



Western Australia

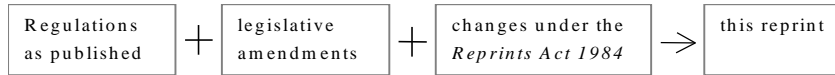
Public Transport Authority Act 2003
Government Railways Act 1904
Transport Co-ordination Act 1966

Public Transport Authority Regulations 2003

Reprint 1: The regulations as at 4 July 2008

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Public Transport Authority Regulations 2003

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Defined Terms



Reprinted under the
Reprints Act 1984 as
at 4 July 2008

Western Australia

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

Public Transport Authority Regulations 2003

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Public Transport Authority Regulations 2003*¹.

2. Commencement

These regulations come into operation on the later of the day on which the *Public Transport Authority Act 2003* comes into operation and the day on which these regulations are published in the *Gazette*¹.

3. Terms used in these regulations

In these regulations, unless the contrary intention appears —

“**Act**” means the *Public Transport Authority Act 2003*;

“**conveyance**” means a road bus, ferry or railway train involved in the provision of a public passenger transport service by the Authority;

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“driver” means the driver of a road bus or railway train involved in the provision of a public passenger transport service by the Authority;

“facility” means a place associated with the provision of a public passenger transport service provided by the Authority;

“master” means the master of a ferry involved in the provision of a public passenger transport service by the Authority;

“ticket” means a ticket, voucher, document or other thing issued by or on behalf of the Authority for the use of a public passenger transport service provided by the Authority.

4. Offences prescribed as infringement notice offences

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 44 of the Act, and the modified penalty following or applicable to the offence is the modified penalty prescribed for the purposes of section 45(1)(b) of the Act in respect of that offence.

Part 2 — Tickets

5. Invalid ticket

A ticket is not valid if —

- (a) it is torn;
- (b) it must be validated by 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 conveyance;
- (f) it is not being used in accordance with any condition on which it was issued;
- (g) it is used or purported to be used beyond the point for which the fare has been paid; or
- (h) 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, master, or authorised person.

6. Using a public passenger transport service without a valid ticket

- (1) A person who —
 - (a) travels on a public passenger transport service;
 - (b) attempts to travel on a public passenger transport service; or
 - (c) is leaving a public passenger transport service,

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provided by the Authority and does not produce on demand to a driver, master, or an authorised person a valid ticket commits an offence.

Modified penalty: \$50.

Penalty: \$250.

- (2) Subregulation (1) does not apply to —
- (a) a person authorised in writing by an authorised person to travel without paying a fare on a public passenger transport service specified in the authorisation; or
 - (b) a person travelling on a public passenger transport service provided by the Authority for which no fare has been fixed or within an area for which no fare is required to be paid.

Part 3 — Conduct in relation to Authority property

7. Interference with property

A person who —

- (a) interferes without lawful authority with a sign or equipment in or on Authority property; or
- (b) interferes without lawful authority with the mechanism of or a device in or on a conveyance,

commits an offence.

Modified penalty: \$200.

Penalty: \$2 000.

8. Travelling on part of conveyance not intended for conveyance of passengers

A person who without lawful authority travels on any part of a conveyance not intended for the conveyance of passengers commits an offence.

Modified penalty: \$200.

Penalty: \$2 000.

9. Entering or leaving a conveyance other than through a door

- (1) A person who, except in an emergency, enters or leaves a conveyance other than through a door intended for the use of passengers commits an offence.

Modified penalty: \$200.

Penalty: \$2 000.

- (2) Subregulation (1) does not apply to a driver, master, authorised person, or a security officer acting in the proper exercise of his or her duties.

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10. No standing allowed in certain areas on a conveyance

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

Modified penalty: \$50.

Penalty: \$250.

11. Smoking prohibited

- (1) A person who smokes in or on a conveyance commits an offence.

Modified penalty: \$50.

Penalty: \$250.

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

Modified penalty: \$50.

Penalty: \$250.

- (3) This regulation does not limit the operation of the *Health (Smoking in Enclosed Public Places) Regulations 1999*².

12. Consumption of alcohol

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

Modified penalty: \$50.

Penalty: \$250.

- (2) A person may consume alcohol in or on a conveyance or a facility with the approval of the chief executive officer if that approval is obtained before the alcohol is consumed.

