



Victoria Government Gazette

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Transport (Compliance and Miscellaneous) Act 1983

CONDITIONS UNDER SECTION 220D

I, Dean Yates, Secretary to the Department of Transport, Planning and Local Infrastructure, under section 220D(1) of the **Transport (Compliance and Miscellaneous) Act 1983**, hereby determine the following conditions (the 2014 Amending Conditions No. 2) which amend the conditions under section 220D of the **Transport (Compliance and Miscellaneous) Act 1983** contained in the Victorian Fares and Ticketing Manual (effective 1 January 2014) published in the Victoria Government Gazette No. S 468 dated Monday 23 December 2013 as amended by the conditions under section 220D of the **Transport (Compliance and Miscellaneous) Act 1983** published in the Victoria Government Gazette No. S 144 dated Monday 5 May 2014.

The 2014 Amending Conditions No. 2 take effect from and including 10 August 2014.

Dated 7 August 2014

DEAN YATES
Secretary

SPECIAL

2014 AMENDING CONDITIONS NO. 2

The conditions under section 220D of the **Transport (Compliance and Miscellaneous) Act 1983** contained in the Victorian Fares and Ticketing Manual (effective 1 January 2014) published in the Victoria Government Gazette No. S 468 dated Monday 23 December 2013 (the Manual), as amended by the conditions under section 220D of the **Transport (Compliance and Miscellaneous) Act 1983** published in the Victoria Government Gazette No. S 144 dated Monday 5 May 2014 (the First Amending Conditions), are amended as follows.

In these amending conditions, after this paragraph, a reference to the Manual is a reference to the conditions contained in the Manual as amended by the First Amending Conditions.

The amendments made by these amending conditions apply in respect of entitlements to use a public transport service that are subject to the conditions contained in the Manual and that are able to be exercised on or after the commencement of these amending conditions, including entitlements that existed, but had not been exercised, before these amending conditions were published in the Government Gazette.

In Chapter 1 of the Manual, before the last dot point in the fifth paragraph under the heading **‘Legal status and application’ insert –**

- On-the-spot penalty tickets;’.

In Chapter 2 of the Manual, in the second paragraph under the heading **‘Fares’ delete ‘correctly’.**

In Chapter 2 of the Manual, after the last paragraph under the heading **‘V/Line pick up and set down restrictions’ insert –**

‘On-the-spot penalty tickets

This paragraph applies if –

- (a) an authorised officer, in accordance with section 212AA(1) of the **Transport (Compliance and Miscellaneous) Act 1983** (the Act), believing on reasonable grounds that a person has committed an on-the-spot penalty ticket offence, has offered the person an opportunity to pay an on-the-spot penalty fare; and
- (b) the person has paid, or arranged for another person to pay, the on-the-spot penalty fare in accordance with section 212AA(3) of the Act; and
- (c) upon payment of the on-the-spot penalty fare, the authorised officer, in accordance with section 212AA(5) of the Act, has issued, or caused to be issued, to the person an on-the-spot penalty ticket.

If the immediately preceding paragraph applies, the on-the-spot penalty ticket referred to in subparagraph (c) of that paragraph is valid for –

- (a) the journey in a passenger vehicle (and any entry to a designated area associated with that journey); or
- (b) the entry to a designated area –

made by that person to which the on-the-spot penalty ticket offence referred to in subparagraph (a) of that paragraph relates, whether or not the whole, or any part, of that journey or the entry occurred before the on-the-spot penalty ticket was issued.’.

In Chapter 3 of the Manual, for the fifth paragraph under the heading **‘Concession fares’ substitute –**

‘In the case of Australian Pensioner Concession Cards and Health Care Cards with a Victorian address, a customer will be taken to hold the relevant card if, instead of, or as well as, holding a physical card, they have access to an electronic representation of the card approved and provided by Centrelink.

Customers aged 17 years and over using a concession ticket must carry appropriate proof of concession entitlement. In the circumstances outlined in the immediately preceding paragraph, it will be accepted as appropriate proof of concession entitlement if the customer accesses and displays on a mobile device an electronic representation of a current card of the relevant type.’.

Chapter 4 of the Manual should be read as if, for the second paragraph under the heading ‘**How to use a myki**’, there were substituted –

‘A successful touch on or touch off is indicated by the myki reader showing a green light.’

