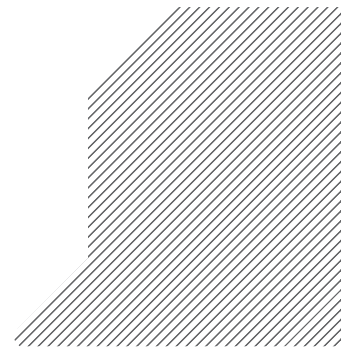




13

Definitions and interpretations

Definitions and interpretations



Definitions

In this manual, the following definitions apply:

"account holder" means the person in whose name an account associated with a myki is registered and who has authority to manage that account.

"authorised officer" has the same meaning as in section 208 of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 208 reads:

"authorised officer" means a person authorised by the Secretary under section 221A or 221AB.

"authorised person" has the same meaning as "authorised person (ticketing)" in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

"authorised person (ticketing)" means –

- (a) an authorised officer; or
- (b) a member of the police force; or
- (c) a person employed by a passenger transport company or a bus company who has duties in relation to the issue, inspection or collection of tickets for travel in a passenger vehicle or for entry to a designated area; or
- (d) a person (other than a person referred to in paragraph (a) or (c)) appointed in writing by a passenger transport company or a bus company or the Secretary or the Director for the purposes of these Regulations; or
- (e) if a bus company is a natural person, that person.

"bus" means –

- (a) a motor vehicle having more than 12 seating positions, including the driver's seating position; or
- (b) a public commercial passenger vehicle.

"bus company" has the same meaning as in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 2(1) reads:

"bus company" means a person or body that has entered into a contract with the Crown, or the Secretary

or the Director on behalf of the Crown, for the provision of any transport services (including a service contract within the meaning of the *Public Transport Competition Act 1995*) but does not include a person or body that is a passenger transport company.

"bus route" means the route of operation of a bus.

"bus stop" means a place designated by means of a sign and forming part of a bus route where a bus stops for persons to board and leave the bus.

"business day" has the same meaning as in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 2(1) reads:

"business day" means a day that is not –

- (a) a Saturday or a Sunday; or
- (b) a day that is wholly or partly observed as a public holiday throughout Victoria.

"cardholder" means the person who uses a myki to travel or to enter a designated area.

"concession entitlement" means an entitlement to rely on a concession ticket for travel in a passenger vehicle or entry to a designated area set out in chapter 3 or chapter 6.

"concession ticket" has the same meaning as in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

"concession ticket" means a ticket that, in accordance with conditions determined and published under section 220D of the Transport (Compliance and Miscellaneous) Act 1983.

- (a) authorises a holder of the ticket to travel in a passenger vehicle, or to enter a designated area, at a price less than the full price to travel in the passenger vehicle or to enter the designated area; or
- (b) authorises a holder of the ticket, or a person accompanying the holder of the ticket, to free travel in a passenger vehicle or free entry to a designated area.

"customer" means a person who holds a ticket. In the case of a myki, the customer is the cardholder; where the account holder is the relevant party, this is indicated in the text.

“**designated area**” or “**station paid area**” has the same meaning as “designated area” in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

“**designated area**” means–

- (a) an area of land or an area within premises owned or occupied by a passenger transport company that is designated by the passenger transport company by means of signs in or near the area as an area for entry to which a ticket valid for that entry is required; or
- (b) if a railway station is specified by the Director in a notice published in the Government Gazette as a station to which this paragraph applies–
 - (i) a platform at that station;
 - (ii) a waiting room or area adjoining a platform from which the platform can be accessed without the need to pass a ticket validating machine, a smartcard reader or a ticket barrier;
 - (iii) an area between a platform and any ticket validating machine, smartcard reader or ticket barrier that it is necessary to pass to gain access to the platform.

“**Director**” has the same meaning as in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 2(1) reads:

“**Director**” means the Director of Public Transport under this Act.

“**Doncaster Park and Ride**” means the bus stop at the site bounded by Doncaster Road, Hender Street and the Eastern Freeway known as the Doncaster Park and Ride and forming part of metropolitan bus routes numbers 207, 280, 282, 284, 285, 307, 309, 313, 316 and 319.

“**entitlement to use a public transport service**” has the same meaning as in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 2(1) reads:

“**entitlement to use a public transport service**” includes 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 Ticketing Body or a bus company or passenger transport company.

