

Western Australia

Perth (Passenger) Transport Regulations 2002

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Perth (Passenger) Transport Regulations 2002

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Perth (Passenger) Transport Regulations 2002

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Perth (Passenger) Transport Regulations 2002*.

2. Interpretation

In these regulations unless the contrary intention appears —

“authorised person” means an employee of the Director General or other person authorised by the Director General to act on his or her behalf;

“driver” means the driver of an omnibus being used to provide passenger services;

“pilot” means the pilot of a ferry being used to provide passenger services;

“premises” means land or jetties used for the embarkation or disembarkation of persons using passenger services;

“ticket” means —

(a) a ticket issued on the payment of a cash fare;

(b) a ticket issued in advance of use of passenger services; or

(c) a voucher or other document issued,

by or on behalf of the Director General within the terms and conditions set by the Director General.

3. Application

These regulations apply to passenger services provided under Part II Division 4 of the Act by means of an omnibus or a ferry travelling only between places in the metropolitan area.

4. Offences prescribed as infringement notice offences: section 58A

The offences in these regulations that are followed by a penalty expressed as a “modified penalty” are offences that are prescribed offences for the purposes of section 58A(2) of the Act, and the modified penalty directly following the offence is the modified penalty prescribed under section 58A(4) of the Act in respect of that offence.

Part 2 — Fares

5. Setting of fares

- (1) Subject to these regulations, the fare to be paid by a person in respect of passenger services is to be the amount fixed by the Director General from time to time.
- (2) The Director General may provide that a lesser amount than that fixed as the fare for passenger services may be paid if a ticket of a type specified by the Director General for the use of the services is purchased.
- (3) For the purpose of setting fares the Director General may set zones.

6. Concession fare

- (1) In setting fares, the Director General may provide that persons of a class specified by the Director General may —
 - (a) pay a concession fare in respect of passenger services; or
 - (b) use passenger services without paying a fare.
- (2) If the Director General provides that a concession fare may be paid or that passenger services may be used without paying a fare, the Director General may specify the conditions on or the circumstances in which the concession fare may be paid or the passenger services may be used without paying a fare.

Part 3 — Tickets

7. Invalid ticket

A ticket is not valid if —

- (a) it is torn;
- (b) it must be validated in a machine before the commencement of a journey and it has not been so validated;
- (c) it is in such a condition that the printing or writing on it is not readily legible;
- (d) the printing on it has been altered, added to, erased, or obliterated;
- (e) the period of duration of the ticket expired before the passenger boarded the omnibus or ferry;
- (f) it is used or purported to be used beyond the point for which the fare has been paid; or
- (g) a current certificate or concession card is required to be held by a passenger as a condition of the use of the ticket and that certificate or concession card is not presented on demand to a driver, pilot, or authorised person.

8. Using a passenger service without a valid ticket

A person who —

- (a) travels on a passenger service;
- (b) attempts to travel on a passenger service; or
- (c) has just travelled on a passenger service,

and does not produce on demand to a driver, pilot, or an authorised person a valid ticket commits an offence.

Modified penalty: \$50.

Part 4 — Conduct on omnibuses, ferries, and premises

9. No standing allowed in certain areas on omnibuses or ferries

A person who stands in an area of an omnibus or ferry designated by a sign to be an area in which a person must not stand while the omnibus or ferry is moving commits an offence.

Modified penalty: \$50.

10. Smoking prohibited

- (1) A person who smokes in or on any portion of an omnibus or a ferry commits an offence.

Modified penalty: \$50.

- (2) A person who smokes in or on any part of premises in respect of which a notice is displayed that smoking is prohibited commits an offence.

Modified penalty: \$50.

11. Consumption of alcohol

- (1) Subject to subregulation (2), a person who consumes alcohol in or on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

- (2) A person may consume alcohol on an omnibus, ferry, or premises with the approval of the Director General if that approval is obtained before the alcohol is consumed.

12. Nuisance

A person who acts in such a way as to cause a nuisance or annoyance to persons on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

13. Begging and busking prohibited

A person who begs or busks in or on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

14. Posters and graffiti etc. prohibited

Unless authorised in writing by the Director General, a person who affixes anything to or paints or writes anything on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

15. Audible devices

- (1) Unless authorised in writing by the Director General, a person who blows or plays on any musical instrument in or on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

- (2) A person who operates a device capable of producing a sound (other than a computer or a telephone) in or on an omnibus, a ferry, or premises unless the device is operated with the use of a headphone or ear plug or with the prior approval of the Director General commits an offence.