Chapter 4 of the Manual should be read as if, before the first paragraph under the heading ‘**Where to buy a myki**’, there were inserted –

‘Even when purchased, mykis remain the property of PTV (see Chapters 2 and 17). Customers are strongly advised to purchase mykis only as set out in this chapter to ensure the purchase is authorised and to avoid risk of fraud.’

Chapter 5 of the Manual should be read as if for the third paragraph in green text under the heading ‘**What is myki money?**’ there were substituted –

‘In order to guarantee the automatic calculation of the lowest fare for a trip, the customer must use the touch on and touch off behaviour set out in Chapter 8. Otherwise, a default fare may be charged.’

In Chapter 5 of the Manual, under the heading ‘**Automatic fare calculation**’, in the first paragraph under the heading ‘**Single trip**’, in the third sentence –

- (a) **delete** ‘the start of the next full hour after’; and
- (b) for ‘11.59 pm’ **substitute** ‘12.59 am’.

In Chapter 5 of the Manual, under the heading ‘**Automatic fare calculation**’, in the third paragraph under the heading ‘**Single trip**’, after ‘every multiple of 6 zones travelled in.’ **insert** ‘In these cases, references in this manual to ‘2 hour products’ or ‘2 hour fares’ mean products or fares for 3 hours or 4 hours (whichever is applicable).’

In Chapter 5 of the Manual, under the heading ‘**Automatic fare calculation**’, for the last paragraph under the heading ‘**Single trip**’ **substitute** –

‘Within the zone(s) covered by it, the product authorises travel that extends beyond the time of its expiry, as long as the myki is touched on before that expiry, subject to the conditions in Chapter 8 relating to touching on and touching off a myki.’

In Chapter 5 of the Manual, in the first paragraph under the heading ‘**Default fares**’, for ‘a default fare is charged’ **substitute** ‘a default fare may be charged’.

In Chapter 8 of the Manual, in the first paragraph under the heading ‘**Touch on/touch off**’, for ‘in accordance with the following paragraphs.’ **substitute** ‘in accordance with the conditions specified in the following paragraphs. The conditions specified in the paragraphs under the headings ‘**Touch on/touch off – train**’, ‘**Touch on/touch off – bus**’ and ‘**Touch on/touch off – tram**’ must be read subject to the conditions specified in the paragraphs under the heading ‘**2 hour touch on period**’.’

In Chapter 8 of the Manual, under the heading ‘**Touch on/touch off**’, in the sixth paragraph under the heading ‘**Touch on/touch off – Train**’, after ‘at the destination railway station.’ **insert** ‘However, if the replacement vehicle is provided for a V/Line commuter train service and departs from the coach terminal at Southern Cross Railway Station, customers must touch on using the myki readers at that terminal.’

In Chapter 8 of the Manual, under the heading ‘**Touch on/touch off**’, after the last paragraph under the heading ‘**Touch on/touch off – tram**’ **insert** –

‘**2 hour touch on period**

The conditions specified in the paragraphs under this heading apply notwithstanding anything to the contrary in the conditions specified in the paragraphs under the headings ‘**Touch on/touch off – train**’, ‘**Touch on/touch off – bus**’ and ‘**Touch on/touch off – tram**’.

If a customer using myki money does not touch off the myki within 2 hours after it was touched on, a default fare may be charged when the myki is next touched to a myki reader. Such a touch will also be treated as a touch on.

To prevent this happening, a customer may touch off the myki prior to the end of a journey, but must then touch the myki on –

- (a) in the case of a journey on a tram or a bus, immediately after the myki was touched off; or
- (b) in the case of a journey on a train, before resuming the journey.

If a myki is touched off, but is not touched on, in accordance with the immediately preceding paragraph, the myki is no longer valid for the journey and any related entries to a designated area.

If a myki is touched off and touched on in accordance with the third paragraph under this heading, the myki must then be touched off in accordance with the conditions specified in the paragraphs under the heading ‘**Touch on/touch off – train**’, ‘**Touch on/touch off – bus**’ or ‘**Touch on/touch off – tram**’ (whichever is applicable).

In the paragraphs under this heading, ‘**2 hours**’ means, if applicable, 2 hours modified or extended in accordance with the rules in Chapter 5.’