“**fare**” means the price for travel in a passenger vehicle or entry to a designated area.

“**free travel pass**” means a product that authorises travel in a passenger vehicle and entry to a designated area without charge.

“**Government Gazette**” means the Victoria Government Gazette.

“**guardian**”, means a person, other than a parent of a child, who has the care of the child.

“**journey**” or “**trip**” means:

- (a) travel between two railway stations by train or any substitute mode of transport provided by the operator which must be continuous except for any breaks necessary for the sole purpose of changing trains or modes of transport; or
- (b) continuous travel on a single tram or bus to a scheduled destination for that tram or bus, but, if the travel to that destination is not able to be completed on that tram or bus, includes travel on a replacement tram or bus provided by the operator.

“**mode of transport**” means a tram, train or bus.

“**month**” means the period of time between the same dates in successive calendar months.

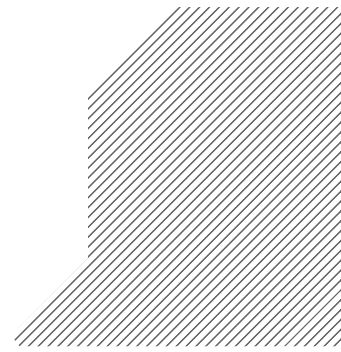
“**myki**” has the same meaning as in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

“**myki**” means a ticket that is a smartcard capable of –

- (a) recording the details of travel in a passenger vehicle or entry to a designated area for which payment has been made; and
- (b) when money has been paid into an account associated with the smartcard–
 - (i) recording the value of that money; and
 - (ii) transferring information to other electronic devices so as to effect modifications to that value to reflect payment for travel in a passenger vehicle or entry to a designated area; and
 - (iii) recording that value as so modified.

Definitions and interpretations



“**myki check**” means a machine which enables a customer to view the contents of their myki, including myki money balance, myki pass, transactions and travel history.

“**myki machine**” means a vending machine which sells short term tickets and may also sell full fare mykis and permit the topping up of any myki with myki money or a myki pass.

“**myki money**” has the meaning given in chapter 4.

“**myki money balance**” means the value, recorded on a myki, of the dollar amount in the account associated with the myki and includes a negative amount.

“**myki pass**” means a pre-purchased product.

“**myki reader**” means an electronic device capable of –

- (a) transferring information from and to a myki or short term ticket and recording that information; and
- (b) modifying the myki money balance on a myki –

when the myki or short term ticket is touched on or touched off using the device.

“**myki retailer**” means the place of business of a retail agent equipped to sell and top up mykis.

“**operator**” means:

- (a) Metro Trains Melbourne Pty Ltd [trading as Metro] [ACN 136 429 948] and KDR Victoria Pty Ltd [trading as Yarra Trams] [ACN 138 066 074], each a passenger transport company under the Transport (Compliance and Miscellaneous) Act 1983;
- (b) V/Line;
- (c) a passenger transport company under the Transport (Compliance and Miscellaneous) Act 1983 that has entered into a contract with the Secretary or the Director for the provision by that person of a service carrying customers by tram or train;
- (d) a bus company.

“**passenger service**” means a public transport service that is a tram, train or bus service provided by an operator.

“**passenger vehicle**” means a tram, train or bus operated by or on behalf of an operator.

“**product**” means an authority, electronically recorded on a myki, to travel in a passenger vehicle and enter designated

areas within the zone or zones, and during the period of time, specified, subject to compliance with all other applicable conditions contained in this manual.

“**public commercial passenger vehicle**” has the same meaning as in section 86(1) of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 86(1) reads:

“**public commercial passenger vehicle**” means a commercial passenger vehicle operated by or proposed to be operated by –

- (a) any person, to be used under contract with the Department of Education of Victoria, which contract is approved by the Director; or
- (b) any person for the carriage of members of the public along a fixed route on a regular basis, whether or not fares are charged, and the operation of which commercial passenger vehicle is approved by the Director.

“**Public Transport Authorities**” means TTA, the Department of Transport and any agent, contractor or delegate of TTA or the Department of Transport including Metlink and public transport operators.

“**public transport service**” has the same meaning as in section 208 of the Transport (Compliance and Miscellaneous) Act 1983. The relevant text of section 208 reads:

“**public transport service**” means a service provided by a bus company or a passenger transport company to transport members of the public, and includes any ancillary matters such as allowing entry to any place used in relation to the provision of such a service.

