

Passenger Transport Regulation 2014

[2014-756]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Contents

Part 1 Preliminary	3
1 Name of Regulation	3
2 Commencement	3
3 Definitions	3
Part 2 Passenger service contracts	4
4 Transitional provisions—passenger service contracts	4
5 (Repealed)	4
6 Exclusion of certain tourist services	4
Part 3 Passenger transport fares, concessions and fees	5
7 Savings and transitional provisions	5
8 Conditions of travel—savings and transitional provision	5
9 Conferral of authority to travel	6
10 Deemed contracts for provision of public passenger service	6
11 Taxi non-cash payment surcharge	8
11A Fares and other related matters: section 122 (d)	8
Part 4 Miscellaneous	8
12 Penalty notice offences and penalties	8
13 Authorised officers.....	8
14 Transitional provisions concerning disclosure of accreditation and other information under section 171 of Act	8

Passenger Transport Regulation 2014



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Passenger Transport Regulation 2014*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on 1 December 2014 and is required to be published on the NSW legislation website.
- (2) Parts 3 and 4 of this Regulation commence on 12 December 2014.

3 Definitions

- (1) In this Regulation:

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

Opal card means a smartcard issued by TfNSW as an Opal card.

paid area of a ferry wharf means all parts of a ferry wharf (being a wharf for which ticket barriers or smartcard readers are installed) that are located between the place where ferries dock and the ticket barriers or smartcard readers.

Note—

A ferry wharf that does not have a ticket barrier will not have a paid area.

restricted area of a railway station means:

- (a) if the station has no ticket barriers or smartcard readers—the platform, and
- (b) if the station has ticket barriers or smartcard readers—the platform and all other parts of the station between the platform and the ticket barriers or smartcard readers.

the Act means the *Passenger Transport Act 2014*.

the 1990 Act means the *Passenger Transport Act 1990*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Passenger service contracts

4 Transitional provisions—passenger service contracts

- (1) For the purposes of the application of Part 3 of the Act, pending the repeal of the whole of the 1990 Act, clause 11 of Schedule 3 to the Act applies to an existing service contract as if the whole of the 1990 Act were repealed.
- (2) Division 2 of Part 7 of the *Passenger Transport Regulation 2007*, as in force immediately before the repeal of that Division, continues to apply to or in respect of an existing service contract to which that Division applied immediately before that repeal.
- (3) A reference in section 36 of the Act to or in respect of accreditation under the Act, including a reference to a person who is not required to be accredited under the Act, is taken to be a reference to or in respect of accreditation under the 1990 Act, including a person who is not required to be accredited under the 1990 Act.
- (4) A reference in the 1990 Act to a service contract is taken to be a reference to the following:
- (a) a passenger service contract under the Act,
 - (b) an existing service contract referred to in clause 11 of Schedule 3 to the Act.
- (5) In this clause:

existing service contract means a contract in force under Part 3 of the 1990 Act immediately before the commencement of Part 3 of the Act.

5 (Repealed)

6 Exclusion of certain tourist services

- (1) Section 39 (2) of the Act does not apply to a tourist service that is provided by a ferry operating between the Circular Quay precinct and Manly (with or without stops) if the usual period of the journey between those places using that service is less than 30 minutes.
- (2) (Repealed)

(3) In this clause:

Circular Quay precinct means any of the following wharves:

- (a) Man-O'-War steps,
- (b) Commissioner's steps,
- (c) Harbour Master's steps,
- (d) Circular Quay Wharf 2, 3, 4, 5 or 6,
- (e) Eastern Pontoon North,
- (f) Eastern Pontoon South.

Manly means any wharf within the local government area of Manly.

Part 3 Passenger transport fares, concessions and fees

7 Savings and transitional provisions

- (1) For the purposes of the application of Part 7 of the Act pending the commencement of the whole of the Act, the following have effect:
 - (a) a reference in that Part to a public passenger service is taken to be a reference to a public passenger service within the meaning of the 1990 Act,
 - (b) a reference in that Part to a taxi service is taken to be a reference to a taxi-cab service within the meaning of Part 4 of the 1990 Act,
 - (c) a reference in that Part to a hire car service is taken to be a reference to a private hire vehicle service within the meaning of Part 4A of the 1990 Act,
 - (d) (Repealed)
 - (e) a reference in that Part to a taxi is taken to be a reference to a taxi-cab within the meaning of the 1990 Act,
 - (f) a reference in that Part to the holder of a licence for a taxi is taken to be a reference to the holder of a licence for a taxi-cab under the 1990 Act.