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’, in the first paragraph under the heading ‘**Default fares – myki money**’ –

- (a) for ‘correct fare’ **substitute** ‘lowest fare’; and
- (b) for ‘touch off correctly’ (where first occurring) **substitute** ‘touch off in accordance with the conditions earlier in this chapter relating to touching on and touching off a myki’; and
- (c) for ‘touch off correctly’ (where second occurring) **substitute** ‘touch off in accordance with those conditions’.

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’, after the second paragraph under the heading ‘**Default fares – myki money**’ **insert** –

‘However, for a rail replacement coach service for any of these services that departs from the coach terminal at Southern Cross Railway Station, when a customer touches on at the myki readers at that terminal, the default fare will be the 2 hour fare for the longest route of those services (Zone 1–13).’.

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’, in the paragraph under the heading ‘**Default fares – myki money**’ commencing ‘The system will recognise...’, in the third dot point –

- (a) **delete** ‘after the start of the next full hour’; and
- (b) for ‘this chapter’ **substitute** ‘Chapter 5’.

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’, in the paragraph under the heading ‘**Default fares – myki money**’ commencing ‘Notwithstanding anything in the above paragraphs...’, in subparagraph (b) **delete** ‘after the start of the next full hour’.

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’, the paragraph in green text under the heading ‘**Default fares – myki money**’ commencing ‘In the event...’ should be read as if the words ‘at the end of the journey’ were deleted.

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’ –

- (a) for the heading ‘**Metropolitan default fares**’ **substitute** ‘**Metropolitan and regional town bus default fares**’; and
- (b) in the table under the heading ‘**Metropolitan and regional town bus default fares**’, in the column headed ‘**Service**’, for ‘Metropolitan buses’ **substitute** ‘Metropolitan and regional town buses’.

In Chapter 8 of the Manual, under the heading ‘**Failure to touch on and touch off correctly**’, in the second paragraph under the heading ‘**V/Line commuter train services default fares**’, for ‘at the end of the journey’ **substitute** ‘in accordance with the conditions earlier in this chapter relating to touching off a myki’.

- In Chapter 8 of the Manual, under the heading '**Failure to touch on and touch off correctly**' –
- (a) in the table under the heading '**V/Line commuter train services default fares**', for the heading '**V/Line commuter train service**' **substitute** '**V/Line commuter train service***'; and
 - (b) under the table under the heading '**V/Line commuter train services default fares**' **insert** –
'*For a rail replacement coach service for any of these services that departs from the coach terminal at Southern Cross Railway Station, the default fare is \$27.60 (full fare) or \$13.80 (concession).'

In Chapter 8 of the Manual, under the heading '**Failure to touch on and touch off correctly**', under the heading '**Failure to touch on**' –

- (a) in the first and second paragraphs, for 'at the start of their journey' **substitute** 'in accordance with the conditions earlier in this chapter relating to touching on a myki'; and
- (b) in the second paragraph, for 'as required by' **substitute** 'in accordance with'.

In Chapter 18 of the Manual, under the heading '**Definitions**' –

- (a) for the quotation under the definition of 'entitlement to use a public transport service' **substitute** –
 - entitlement to use a public transport service includes –
 - (a) an entitlement to use a public transport service arising under a contract or arrangement with, or under a licence or permission given by, the Public Transport Development Authority or a bus company or a passenger transport company; and
 - (b) an entitlement to use a public transport service arising from the payment of an on-the-spot penalty fare under section 212AA.; and
- (b) after the definition of '**myki retailer**' **insert** –
'**on-the-spot penalty fare**' has the same meaning as in section 208 of the **Transport (Compliance and Miscellaneous) Act 1983**.

The relevant text of section 208 reads:

- 'on-the-spot penalty fare' means the amount prescribed for an on-the-spot penalty ticket.

'**on-the-spot penalty ticket**' has the same meaning as in section 208 of the **Transport (Compliance and Miscellaneous) Act 1983**.

The relevant text of section 208 reads:

- 'on-the-spot penalty ticket' means a ticket issued under section 212AA that entitles the person to whom it is issued to use or to have used a public transport service.

'**on-the-spot penalty ticket offence**' has the same meaning as in section 208 of the **Transport (Compliance and Miscellaneous) Act 1983**.

The relevant text of section 208 reads:

- 'on-the-spot penalty ticket offence' means an offence against any regulations made under section 221AA that is prescribed as an on-the-spot penalty ticket offence.'.
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