“**Public Transport Ticketing Body**” has the same meaning as in section 2(1) of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 2(1) reads:

“**Public Transport Ticketing Body**” means –

- (a) the State body established for the purposes of the *State Owned Enterprises Act 1992* by Order in Council made on 17 June 2003 and published in Special Government Gazette S119 on 17 June 2003; or
- (b) if the State body referred to in paragraph (a) is declared to be a State business corporation (by whatever name called) under the *State Owned Enterprises Act 1992*, that State business corporation;

“regional bus zone” means the bus routes, or parts of bus routes, depicted as being in a zone with a zone number between 3 and 78 inclusive on a map on pages 31 to 39.

“responsible person”, in relation to a child travelling on a passenger service, means a person travelling with, and responsible for supervising, that child during the relevant journey.

“retail agent” means a person (other than an operator) engaged by the Public Transport Ticketing Body to act as its agent in relation to the sale of mykis and loading myki money or myki passes on mykis.

“short term ticket” means a ticket that is a smartcard which is capable of authorising travel for a nominated zone or range of zones until the expiry of the ticket.

“smartcard” has the same meaning as section 208 of the Transport (Compliance and Miscellaneous) Act 1983.

The relevant text of section 208 reads:

“smartcard” means a plastic card or other thing that –

- (a) contains an imbedded computer microchip capable of receiving, storing, processing and transferring information; and
- (b) may lawfully be used for the purpose of obtaining or proving an entitlement to use a public transport service.

“staffed railway station” means a railway station during the time when that railway station is open for business and has staff in the ticket office to provide service to customers.

“statewide zone” means all locations specified in the Stops and Fares Table opposite the same zone number between 3 and 78 inclusive in the next column of that table.

“Stops and Fares Table” means the table headed “Stops and fare zones” in chapter 2.

“suitable container”, in chapter 10, means a container that is designed specifically for the carriage of pets and is suitable for the pet being carried in the particular case.

“ticket” has the same meaning as in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

“ticket” means a ticket, pass, card, permit, authority, device, symbol or other thing issued, or which may be used, for the purpose of authorising travel in a passenger vehicle or entry to a designated area.

“ticket barrier” has the same meaning as in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

“ticket barrier” means a barrier which is intended to be used to regulate access to or egress from a part of a railway station that is a designated area.

“touch on” means to place a myki or a short term ticket on or near a myki reader so as to enable information to be transferred between the myki or short term ticket and the myki reader and, as required, processed so that –

(a) in the case of a myki, the following are recorded on both the myki and the myki reader –

- (i) the time when and the place where the myki is so placed; and
- (ii) if the myki reader is situated on a bus or a tram, the bus route or tram route and the vehicle concerned; and
- (iii) that –

(A) there is on the myki a minimum myki money balance of at least \$0.01; or

(B) the time when and the place where the myki is so placed are consistent with a journey in a passenger vehicle or an entry to a designated area that is authorised by a myki pass or free travel pass loaded on the myki and that there is on the myki a minimum myki money balance of at least \$0.00; or

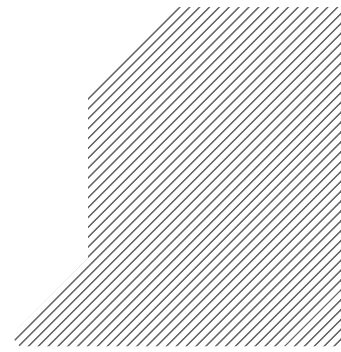
(b) in the case of a myki, if the myki reader is situated on a bus or a tram and the myki reader is, because of a defect in or failure of other equipment on the bus or tram, unable to record the place where the myki is so placed or the bus route or tram route concerned, the following is recorded on both the myki and the myki reader –

- (i) the time when the myki is so placed; and
- (ii) that there is on the myki –

(A) a minimum myki money balance of \$0.01; or

(B) a myki pass or a free travel pass that is able to authorise a journey in the bus or tram and a minimum myki money balance of at least \$0.00; or

Definitions and interpretations



(c) in the case of a short term ticket, the following are recorded on both the short term ticket and the myki reader –

- (i) the time when and the place where the short term ticket is so placed; and
- (ii) that the time when and place where the short term ticket is so placed are consistent with a journey in a passenger vehicle or an entry to a designated area that is able to be authorised by the short term ticket; or

(d) in the case of a short term ticket, if the myki reader is situated on a bus or a tram and the myki reader is, because of a defect in or failure of other equipment on the bus or tram, unable to record the place where the myki is so placed or the bus route or tram route concerned, the following is recorded on both the short term ticket and the myki reader –

- (i) the time when the short term ticket is so placed; and
- (ii) that the short term ticket is able to authorise a journey in the bus or tram.

