use of the ticket on the journey and that certificate or concession card is not presented on demand to a driver, master or authorised person.

6. Regulation 6 amended

Delete regulation 6(1) and insert:

- (1) A person who —
- (a) starts or makes a journey; or
 - (b) leaves or ends a journey,

and who is not in possession of a ticket that is valid for the journey commits an offence.

Modified penalty for this subregulation: a fine of \$100.

Penalty for this subregulation: a fine of \$500.

- (1A) In proceedings for an offence under subregulation (1), the accused is taken not to have been in possession of a ticket that is valid for the journey (unless the contrary is proved) if —
- (a) it is proved that the accused did not produce a ticket valid for the journey to a driver, master or authorised person on demand made at the start or end of the journey or at any time during the journey; or
 - (b) it is proved that the accused used or attempted to make use of a ticket in connection with the journey that was not valid for the journey.

Note: The heading to amended regulation 6 is to read:

Making a journey without a valid ticket

7. Regulation 6A inserted

At the end of Part 2 insert:

6A. Being within a closed area without a valid ticket

- (1) In this regulation —
- appropriate ticket*, in relation to a closed area, means a ticket that is valid for a journey starting or ending at the railway station in which the closed area is located;
- closed area*, in relation to a railway station, means an area in the station, entry to or exit from which —
- (a) is controlled by gates, barriers or other means; and
 - (b) ordinarily requires the presentation of an appropriate ticket.
- (2) A person who is within the closed area of a railway station and is not in possession of an appropriate ticket commits an offence.
- Modified penalty for this subregulation: a fine of \$100.
Penalty for this subregulation: a fine of \$500.
- (3) In proceedings for an offence under subregulation (2), the accused is taken not to have been in possession of an appropriate ticket (unless the contrary is proved) if —
- (a) it is proved that the accused did not produce an appropriate ticket to an authorised person on demand made when the accused entered or exited the closed area, or at any time while the accused was within the closed area; or
 - (b) it is proved that, when entering or exiting the closed area, the accused used or attempted to make use of a ticket that was not an appropriate ticket.
- (4) Subregulation (2) does not apply to a person permitted by an authorised person to enter the closed area of a railway station while not in possession of an appropriate ticket.

8. Regulation 11 amended

At the beginning of regulation 11 insert:

- (1A) In this regulation —
- e-cigarette* means a device that is designed to generate or release smoke, an aerosol or vapour (whether or not containing nicotine) by electronic means for inhalation

by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product;

smoke (when used as a verb) means consume, hold or otherwise have control over —

- (a) an ignited tobacco product; or
- (b) an e-cigarette that is generating or releasing (whether or not by burning) smoke, an aerosol or vapour;

tobacco product has the meaning given in the *Tobacco Products Control Act 2006* Glossary clause 1.

9. Regulation 12 amended

(1) At the beginning of regulation 12 insert:

(1A) In this regulation —

liquor has the meaning given in the *Liquor Control Act 1988* section 3(1).

(2) In regulation 12(1):

(a) delete “alcohol” and insert:

liquor

(b) in the modified penalty delete “penalty:” and insert:

penalty for this subregulation:

(c) in the penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(3) In regulation 12(2) delete “alcohol” (each occurrence) and insert:

liquor

(4) After regulation 12(2) insert:

(3) In proceedings for an offence under subregulation (1), an allegation in the prosecution notice that a substance was liquor is, in the absence of proof to the contrary, taken to be proved.

- (4) If a person is contravening this regulation an authorised person may seize an open container of liquor in the person's possession.
- (5) An authorised person who seizes a container of liquor under subregulation (4) must dispose of it as soon as practicable after it is seized.

Note: The heading to amended regulation 12 is to read:

Consumption of liquor

10. Regulation 30 amended

- (1) In regulation 30(1) delete each penalty and insert:

Modified penalty for this subregulation: a fine of \$100.

Penalty for this subregulation: a fine of \$500.

- (2) In regulation 30(2) delete each penalty and insert:

Modified penalty for this subregulation: a fine of \$100.

Penalty for this subregulation: a fine of \$500.

11. Regulation 32 replaced

Delete regulation 32 and insert:

32. Parking charges

- (1) If an area of Authority property is designated for parking subject to the payment of a charge set out in Schedule 1 item 1, a person must not park a vehicle in such an area at any time when the charge applies unless either subregulation (2) or (3) applies.

Modified penalty for this subregulation: a fine of \$50.

Penalty for this subregulation: a fine of \$250.

- (2) This subregulation applies if —
 - (a) the proper charge for parking the vehicle has been paid into a ticket vending machine; and
 - (b) a parking ticket has issued from the vending machine; and
 - (c) the parking ticket is displayed on the vehicle so that the date and an expiry time for permitted parking are clearly visible from outside the vehicle.
- (3) This subregulation applies if the proper charge for parking the vehicle has been paid, or arrangements for

its payment have been made, in accordance with a payment mechanism approved by the Authority for the purposes of this regulation by notice published in the *Gazette*.

12. Regulation 41 amended

In regulation 41(1)(o) delete “ticket; or” and insert:

ticket for a journey the person is making; or

13. Regulation 43 amended

In regulation 43:

(a) in paragraph (h) delete “conveyance.” and insert:

conveyance; or

(b) after paragraph (h) insert:

(i) an authorised person, a security officer or a member of the Police Force —

(i) witnesses the person committing an offence referred to in section 58(2) of the Act in, on, in respect of or in relation to Authority property; or

(ii) reasonably suspects that the person has committed an offence referred to in that subsection in, on, in respect of or in relation to Authority property.

14. Regulation 44 replaced

Delete regulation 44 and insert:

44. Powers of authorised persons to inspect and retain tickets

(1) A driver, master or authorised person to whom a person produces a paper ticket under regulation 6 or 6A may —

(a) photograph or copy the ticket; or

(b) take notes of any information on the ticket; or

(c) if it is a ticket issued on the payment of a cash fare — retain the ticket and give the person who produced the ticket a voucher to the same effect as the ticket.

- (2) A driver, master or authorised person to whom a person produces an electronic ticket under regulation 6 or 6A may read, download or copy data held on the ticket that is relevant to the person's authorisation to make a journey.
- (3) A driver, master or authorised person may retain an electronic ticket that is produced to the driver, master or authorised person under regulation 6 or 6A if —
 - (a) it is a ticket belonging to a person who is registered with the Authority as the owner of the ticket; and
 - (b) the owner has notified the Authority that the ticket has been lost or stolen.
- (4) If an electronic ticket produced to a driver, master or authorised person under regulation 6 or 6A is not valid under regulation 5(2)(b) because it is not being used in accordance with a condition that it be used only by the person to whom it was issued, the driver, master or authorised person may retain the ticket.

V. MOLAN, Clerk of the Executive Council.