13. Nuisance

A person who acts in such a way as to cause a nuisance or annoyance to persons in or on a conveyance or a facility commits an offence.

Modified penalty: \$50.

Penalty: \$250.

14. Begging and busking prohibited

Unless authorised in writing by the chief executive officer, a person who begs or busks in or on a conveyance or a facility commits an offence.

Modified penalty: \$50.

Penalty: \$250.

15. Damage to a conveyance or facility

Unless authorised in writing by the chief executive officer, a person who affixes anything to or marks, paints, or writes anything on a conveyance or a facility commits an offence.

Modified penalty: \$200.

Penalty: \$2 000.

16. Audible devices

- (1) Unless authorised in writing by the chief executive officer, a person who blows or plays on any musical instrument in or on a conveyance or a facility commits an offence.

Modified penalty: \$50.

Penalty: \$250.

- (2) A person who operates a device producing a sound (other than a telephone) in or on a conveyance or a facility unless the device is operated with the use of a headphone or ear plug or with the prior approval of the chief executive officer commits an offence.

Modified penalty: \$50.

Penalty: \$250.

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17. Selling things or services or distributing handbills etc. prohibited

- (1) Unless authorised in writing by the chief executive officer, a person who sells any thing or service or offers any thing or service for sale in or on a conveyance or a facility commits an offence.

Modified penalty: \$50.

Penalty: \$250.

- (2) Unless authorised in writing by the chief executive officer, a person who distributes any handbill, advertisement, or printed matter of any kind in or on a conveyance or a facility commits an offence.

Modified penalty: \$50.

Penalty: \$250.

18. Food and drink

Unless authorised in writing by the chief executive officer, a person who consumes any drink or food in or on a conveyance commits an offence.

Modified penalty: \$50.

Penalty: \$250.

19. Feet not to be placed on seats

A person who places or rests his or her foot or feet on or against a seat of a conveyance commits an offence.

Modified penalty: \$50.

Penalty: \$250.

20. Luggage not to obstruct or endanger passengers

A person who while in or on a conveyance —

- (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.

Penalty: \$250.

21. Possessing certain things prohibited

A person, other than an authorised person, a security officer or a member of the Police Force in the proper exercise of his or her duties, who, without lawful excuse, possesses any one or more of the following things on or in Authority property commits an offence —

- (a) an explosive;
- (b) a syringe other than a syringe for the administration by or for a person of a medication obtained by prescription;
- (c) a firearm;
- (d) a controlled weapon or prohibited weapon within the meaning of those terms in section 3 of the *Weapons Act 1999*;
- (e) a tool, device, substance or apparatus that is capable of being used to create graffiti or mark property.

Modified penalty applicable to paragraphs (a) to (d): \$200.

Modified penalty applicable to paragraph (e): \$50.

Penalty applicable to paragraphs (a) to (d): \$2 000.

Penalty applicable to paragraph (e): \$200.

22. Goods likely to spill, stain, or damage a conveyance

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

- (a) spill; or

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(b) stain or cause damage to a conveyance,

commits an offence.

Modified penalty: \$50.

Penalty: \$250.

23. Persons to stay inside conveyance

A person who —

(a) projects or leans any portion of his or her body; or

(b) projects an object,

out of a conveyance commits an offence.

Modified penalty: \$50.

Penalty: \$250.

Part 4 — Regulation of persons and vehicles on Authority property

24. Terms used in this Part

In this Part, unless the contrary intention appears —

“**ACROD sticker**” means a current parking sticker issued by ACROD Limited (Western Australian Division), a company limited by guarantee and incorporated in the Australian Capital Territory;

“**designated**” means designated by signs or markings under regulation 25 or 29;

“**driver**” means any person driving or in control of a vehicle;

“**park**” means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with provisions of any law or of immediately taking up or setting down persons or goods and “**parking**” has a correlative meaning;

“**parking space**” means a section or part of Authority property, that is designated as a place where a vehicle may stand or be parked whether on payment of a fee or charge or otherwise;

“**secured parking facility**” means a facility in or on Authority property which is fenced and to which entry can be gained only through a gate that is locked between designated hours;

“**stand**”, in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law and “**standing**” has a correlative meaning;

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“ticket vending machine” means a machine situated in or on Authority property which, following insertion of a note, coin or token, issues a parking ticket.

