

RB303

GOVERNMENT RAILWAYS ACT 1904

GOVERNMENT RAILWAYS (FARES AND PASSENGERS) BY-LAWS
1994

Made by the Western Australian Government Railways Commission and approved by His Excellency the Governor in Executive Council.

Part I — Preliminary

Citation

1. These by-laws may be cited as the *Government Railways (Fares and Passengers) By-laws 1994*.

Commencement

2. These by-laws come into operation on the day on which the *Acts Amendment (Perth Passenger Transport) Act 1994* comes into operation.

Application

3. Unless otherwise stated, these by-laws apply to all railways and railway operations within the State, and apply in addition to the *Railway By-laws**.

[* *Published in the Gazette of 14 May 1940 at p. 789. For amendments to 6 December 1994 see 1993 Index to Legislation of Western Australia, Table 4, pp. 106-112 and Gazette of 5 December 1994.*]

Interpretation

4. In these by-laws unless the contrary intention appears —

“bicycle” means a two-wheeled vehicle designed to be propelled by human power;

“employee” means a person employed by the Commission to perform functions on any property owned or operated by or on behalf of the Commission, or in connection with any vehicle;

“fare” means the amount of money fixed by or on behalf of the Commission under by-law 5 that is payable for a journey undertaken on a vehicle;

“issued” means —

- (a) sold, in the case of a ticket; or
- (b) endorsed, in the case of a voucher;

“metropolitan area” has the meaning given in section 18B (1) of the *Transport Co-ordination Act 1966*;

“pass” means a pass described in by-law 9;

“passenger” means a person travelling on a vehicle but does not include an employee of the Commission travelling on a vehicle for the purpose of carrying out his or her functions or duties;

“periodical ticket” means a ticket described in by-law 8;

“permit” means a permit described in by-law 9;

"railway operations" means transport services provided by or on behalf of the Western Australian Government Railways Commission;

"suburban travel" means railway operations that do not involve travel outside the metropolitan area;

"ticket" means —

- (a) a ticket issued for a journey within the terms and conditions set by or on behalf of the Commission;
- (b) a voucher appropriate to the passenger that has been endorsed for a journey within the terms and conditions set by or on behalf of the Commission;
- (c) a document signed by an authorized employee allowing a person or persons to travel on a vehicle;

"vehicle" means a train, railcar, road coach or other vehicle, used or operated by or on behalf of the Commission;

"voucher" means a voucher sold under by-law 7.

Part II — Fares

Fares

5. (1) Subject to these by-laws, the fare to be paid by or in respect of a passenger, or a bicycle, is the relevant amount fixed by or on behalf of the Commission from time to time.

(2) If a passenger is a child who has not attained the age of 5 years and is accompanied by an adult passenger, no fare is payable for the child unless the child occupies a seat to the exclusion of an adult.

Cash fares

6. Subject to these by-laws, all fares are payable in cash.

Vouchers

7. (1) The Commission, or an agent approved by the Commission, may sell vouchers at such rates as the Commission may from time to time determine and a voucher may, subject to this by-law, be endorsed as many times as is indicated on the voucher.

(2) A voucher may be sold for use only by a class of person, or for a category of travel, specified in the voucher.

(3) A voucher is endorsed by causing an entry to be made on the voucher, by a device provided by the Commission for that purpose, and when that is done, the fare appropriate to the type of travel authorized by the voucher is deemed to have been paid for a person in respect of whom the voucher is so endorsed.

Periodical tickets

8. (1) The Commission or an agent appointed by the Commission may issue periodical tickets at such rates and on such terms and conditions as the Commission may from time to time determine.

(2) A periodical ticket is valid for the period stated on that ticket.

(3) Presentation of a valid periodical ticket is proof of payment of the cash fare.

Passes and permits

9. (1) The Commission may issue passes and permits entitling the holders to travel on such terms and conditions as may be fixed by the Commission from time to time in relation to such passes and permits.

(2) A pass or permit is valid only while the holder is travelling in accordance with the terms and conditions relating to the pass or permit.

(3) The Commission may allow the holder of a certificate, issued by another public authority, to travel on a vehicle on such terms and conditions as are determined from time to time by the Commission.

(4) In sub-bylaw (3) —

“public authority” means any department, instrumentality or body of the State or the Commonwealth approved by the Commission for the purposes of this by-law.

Bicycle permits

10. The Commission or an agent appointed by the Commission may issue, subject to such conditions as the Commission may from time to time determine, a permit entitling a ticket holder to travel on a vehicle during the times set by the Commission, together with a bicycle for which the ticket holder holds a further ticket.