“**touch off**” means to place a myki or a short term ticket on or near a myki reader so as to enable information to be transferred between the myki or short term ticket and the myki reader and, as required, processed so that –

(a) in the case of a myki, the following are recorded on both the myki and the myki reader –

- (i) the time when and the place where the myki is so placed; and
- (ii) if the myki reader is situated on a bus or a tram, the bus route or tram route and the vehicle concerned; and
- (iii) if payment for the journey in a passenger vehicle, or part of that journey, or for the entry to a designated area, indicated by the time and place has been, or is to be, made by myki money –
 - (A) confirmation that such payment has been previously made; or
 - (B) a modification of the myki money balance recorded on the myki to reflect the making of such a payment or to create a negative balance; and

(iv) if the journey in a passenger vehicle, or part of that journey, or the entry to a designated area, indicated by the time and place, is consistent with a journey in a passenger vehicle or an entry to a designated area that is authorised by a myki pass or free travel pass loaded on the myki, that fact; or

(b) in the case of a myki, if the myki reader is situated on a bus or a tram and the myki reader is, because of a defect in or failure of other equipment on the bus or tram, unable to record the place where the myki is so placed or the bus route or tram route concerned, the following is recorded on both the myki and the myki reader –

- (i) the time when the myki is so placed; and
- (ii) if payment for the journey in a passenger vehicle, or part of that journey, or for the entry to a designated area, indicated by the time has been, or is to be, made by myki money –
 - (A) confirmation that such payment has been previously made; or
 - (B) a modification of the myki money balance recorded on the myki to reflect the making of such a payment or to create a negative balance; and

(iii) if the journey in a passenger vehicle, or part of that journey, or the entry to a designated area, indicated by the time, is consistent with a journey in a passenger vehicle or an entry to a designated area that is authorised by a myki pass or free travel pass loaded on the myki, that fact; or

(c) in the case of a short term ticket, the following are recorded on both the short term ticket and the myki reader –

- (i) the time when and the place where the short term ticket is so placed; and
- (ii) that the time when and place where the short term ticket is so placed are consistent with a journey in a passenger vehicle or an entry to a designated area that is able to be authorised by the short term ticket; or

(d) in the case of a short term ticket, if the myki reader is situated on a bus or a tram and the myki reader is, because of a defect in or failure of other equipment on the bus or tram, unable to record the place where the myki is so placed or the bus route or tram route concerned, the following is recorded on both the short term ticket and the myki reader –

- (i) the time when the short term ticket is so placed; and
- (ii) that the short term ticket was able to authorise a journey in the bus or tram.

“**train**” has the same meaning as in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

“**train**” includes a single carriage (whether powered or not) which does not form part of a set or series of carriages.

“**tram stop**” means a part of a tramway designated by means of a sign where a tram stops for people to board and leave the tram.

“**Transport Ticketing Authority**” or “**TTA**” means the Public Transport Ticketing Body.

“**V/Line**” means V/Line Pty Ltd (ACN 087 425 269), a passenger transport company under the Transport (Compliance and Miscellaneous) Act 1983 or any passenger transport company under the Transport (Compliance and Miscellaneous) Act 1983 that has entered into a contract with the Secretary or the Director for the provision of services carrying passengers by train and which operates predominantly country services under that contract.

“**V/Line myki agent**” means the place of business of a retail agent in regional Victoria (ie, outside metropolitan Melbourne) equipped to sell and top up mykis and short term tickets, and make seat reservations on V/Line services.

“**zone**” means –

- (a) zone 1; and
- (b) zone 2; and
- (c) a regional bus zone; and
- (d) a statewide zone.