[Regulation 24 amended in Gazette 12 Dec 2003 p. 5040.]

24A. Government railways parking stations

This Part does not apply to a place to which the *Government Railways (Parking Stations) By-law 1997* applies.

[Regulation 24A inserted in Gazette 12 Dec 2003 p. 5040.]

25. Regulation of persons and vehicles on Authority property

- (1) The Authority may erect or create signs or markings in or on Authority property or remove or modify those signs or markings.
- (2) Signs or markings in or on Authority property immediately before the coming into operation of these regulations are to be taken to have been erected or created under subregulation (1).
- (3) The inscription on a sign or marking operates according to its tenor.
- (4) A person must comply with —
 - (a) the inscription on a sign or marking erected or created under subregulation (1) unless authorised by the chief executive officer to disobey the sign or marking;
 - (b) a signal or direction by an authorised person as to the use, parking or movement of a vehicle that is addressed to the person and that is reasonably required for the regulation of traffic in or on Authority property or a part of that property; or
 - (c) a signal or direction by an authorised person as to the movement of persons in or on any Authority property or a part of that property.

Modified penalty: \$50.

Penalty: \$250.

26. Obstruction

A person must not stand a vehicle so as to obstruct an entrance to, an exit from, or a roadway within, Authority property or beyond the limits of any defined row of parking spaces within Authority property.

Modified penalty: \$50.

Penalty: \$250.

27. Direction not to park in area

A person must not permit a vehicle to stand on any part of Authority property, whether or not that part is a parking space, if an authorised person directs the driver of the vehicle to move the vehicle.

Modified penalty: \$50.

Penalty: \$250.

28. Loading zone

- (1) A person must not permit a vehicle to stand in a parking space if there is a sign on it or adjacent to it marked "Loading Zone" unless —

- (a) the vehicle is being used for delivering or collecting goods in the course of commerce; and
- (b) the vehicle remains in the space for not more than 30 minutes.

Modified penalty: \$50.

Penalty: \$250.

- (2) In this regulation —

"goods" means an article or collection of articles weighing at least 14 kilograms of which the content is at least 0.2 cubic metre.

[Regulation 28 inserted in Gazette 12 Dec 2003 p. 5041.]

29. Designation of parking spaces for vehicles of disabled persons

A parking space in or on Authority property for the parking of vehicles of disabled persons is to be designated by —

- (a) the words “Disabled Parking Only” clearly written on the ground within the limits of the parking space; and
- (b) an elevated sign, so located as to identify the parking space to which it relates, on which there appears the symbol described in Australian Standard 1428 as the international symbol for access for the disabled.

30. Disabled parking

- (1) A person must not, without permission of an authorised person, park or stand a vehicle in an area designated for the parking or standing of vehicles of disabled persons, unless —

- (a) a disabled person is the driver of or a passenger in the vehicle; and
- (b) an ACROD sticker is displayed in a prominent position in such a manner as to be clearly visible from the front of the vehicle.

Modified penalty: \$50.

Penalty: \$250.

- (2) A person other than a disabled person must not identify or purport to identify a vehicle in accordance with subregulation (1)(b).

Modified penalty: \$50.

Penalty: \$250.

31. Vehicles and parking

A person must not, without permission of an authorised person —

- (a) park a vehicle in or on any part of Authority property other than a part designated for the time being for the parking of vehicles; or

- (b) stand a vehicle in or on any part of Authority property other than a part designated for the time being for the parking or standing of vehicles.

Modified penalty: \$50.

Penalty: \$250.

32. Parking charges

If an area of Authority property is designated for parking subject to the payment of a charge set out in Schedule 1 item 1 and specified on a traffic sign, a person must not park a vehicle in such an area at any time when the charge applies unless —

- (a) the charge has been paid into a ticket vending machine; and
- (b) there is displayed clearly in or on the vehicle at that time a parking ticket issued from a ticket vending machine that shows —
 - (i) the date; and
 - (ii) an expiry time for permitted parking that is after that time.

Modified penalty: \$50.

Penalty: \$250.