Modified penalty: \$50.

16. Selling things or distributing handbills etc. prohibited

- (1) Unless authorised in writing by the Director General, a person who sells any thing or offers any thing for sale in or on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

- (2) Unless authorised in writing by the Director General, a person who distributes any handbill, advertisement, or printed matter of any kind in or on an omnibus, a ferry, or premises commits an offence.

Modified penalty: \$50.

17. Food and drink

Unless authorised in writing by the Director General, a person who consumes any drink or food in or on an omnibus or a ferry commits an offence.

Modified penalty: \$50.

18. Feet not to be placed on seats

- (1) A person who places or rests his or her foot or feet on or against a seat of an omnibus or a ferry commits an offence.

Modified penalty: \$50.

- (2) A person who is in charge of a child and permits that child to stand upon or place his or her foot or feet on or against a seat of an omnibus or a ferry commits an offence.

Modified penalty: \$50.

19. Luggage not to obstruct or endanger passengers

A person who while on an omnibus or a ferry —

- (a) carries a thing in such a manner that it may hit another passenger; or
- (b) places or carries a thing in such a position or manner as to interfere with the ingress, egress, or comfort, or endanger the safety, of another person,

commits an offence.

Modified penalty: \$50.

20. Flammable or explosive substance

A person who takes, or causes to be taken, onto an omnibus or a ferry or consigns for carriage on an omnibus or a ferry, any package containing any flammable or explosive substance or any dangerous thing commits an offence.

Modified penalty: \$50.

21. Goods likely to spill, stain, or damage an omnibus or a ferry

A person who takes or causes to be taken, onto an omnibus or a ferry any thing which is likely to —

- (a) spill; or
- (b) stain or cause damage to an omnibus or a ferry,

commits an offence.

Modified penalty: \$50.

22. Persons to stay inside vehicle

A person who —

- (a) projects or leans any portion of his or her body; or
- (b) projects an object,

out of an omnibus or a ferry commits an offence.

Modified penalty: \$50.

23. Carriage of bicycles

A person who travels or attempts to travel on an omnibus or ferry with a bicycle —

- (a) at times other than the times determined by the Director General;
- (b) in circumstances other than circumstances determined by the Director General; or
- (c) that is not a type of bicycle that has been approved by the Director General,

commits an offence.

Modified penalty: \$50.

Part 5 — Miscellaneous

24. Conditions of use of facilities

- (1) It is a condition of the use by a person of passenger services that any notice or timetable relating to times or routes of services published by the Director General is only a notice for the purposes of public information and is not intended to be a term, condition, or warranty of any contract between the Director General and any passenger or intending passenger.
- (2) It is a condition of the use by a person of passenger services that the Minister, the Director General, and the operator of passenger services are not liable for any loss suffered as a result of any delay, breakdown, or stoppage of an omnibus or a ferry being used to provide the service.
- (3) It is a condition of the use by a person of passenger services that the Minister and the Director General are not liable for the loss of or damage to any luggage, package, or parcel carried or left on premises or a facility used to provide the service.

25. Refusal of passage

A driver, pilot, or an authorised person may advise a person that that person must not travel on or remain on an omnibus or ferry if the driver, pilot, or authorised person has reasonable grounds to believe that the person —

- (a) poses a threat to the safety of the driver, pilot, or a passenger on the omnibus or ferry;
- (b) is in such an unclean condition that he or she is likely to soil the omnibus or ferry;
- (c) is abusive or disorderly;
- (d) is under the influence of alcohol or drugs to such an extent that he or she is likely to soil the omnibus or ferry or to become abusive;

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- (e) is in the company of an animal other than a guide dog in the company of a blind person or a deaf person;
- (f) is in possession of a flammable or explosive substance that may damage the omnibus or ferry or cause injury or inconvenience to a passenger on the omnibus or ferry; or
- (g) is in possession of any thing that is likely to obstruct, harm, or inconvenience a passenger on the omnibus or ferry.

26. Failure to comply with refusal of travel

If a person has been advised under regulation 25 that he or she must not travel on or remain on an omnibus or ferry, that person commits an offence if he or she —

- (a) boards the omnibus or ferry; or
- (b) refuses or fails to alight from the omnibus or ferry.

Modified penalty: \$200.

27. Regulation of pedestrians and vehicles on premises

- (1) The Director General may by road markings, signs, or other means regulate or prohibit the passage of vehicles or pedestrians in any premises.
- (2) Unless authorised to do so by the Director General, a person who disobeys a road marking, sign, or other means employed under subregulation (1) commits an offence.