Part III — Tickets

Interpretation

11. In this Part “ticket” includes a pass, a permit, and a certificate issued under by-law 9 (3).

Validity of ticket

12. A ticket is not valid if —

- (a) it is torn or defaced;
- (b) it is in such a condition that the printing or writing on it is not readily legible;
- (c) the printing on it has been altered, added to, erased or obliterated;
- (d) its period of duration has expired;
- (e) it has been obtained without presenting the appropriate certificate, permit or identification; or
- (f) it does not qualify the holder to the journey —
 - (i) being undertaken;
 - (ii) that has been undertaken; or
 - (iii) that is about to be undertaken.

Tickets not transferable

13. Subject to by-law 17, a ticket is only valid for the person to whom it is issued and is not transferable.

Ticket offences

14. (1) A person must not travel or attempt to travel on a vehicle unless he or she has, and produces on demand, a valid ticket.

Penalty: \$200.

(2) A person must not, when travelling or attempting to travel on a vehicle, produce to an employee a ticket that is not valid.

Penalty: \$200.

(3) Unless by-law 17 applies, a person to whom a ticket is issued must not cause, permit or suffer another person to use that ticket for the purposes of travelling on a vehicle or for the purposes of enabling that other person to travel on a vehicle or to travel on a vehicle at a lower fare than the fare that would otherwise be payable by that other person.

Penalty: \$200.

(4) A person must not travel or attempt to travel on a vehicle by producing a ticket other than a ticket issued to that person.

Penalty: \$200.

(5) A person must not obtain a ticket or attempt to obtain a ticket by means of a false statement or representation.

Penalty: \$200.

(6) A person must not travel or attempt to travel on a vehicle by using a ticket that has been obtained by means of a false statement or representation.

Penalty: \$200.

(7) A person must not alter, add to or obliterate any writing or marking on a ticket.

Penalty: \$200.

Voucher offence

15. A person must not travel or attempt to travel using a voucher that is not of a type appropriate for the purpose.

Penalty: \$200

Bicycle offences

16. (1) A person must not travel or attempt to travel on a vehicle, during the times determined by the Commission from time to time, with a bicycle unless he or she has, and produces on demand —

- (a) a ticket for that journey;
- (b) a ticket for that bicycle; and
- (c) a valid permit permitting travel with a bicycle.

Penalty: \$200.

(2) A person must not travel or attempt to travel on a vehicle, at times other than the times determined by the Commission from time to time, with a bicycle unless he or she has, and produces on demand, both a ticket for that journey and a ticket for that bicycle.

Penalty: \$200.

Exceptions to ticket offences

17. A voucher may be endorsed in respect of, and used for the purposes of travelling by, more than one person, but only if each person in respect of whom the voucher is validly endorsed can, whenever using the voucher for the purposes of travelling, produce the voucher or cause the voucher to be produced upon request.

Concessional fares

18. A passenger who is travelling on a vehicle, and to whom a ticket has been issued at a concessional rate, must produce evidence of the status that gave rise to that concession, on demand by an employee.

Penalty: \$200.

Child fares

19. A passenger who is in charge of a child who is aged —

- (a) for suburban travel, between 5 years and 14 years (inclusive); or
- (b) for other railway operations, between 5 years and 15 years (inclusive),

and who is travelling on a vehicle must ensure a valid ticket for that child is produced on demand.

Penalty: \$200.

Seats to be yielded up

20. A condition of the concessional fare for a child or a student is that the child or student must, if requested by an employee, give up his or her seat to another passenger.

Part IV — Miscellaneous**Commission not liable for inaccuracy, delays, etc.**

21. (1) A timetable published by or on behalf of the Commission is for public information and is not a term, condition or warranty of any contract between the Commission and any passenger or intending passenger.

(2) The Commission is not liable for losses incurred any passenger through any delay, breakdown or stoppage of a vehicle.

Passenger not to consume food

22. (1) A passenger travelling in a vehicle must not consume any food or drink (including liquor) while in that vehicle.

Penalty: \$200.

(2) Sub-bylaw (1) only applies to suburban travel.

The Common Seal of Western Australian Government Railways Commission was hereunto affixed in the presence of—

R. DRABBLE, Commissioner.
D. CLARKE, Secretary.

Approved by His Excellency the Governor in Executive Council.

M. C. WAUCHOPE, Clerk of the Council.