33. Removing vehicle from secured parking facility

- (1) A person who wishes to remove a vehicle from a secured parking facility between the designated hours must pay to the Authority the charge set out in Schedule 1 item 2 to have the gate to the facility unlocked and opened during those hours.
- (2) The Authority may reduce, waive or refund, in whole or in part, the charge prescribed under subregulation (1) in the case of a particular person.

r. 33A

Part 4A — Bicycles on passenger trains

[Heading inserted in Gazette 11 Feb 2005 p. 697.]

33A. Terms used in this Part

In this Part —

“counter flow direction” means —

- (a) away from the Perth CBD in the morning; or
- (b) towards the Perth CBD in the afternoon or evening;

“peak flow direction” means —

- (a) towards the Perth CBD in the morning; or
- (b) away from the Perth CBD in the afternoon or evening;

“peak time” means 7.00 a.m. to 9.00 a.m., and 4.30 p.m. to 6.30 p.m.;

“working day” means a weekday that is not a public holiday for the Perth metropolitan area.

[Regulation 33A inserted in Gazette 11 Feb 2005 p. 697.]

33B. Bikes on trains generally

- (1) Subject to regulation 33D, a person may travel with a bicycle on a passenger train on a day that is not a working day, at any time.
- (2) Subject to regulation 33D, a person may travel with a bicycle on a passenger train on a working day, at any time that is not peak time.

[Regulation 33B inserted in Gazette 11 Feb 2005 p. 697.]

33C. Bikes on trains in peak times

- (1) Subject to regulation 33D, a person may travel with a bicycle on a passenger train, in a counter flow direction during a peak time

on a working day but, in doing so, must not get any closer to the Perth CBD than the McIver, City West or Leederville station.

Modified penalty: \$50.

Penalty: \$2 000.

- (2) A person must not travel with a bicycle on a passenger train in a peak flow direction, during a peak time on a working day.

Modified penalty: \$50.

Penalty: \$2 000.

- (3) A security officer, an authorised person, or a member of the Police Force may direct that a person who is about to board a passenger train carriage with a bicycle is not to board that passenger train if, by embarking, that person would breach subregulation (1) or (2).

- (4) A security officer, an authorised person, or a member of the Police Force may direct that a person who is in breach of subregulation (1) or (2) is to disembark.

[Regulation 33C inserted in Gazette 11 Feb 2005 p. 697-8.]

33D. Special events

- (1) A security officer, an authorised person, or a member of the Police Force may direct that a person who is about to board a passenger train carriage with a bicycle is not to board that passenger train if —

- (a) the particular carriage is crowded; or
- (b) the particular carriage will be crowded,

due to an event causing high demands on the urban passenger train system (*e.g. Australia Day celebrations, Royal Show, Christmas pageants, sporting events or entertainment events*).

- (2) A security officer, an authorised person, or a member of the Police Force may direct that a person who is in a passenger train carriage with a bicycle is to disembark if —

- (a) the particular carriage is crowded; or

r. 33D

(b) the particular carriage will be crowded,

due to an event causing high demands on the urban passenger train system (*e.g. Australia Day celebrations, Royal Show, Christmas pageants, sporting events or entertainment events*).

(3) A person who does not comply with a direction under this regulation commits an offence.

Modified penalty: \$50.

Penalty: \$2 000.

[Regulation 33D inserted in Gazette 11 Feb 2005 p. 698.]

Part 5 — Miscellaneous

34. Secondary functions: section 12(3) of the Act

For the purposes of section 12(3) of the Act the following activities are authorised activities —

- (a) allowing advertising to be displayed —
 - (i) on or in Authority property; or
 - (ii) on a ticket issued by the Authority;
- (b) leasing the whole or a part of Authority property that is land or premises;
- (c) developing and managing property for rail related activities such as railway sidings and spurs, rail terminals, and workshops for the repair and maintenance of rail rolling stock;
- (d) developing, selling, and installing ticketing and other systems, one purpose of which is to enable users of a public passenger transport service to buy tickets or pay fares for the use of that service.

35. Criteria for Minister's approval not being required under section 15 of the Act

For the purpose of section 15(3) of the Act the Minister's written approval is not required before the Authority grants a lease or licence of any Crown land of which it has the care, control, and management if —

- (a) the land to be leased or licensed is not currently required for the Authority's operational purposes; and
- (b) the period for which the lease or licence is granted does not exceed 10 years.