Modified penalty: \$50.

28. Authorised person may demand name and address

- (1) If an authorised person has reason to believe that a person on an omnibus, a ferry, or premises has committed an offence under these regulations, the authorised person may require that person to give to the authorised person the person's full name, address, and date of birth.

- (2) A person required to give his or her full name, address, or date of birth under this regulation who —
- (a) refuses or fails to give his or her name, address, or date of birth; or
 - (b) gives a false name, false address, or false date of birth,
- commits an offence.
Modified penalty: \$100.

- (3) If a person is requested by the authorised person to verify the name, address, or date of birth given to the authorised person by that person under this regulation, the person commits an offence if he or she does not produce immediately any evidence of his or her identity then available.
Modified penalty: \$100.

[29. *Repealed in Gazette 26 Nov 2002 p. 5627.*]

30. Lost property

- (1) Any thing found or left unclaimed in any omnibus, ferry, or premises and subsequently given to a driver, pilot, or authorised person must be delivered to the person only who proves ownership of the thing to the satisfaction of the Director General and on payment of such charges, as may be determined by the Director General.
- (2) The Director General is not required to keep any lost thing of a perishable nature longer than 24 hours.

31. Evidence of information printed on a ticket or retention of ticket

- (1) If a person produces a ticket to an authorised person under regulation 8, the authorised person may photograph or copy the ticket, or take notes of any information on the ticket, and any photograph, copy, or notes are —
- (a) evidence of the information printed on the ticket; and

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(b) admissible in any proceedings for an offence against these regulations.

(2) If the ticket produced to an authorised person is a ticket issued on the payment of a cash fare, the authorised person may retain the ticket and give the person who produced the ticket a voucher to the same effect as the ticket.

32. Presumption as to contents of receptacle or package

In proceedings for an offence under regulation 11, 20, or 21, it is to be presumed, unless the contrary is shown, that the contents of the receptacle or package is the same as any description of or representation as to its contents on the receptacle or package.

33. Infringement notice

Schedule 1 Form 1 is prescribed, under section 58A(3) of the Act, as the form of infringement notice.

34. Withdrawal of infringement notice

Schedule 1 Form 2 is prescribed, under section 58A(7) of the Act, as the form of notice of withdrawal of infringement notice.

35. Penalty

A person who commits an offence against these regulations is liable to a penalty of \$500.

Schedule 1 — Forms

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Form 1

Transport Co-ordination Act 1966

Perth (Passenger) Transport Regulations 2002

Infringement notice

To:

Ms/Mr Family name Given names

of:

.....

Number Street

.....DATE:

Suburb Post Code

It is alleged that on the day of 2

at about a.m./p.m. you committed the offence below —

	Regulation	Offence	Modified penalty
π	8	Using a passenger service without a valid ticket	\$ 50
π

If you do not wish to have a complaint for the alleged offence heard and determined by a court you may dispose of the matter by payment of the modified penalty for the offence within 28 days of this notice being given to you.

If the modified penalty is not paid within the time specified in this notice a complaint for the alleged offence may be heard and determined by a court.

Payment of the modified penalty may be made by posting this form together with a cheque, money order, or postal note for the amount of the modified penalty to the Prosecutions Officer, Department for Planning and Infrastructure, PO Box 7272 Cloisters Square Perth WA 6850.

Form 2

Transport Co-ordination Act 1966

Perth (Passenger) Transport Regulations 2002

Withdrawal of infringement notice

Date of this notice: / /

To:
.....

of:
.....

Infringement Notice No. dated/...../..... issued for the
alleged offence of

.....
.....

.....
has been withdrawn.

The modified penalty of \$

- was paid and a refund is enclosed.
- was not paid and should not be paid.
(delete as appropriate)

Name and title of authorised
person giving this notice:

Signature:

[Schedule 1 amended in Gazette 28 Feb 2003 p. 679.]

Notes

- ¹ This is a compilation of the *Perth (Passenger) Transport Regulations 2002* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Perth (Passenger) Transport Regulations 2002</i>	7 May 2002 p. 2333-52	7 May 2002
<i>Perth (Passenger) Transport Amendment Regulations 2002</i>	26 Nov 2002 p. 5627	26 Nov 2002
<i>Perth (Passenger) Transport Amendment Regulations 2003</i>	28 Feb 2003 p. 678-9	28 Feb 2003