

Public Transport Authority Act 2003  
Government Railways Act 1904  
Transport Co-ordination Act 1966

## Public Transport Authority Amendment Regulations 2023

SL 2023/75

Made by the Governor in Executive Council.

### 1. Citation

These regulations are the *Public Transport Authority Amendment Regulations 2023*.

### 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 *electronic ticket*.
- (2) In regulation 3 insert in alphabetical order:

*electronic ticket* means —

- (a) a payment application; or
- (b) a payment device;

*payment application* means a software application issued or approved by the Authority that —

- (a) receives, stores, processes or transfers data; and
- (b) runs on a physical device that can be read by the Authority's reading apparatus so as to establish whether a person is authorised to make a journey;

*payment device* means a physical device issued or approved by the Authority that —

- (a) receives, stores, processes or transfers data; and

- (b) can be read by the Authority's reading apparatus so as to establish whether a person is authorised to make a journey;

**5. Regulation 4A amended**

- (1) At the beginning of regulation 4A insert:
  - (1) A person using an electronic ticket must, before or at the start of a journey, obtain confirmation from the Authority's reading apparatus of authorisation to make the journey.
- (2) In regulation 4A —
  - (a) delete "The Authority" and insert:
    - (2) The Authority
  - (b) delete "to conditions" and insert:
    - to other conditions

Note: The heading to amended regulation 4A is to read:

**Use of ticket**

**6. Regulation 5 amended**

Delete regulation 5(2) and insert:

- (2) An electronic ticket is valid for a journey unless —
  - (a) the person using the ticket does not comply with regulation 4A(1); or
  - (b) the ticket is not being used in accordance with any other 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.

**7. Regulation 6 amended**

- (1) In regulation 6(1) delete “is not in possession of a ticket that is valid for the journey” and insert:

does not produce a ticket that is 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

- (2) Delete regulation 6(1A).

**8. Regulation 6A amended**

- (1) In regulation 6A(2) delete “is within the closed area of a railway station and is not in possession of an appropriate ticket” and insert:

does not produce an appropriate ticket to a driver or authorised person on demand made when the person enters or exits the closed area of a railway station or at any time while the person is within the closed area

- (2) Delete regulation 6A(3).

**9. Regulation 11 amended**

Delete regulation 11(3) and insert:

- (3) This regulation does not limit the operation of the *Tobacco Products Control Regulations 2006*.

**10. Regulation 12 amended**

Delete regulation 12(4) and (5).

**11. Regulation 44 amended**

Delete regulation 44(3) and (4) and insert:

- (3) A driver, master or authorised person may retain a payment device produced to the driver, master or authorised person under regulation 6 or 6A if —
- (a) the payment device was issued by the Authority; and
  - (b) a person is registered with the Authority as the user of the payment device; and
  - (c) the registered user has notified the Authority that the payment device has been lost or stolen.

- (4) A driver, master or authorised person may retain a payment device produced to the driver, master or authorised person under regulation 6 or 6A if —
- (a) the payment device was issued by the Authority; and
  - (b) a person is registered with the Authority as the user of the ticket; and
  - (c) the ticket 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 registered user.

**12. Schedule 2 amended**

- (1) Delete Schedule 2 Form 1 and insert:

**Form 1**

*Public Transport Authority Act 2003*

***Public Transport Authority Regulations 2003***

**Infringement notice**

Serial No.

1. To: .....
- Family name                      Given names
- of: .....
- Number                      Street
- .....
- Suburb                      Postcode
- It is alleged that on ..... the ..... day of ..... 20 .....  
at about ..... am/pm you committed the offence indicated below —

- | 2. Regulation                  | Offence | Modified penalty |
|--------------------------------|---------|------------------|
|                                |         | \$               |
| <input type="checkbox"/> ..... | .....   | ....             |
| <input type="checkbox"/> ..... | .....   | ....             |

3. If you do not wish to be prosecuted for the alleged offence in a court, the amount of money specified in this notice as being the modified penalty for the offence may be paid to the Public Transport Authority within a period of 28 days after receiving this notice.
4. If the modified penalty is not paid within the time specified in paragraph 3 you may be prosecuted for the alleged offence in a court.

5. Please see the reverse side of this form for details of the ways in which the modified penalty may be paid.

Note: If you require an extension of time to pay the modified penalty or if you believe you have good reason to request this Authority to consider withdrawing this infringement notice, you must send your written reasons to [Address].

[Reverse side]

[Details of payment options for paying modified penalty]

- (2) In Schedule 2 Form 2 delete “Ms/Mr”.

### 13. Various penalties amended

In the provisions listed in the Table —

- (a) delete “Modified penalty:” and insert:

Modified penalty for this subregulation:

- (b) delete “Penalty:” and insert:

Penalty for this subregulation:

**Table**

r. 9(1)	r. 11(1) and (2)
r. 16(1) and (2)	r. 17(1) and (2)
r. 25(4)	r. 28(1)
r. 33C(1) and (2)	r. 33D(3)
r. 37(2)	

### 14. Various provisions amended to remove gender-specific language

Amend the provisions listed in the Table as set out in the Table.

**Table**

Provision	Delete	Insert
r. 9(2)	his or her	their
r. 19	his or her	the person’s
r. 23(a)	his or her	the person’s
r. 40	his or her	the officer’s
r. 41(1)(c)	him or her	the person

<b>Provision</b>	<b>Delete</b>	<b>Insert</b>
r. 41(1)(h) and (j)	he or she	the person
r. 42	he or she (each occurrence) that person	the person the person
r. 43(a)	him or her	the person
r. 43(d)(i)	his or her	the person's
r. 43(g)	he or she	the person

N. HAGLEY, Clerk of the Executive Council.