36. Disposal of an estate in land other than Crown land without the Minister's approval: section 16 of the Act

The Authority may dispose of an estate in land other than Crown land without the Minister's written approval if the estate disposed of is —

- (a) a leasehold interest or licence;
- (b) the land is not currently required for the Authority's operational purposes; and
- (c) the period for which the lease or licence is granted, including an option to renew the lease or licence, does not exceed 10 years.

37. Crossings by traction engines and large vehicles

(1) This regulation applies to —

- (a) a machine that travels on crawler-type tracks;
- (b) a road vehicle or machine which, or the load of which, exceeds 5 metres in width or height; and
- (c) a road vehicle or machine that —
 - (i) is limited to a speed of 15 kilometres per hour or less;
 - (ii) is likely to cause, or create a risk of causing, an obstruction to, interference with, or displacement of, a railway track.

(2) A person must not take, or attempt to take, a vehicle or machine to which this regulation applies across a railway track that is Authority property on the level except under and in accordance with a permit granted by the Authority or by an authorised person.

Modified penalty: \$400.

Penalty: \$2 000.

(3) A permit may be granted for the purposes of subregulation (2) subject to such conditions and restrictions as the Authority or

authorised person considers necessary to prevent damage being done to the railway.

38. Sewage etc.

Unless authorised in writing by the chief executive officer, a person must not —

- (a) permit to flow on to Authority property;
- (b) place in or on Authority property; or
- (c) cause or suffer to flow on to, or to be placed in or on, Authority property,

any sewage or other offensive matter or drainage.

Modified penalty: \$400.

Penalty: \$2 000.

39. Animals

Unless authorised in writing by the chief executive officer, a person must not —

- (a) drive on to Authority property; or
- (b) negligently allow to stray on to Authority property,

any cattle, horse, sheep, or other animal.

Modified penalty: \$400.

Penalty: \$2 000.

40. Obstructing an authorised person

A person who obstructs, hinders, impedes or attempts to obstruct, hinder, or impede an authorised person or a security officer in the course of his or her duties commits an offence.

Modified penalty: \$200.

Penalty: \$1 000.

41. Refusal of passage

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

- (a) is engaging in conduct that constitutes an offence under regulation 7;
- (b) is engaging in conduct that constitutes an offence under regulation 8;
- (c) is sitting in a seat other than the seat allocated to him or her by a driver or master, or by the Authority by means of a ticket;
- (d) is engaging in conduct that constitutes an offence under regulation 23;
- (e) has failed to comply with a reasonable direction of an authorised person given for the purpose of protecting the safety of the conveyance or its passengers or promoting the interests of the convenience of its passengers on a conveyance;
- (f) except in an emergency, is entering or leaving the conveyance through a part of the conveyance other than a door intended for the use of passengers;
- (g) poses a threat to the safety of the driver or master of or a passenger on the conveyance;
- (h) is in such an unclean condition that he or she is likely to soil the conveyance;
- (i) is abusive or disorderly;
- (j) is under the influence of alcohol or drugs to such an extent that he or she is likely to soil the conveyance or to become abusive or disorderly;
- (k) is in the company of an animal other than a guide dog in the company of a blind person or a deaf person;

- (l) is, without lawful excuse, in possession of a thing referred to in regulation 21;
- (m) is in possession of any thing that is likely to obstruct, harm, or inconvenience a passenger on the conveyance; or
- (n) is on the conveyance selling any thing or service or offering any thing or service for sale without the authority of the chief executive officer.

42. Failure to comply with refusal of travel

If a person has been advised under regulation 41 that he or she must not travel on or remain on a conveyance, that person commits an offence if he or she —

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

Modified penalty: \$200.

Penalty: \$2 000.