(2), (3) (Repealed)

8 Conditions of travel—savings and transitional provision

- (1) The conditions of travel for a public passenger service before the commencement of this Regulation continue to apply to that public passenger service.
- (2) The conditions of travel for a public passenger service operated by a corporation constituted under the [Transport Administration Act 1988](#) or the regulations under that

Act may be amended from time to time by the corporation that operates the public passenger service by order published in the Gazette.

- (3) Nothing in this clause prevents the conditions of travel for a public passenger service (other than a service referred to in subclause (2)) from being amended at any time.

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.

10 Deemed contracts for provision of public passenger service

- (1) This clause applies if a person (the **passenger**):

- (a) uses an Opal card to access a public passenger service, or
- (b) uses any other ticket to access a public passenger service and the purchase money for the ticket is payable to TfNSW (whether directly or under a passenger service contract with the operator of the service or under any other agreement),
or
- (c) uses an approved payment device to access a public passenger service.

- (2) A contract between the passenger and the operator of the public passenger service for the provision by the operator to the passenger of transport by means of the public passenger service is taken to be formed when the passenger accesses the public passenger service.

- (3) The contract:

- (a) is taken to contain the conditions of travel for a passenger of the public passenger service and any other conditions that are applicable to that service under the Act or this Regulation, and

Note—

See clause 8 for conditions of travel.

- (b) does not affect any contract between TfNSW and the passenger or any other person relating to other matters in respect of the purchase of the Opal card or ticket, and
 - (c) does not affect any conferral by TfNSW of an authority to travel.
- (4) TfNSW is not, because of the issue of an Opal card or a ticket to a passenger for the purposes of the use of a public passenger service, 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:
- (a) the operator of the public passenger service for the purpose of the provision of transport to the passenger, or
 - (b) a party to the contract established under subclause (2), or
 - (c) liable for any matter or thing done or omitted to be done by the operator of the public passenger service, or anything done or omitted to be done by a person acting under the direction of the operator, in respect of the provision of transport to the passenger, or
 - (d) liable with respect to the carriage of the passenger, or
 - (e) taken to be in a relationship of principal and agent with the operator of the public passenger service for the provision of a specified public passenger service.
- (5) For the purposes of this clause, a person **accesses a public passenger service** in the following circumstances:
- (a) the person boards a bus used to provide the service,
 - (b) the person enters the restricted area of a railway station, other than by alighting from a train,
 - (c) the person enters the paid area of a ferry wharf, other than by alighting from a ferry,
 - (d) the person boards a ferry used to provide the service, if there is no paid area,
 - (e) the person boards a light rail vehicle used to provide the service.

11 Taxi non-cash payment surcharge

- (1) A fares order is not to specify a taxi non-cash payment surcharge that is greater than 5 per cent of the amount payable for the same hiring of the taxi to which the surcharge relates.
- (2) In this clause, **fares order** and **taxi non-cash payment surcharge** have the same meanings as in Division 2 of Part 7 of the Act.

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.

Part 4 Miscellaneous

12 Penalty notice offences and penalties

For the purposes of section 166 of the Act:

- (a) the offence created by section 127 of the Act is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for the offence is \$350, in the case of an individual, and \$3,500, in the case of a body corporate.

13 Authorised officers

- (1) A person appointed as an authorised officer under the 1990 Act before or on or after the commencement of the amending Regulation is taken also to be appointed as an authorised officer, on the same terms, under the Act.
- (2) Without limiting subclause (1), an authorised officer authorised under the 1990 Act to issue a penalty notice for offences relating to fares or tickets under that Act or the regulations under that Act is taken to be authorised to issue a penalty notice for an offence created by section 127 of the Act.
- (3) An identity card issued to an authorised officer under the 1990 Act before or on or after the commencement of the amending Regulation is, while in force under that Act, taken also to be an identity card issued under section 156 of the Act.
- (4) In this clause:

amending Regulation means the [Passenger Transport Amendment \(Transitional Appointments of Authorised Officers\) Regulation 2015](#).

14 Transitional provisions concerning disclosure of accreditation and other information

under section 171 of Act

- (1) This clause applies only until the 1990 Act is repealed.
- (2) Section 171 (1) (a) of the Act is taken to extend to information about the accreditation, authorisation or licensing status of, or an application for an accreditation, driver authority or licence by, a person under the 1990 Act.
- (3) Section 171 (1) (b) of the Act is taken to extend to information about the compliance of a driver with requirements imposed by the regulations under the 1990 Act on drivers relating to medical examinations or qualifications.