



New South Wales

Passenger Transport Amendment (Smartcards) Regulation 2017

under the

Passenger Transport Act 2014

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 2014*.

ANDREW CONSTANCE, MP
Minister for Transport and Infrastructure

Explanatory note

The objects of this Regulation are:

- (a) to enable the payment of fares by credit card, debit card or other approved payment device, and
- (b) to enable the Minister to refer light rail services to the Independent Pricing and Regulatory Tribunal for determinations or recommendations as to the appropriate maximum fare for those services.

This Regulation is made under the *Passenger Transport Act 2014*, including sections 122 and 176 (the general regulation-making power) and clauses 4 and 5 of Schedule 2.

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1 Name of Regulation

This Regulation is the *Passenger Transport Amendment (Smartcards) Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Passenger Transport Regulation 2014

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

approved payment device has the same meaning as in the *Passenger Transport Regulation 2007*.

[2] Clause 9

Omit the clause. Insert instead:

9 Conferral of authority to travel

- (1) This clause applies to the following:
 - (a) Opal cards,
 - (b) a ticket, if the purchase money for the ticket is payable to TfNSW (whether directly or under a passenger service contract with the operator or under any other agreement),
 - (c) an approved payment device.
- (2) It is a condition of an Opal card or ticket to which this clause applies that TfNSW is taken to confer a lawful authority to travel in accordance with any other conditions on which the card or ticket was issued.
- (3) TfNSW is taken not to confer authority to travel unless the holder of the Opal card or ticket has paid the correct fare for the travel concerned.
- (4) An approved payment device that is valid for travel in accordance with Division 3 of Part 2 of the *Passenger Transport Regulation 2007* confers a lawful authority to travel in accordance with any other conditions applying to the use of the approved payment device.

[3] Clause 10 Deemed contracts for provision of public passenger service

Insert at the end of clause 10 (1) (b):

, or

- (c) uses an approved payment device to access a public passenger service.

[4] Clause 10 (4)

Omit “or the receipt of revenue from the issue of an Opal card or a ticket”.

Insert instead “, because of the receipt of revenue from the issue of an Opal Card or ticket or because of the payment of a passenger’s fare by way of an approved payment device”.

[5] Clause 11A

Insert after clause 11:

11A Fares and other related matters: section 122 (d)

A public passenger service provided by means of a light rail vehicle is prescribed as a public passenger service to which Division 2 of Part 7 of the Act applies.