43. Ejecting people from Authority property: section 65 of the Act

For the purposes of section 65(1) of the Act, the circumstances in which a person who is in or on Authority property may be directed to leave that property are —

- (a) the person is sitting in a seat other than the seat allocated to him or her by a driver or master, or by the Authority by means of a ticket and having been asked by an authorised person to vacate the seat does not do so immediately; or
- (b) the person is interfering without lawful authority with a sign or equipment on Authority property or with the mechanism of or a device on a conveyance and, having been asked by an authorised person to stop that interference, fails to do so immediately; or

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- (c) the person is without lawful authority travelling in or on any part of a conveyance not intended for the conveyance of passengers and, having been asked by an authorised person to stop so travelling, fails to do so immediately; or
- (d) the person is —
 - (i) projecting or leaning any portion of his or her body; or
 - (ii) projecting an object, out of a conveyance and, having been asked by an authorised person to stop doing so, fails to do so immediately; or
- (e) the person is, except in an emergency, entering or leaving a conveyance other than through a door intended for the use of passengers and having been asked by an authorised person to stop doing so fails to do so immediately; or
- (f) the person has been given a reasonable direction or a direction by a driver, master, or authorised person to move away from an area that is not intended for the use of passengers and the person does not obey that direction; or
- (fa) the person has been given a direction under regulation 33C(3), 33C(4), 33D(1) or 33D(2) and the person does not obey that direction; or
- (g) the person has been advised under regulation 41 that he or she must not travel on or remain on a conveyance; or
- (ga) the person is in or on Authority property, without reasonable excuse, in contravention of a prohibition order given to the person under regulation 43A(4); or
- (h) the person has breached a provision of the *Government Railways Act 1904*, the *Public Transport Authority Act 2003*, or a regulation or by-law made under either of those Acts and the conduct constituting the breach

involves danger or annoyance to a person on Authority property or using a conveyance.

[Regulation 43 amended in Gazette 11 Feb 2005 p. 699;
29 Feb 2008 p. 699.]

43A. Prohibiting people from being on or in a conveyance or facility

- (1) For the purposes of this regulation, an offence is a relevant offence if it is an offence specified in subregulation (2).
- (2) The specified offences are —
 - (a) an offence under *The Criminal Code* section 313, 317 or 318(1)(d) or (g) committed on or in a conveyance or facility;
 - (b) an offence under *The Criminal Code* section 444 committed in relation to Authority property, a conveyance or a facility;
 - (c) an offence under the *Government Railways Act 1904* section 43(5) committed on or in a conveyance or facility and involving behaving in a violent or offensive manner to the annoyance of others;
 - (d) an offence under regulation 40;
 - (e) an offence under regulation 42 committed when regulation 41(g) was the paragraph relevant to the belief on the grounds of which the offender was advised.
- (3) If the chief executive officer proposes to give a person a prohibition order under subregulation (4), the chief executive officer must, by written notice, give the offender 14 days beginning on the date of the notice to show cause —
 - (a) why the order should not be given to the offender; and
 - (b) why the order should specify circumstances (an **“exception”**) in which the offender may be on or in a conveyance or facility despite the person being

r. 43A

prohibited from being on or in a conveyance or facility for the period specified in the order.

- (4) If a person has been found guilty of or pleaded guilty to —
- (a) at least 2 relevant offences committed within a period of 12 months beginning on the day on which the first offence was committed; or
 - (b) 3 or more relevant offences committed within a period of 18 months beginning on the day on which the first offence was committed,

and the offences do not arise from the same acts or circumstances, the chief executive officer may give the person (the “**offender**”) an order (a “**prohibition order**”), in a form approved in writing by the chief executive officer, prohibiting the offender from being on or in a conveyance or facility for the period and subject to any exception specified in the order.

- (5) The period specified in the order —
- (a) must not exceed one month if the offender has been found guilty of or pleaded guilty to not more than 2 relevant offences committed within a period of 12 months beginning on the day on which the first offence was committed; and
 - (b) must not exceed 3 months if the offender has been found guilty of or pleaded guilty to more than 2 relevant offences committed within a period of 18 months beginning on the day on which the first offence was committed.
- (6) On the application of an offender the subject of a prohibition order, the chief executive officer may —
- (a) revoke the order; or
 - (b) make the order subject to an exception; or
 - (c) amend any exception to which the order is subject.

[Regulation 43A inserted in Gazette 29 Feb 2008 p. 699-700.]

43B. Contravention of prohibition order

A person who, without reasonable excuse, contravenes a prohibition order given to the person under regulation 43A(4) commits an offence.

Penalty: a fine of \$2 000.

[Regulation 43B inserted in Gazette 29 Feb 2008 p. 700.]

44. Recording information printed on a ticket or retention of ticket

- (1) If a person produces a ticket to an authorised person under regulation 6, the authorised person may photograph or copy the ticket, or take notes of any information on the ticket.
- (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.
- (3) If —
 - (a) the ticket produced to an authorised person is a ticket belonging to a person who is registered with the Authority as the owner of the ticket; and
 - (b) the owner has notified the Authority that the ticket has been lost or stolen,the authorised person may retain the ticket.
- (4) If the ticket produced to an authorised person is not valid under regulation 5(f) because it is not being used in accordance with a condition that it be used only by the person to whom it was issued, the authorised person may retain the ticket and return it to the person to whom it was issued.

[Regulation 44 amended in Gazette 9 Jan 2007 p. 27-8.]

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45. Infringement notice

Schedule 2 Form 1 is prescribed, under section 45(1) of the Act, as the form of infringement notice.

46. Withdrawal of infringement notice

Schedule 2 Form 2 is prescribed, under section 47(1) of the Act, as the form of notice of withdrawal of infringement notice.

[47. *Omitted under the Reprints Act 1984 s. 7(4)(f).]*

Schedule 1 — Charges

[r. 32, 33]

1. The charge to be paid under regulation 32 is \$2.00 per day including GST.
2. The charge to be paid under regulation 33(1) is \$10.00 including GST.
[Schedule 1 amended in Gazette 26 Jun 2007 p. 3059.]

Schedule 2 — Forms

[r. 45, 46]

Form 1

Public Transport Authority Act 2003

Public Transport Authority Regulations 2003

Infringement notice

Serial No.

1. To:
Ms/Mr Family name Given names
- of:
Number Street
-
Suburb Postcode

It is alleged that on the day of 2
at about a.m./p.m. you committed the offence indicated below —

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

3. If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of money specified in this notice as being the modified penalty for the offence may be paid to the authorised person referred to in paragraph 5 below within a period of 28 days after receiving this notice.
4. 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.

5. Payment of the modified penalty may be made to the Manager Security and Customer Service by either —
- (a) posting this notice together with a cheque, money order, or postal note for the amount of the modified penalty specified in item 2 of this notice to the Manager Security and Customer Service P.O. Box 383 Northbridge 6865; or
 - (b) presenting this notice and paying the amount to any Authority booking office at such times as those offices are open for regular business.

Form 2

Public Transport Authority Act 2003

Public Transport Authority Regulations 2003

Withdrawal of infringement notice

Date of this notice: / /

To:
 Ms/Mr Family name Given names

of:
 No. Street

.....
 Suburb Postcode

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:

=====

Notes

- ¹ This reprint is a compilation as at 4 July 2008 of the *Public Transport Authority Regulations 2003* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Public Transport Authority Regulations 2003</i>	27 Jun 2003 p. 2465-97	1 Jul 2003 (see r. 2 and <i>Gazette</i> 27 Jun 2003 p. 2384)
<i>Public Transport Authority Amendment Regulations 2003</i>	12 Dec 2003 p. 5040-1	12 Dec 2003
<i>Public Transport Authority Amendment Regulations 2005</i>	11 Feb 2005 p. 696-9	11 Feb 2005
<i>Public Transport Authority Amendment Regulations 2007</i>	9 Jan 2007 p. 27-8	9 Jan 2007
<i>Public Transport Authority Amendment Regulations (No. 3) 2007</i>	26 Jun 2007 p. 3058-9	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
<i>Public Transport Authority Amendment Regulations 2008</i>	29 Feb 2008 p. 698-700	r. 1 and 2: 29 Feb 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2008 (see r. 2(b))

Reprint 1: The *Public Transport Authority Regulations 2003* as at 4 Jul 2008 (includes amendments listed above)

- ² Repealed by the *Health (Smoking in Enclosed Public Places) Regulations 2003* which were repealed by the *Tobacco Products Control Act 2006* s. 126.

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
ACROD sticker	24
Act.....	3
conveyance.....	3
counter flow direction	33A
designated	24
driver	3, 24
exception.....	43A(3)(b)
facility	3
goods.....	28(2)
master.....	3
offender.....	43A(4)
park	24
parking	24
parking space	24
peak flow direction	33A
peak time.....	33A
prohibition order	43A(4)
secured parking facility	24
stand	24
standing.....	24
ticket.....	3
ticket vending machine	24
working day	33A