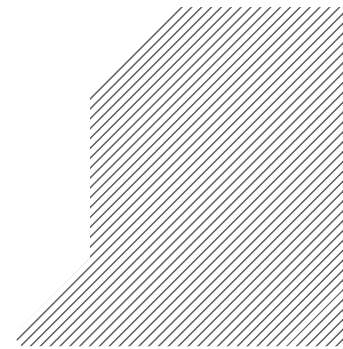
“**zone 1**” means –

- for train services, the railway lines depicted as Zone 1 on the Melbourne Train Network map in chapter 2; and
- for tram services, the tramways depicted as Zone 1 on the Melbourne Tram Network map in chapter 2; and
- for bus services, the bus routes, or parts of bus routes, specified as being in Zone 1 in the paragraphs and tables under the heading “Melbourne Bus Zones” in chapter 2.

“**zone 2**” means –

- for train services, the railway lines depicted as Zone 2 on the Melbourne Train Network map in chapter 2; and
- for tram services, the tramways depicted as Zone 2 on the Melbourne Tram Network map in chapter 2; and
- for bus services, the bus routes, or parts of bus routes, specified as being in Zone 2 in the paragraphs and tables under the heading “Melbourne Bus Zones” in chapter 2.

Definitions and interpretations



For the purposes of this manual, the fact that a tramway is not laid entirely in public streets or roads does not prevent a vehicle running on that tramway from being characterised as a tram.

For the purposes of this manual –

- (a) if a ticket is valid for a person’s journey, the ticket authorises that journey; and
- (b) if a ticket is valid for a person’s entry to a designated area, the ticket authorises that entry to the designated area.

Public transport day

For the purposes of this manual, in any condition specifying the period of an entitlement to travel in a passenger vehicle or to enter a designated area –

- (a) a reference to a day means the period commencing at 3.00 am and ending at the following 3.00 am; and
- (b) a reference to a particular day means the period commencing at 3.00 am on that day and ending at 3.00 am on the following day.

Travelling within a zone or zones

For the purposes of this manual, to “travel in a zone” or “travel within a zone” –

- (a) in relation to zone 1 or zone 2, means to travel in a passenger vehicle along a railway line or tramway depicted, or a bus route or part of a bus route specified, as being in, respectively, zone 1 or zone 2 and includes any entry to a designated area in the relevant zone; or
- (b) in relation to a regional bus zone, means to travel in a bus along a bus route, or part of a bus route, depicted as being in that zone; or
- (c) in relation to a statewide zone, means to undertake a journey in a V/Line train or a coach or a bus (other than a bus the route of which is in either or both of zone 1 or zone 2 or is referred to in subparagraph (b)) from, to or through a location that is part of such a zone and includes any entry to a designated area associated with that journey; and
- (d) in relation to a statewide zone, also includes an entry to a designated area in such a zone, other than an entry to a designated area referred to in subparagraph (c).

For the purposes of this manual, the number of statewide zones in which a customer travels is deemed to be the number derived by subtracting the zone number of the lowest numbered location that forms part of the relevant journey from the zone number of the highest numbered location that forms part of the journey and adding one.

Zone overlaps

For the purposes of this manual, a zone overlap is where the same part of a railway line, tramway or bus route, or a location, is depicted or specified as being in two consecutively numbered zones.

For the purposes of a customer’s travel, which zone applies depends on whether the customer is travelling to, or from, or entirely within, the zone overlap.

If the customer has travelled to the zone overlap from, or is travelling from the zone overlap to, the lower numbered zone or zones with a lower number than that zone, the lower numbered zone applies.

If the customer has travelled to the zone overlap from, or is travelling from the zone overlap to, the higher numbered zone or zones with a higher number than that zone, the higher numbered zone applies.

If the customer is travelling entirely within a zone overlap the customer must have a ticket that is valid for at least one of the zones.

References to chapters

For the avoidance of doubt, for the purposes of this manual, a reference in a condition contained in this manual to a chapter with a number is a reference to the chapter of this manual designated by that number regardless of whether the number in the reference or the number in the relevant chapter heading is expressed in words or figures.

Public holidays

For the purposes of this manual a reference to public holidays refers to the following days:

Tuesday	2 November	2010	Melbourne Cup Day
Sunday	26 December	2010	Boxing Day
Monday	27 December	2010	Christmas Day (substitute)

Tuesday	28 December	2010	Boxing Day (additional day)
Saturday	1 January	2011	New Year's Day
Monday	3 January	2011	New Year's Day (additional)
Wednesday	26 January	2011	Australia Day
Monday	14 March	2011	Labour Day
Friday	22 April	2011	Good Friday
Saturday	23 April	2011	Saturday before Easter Sunday
Monday	25 April	2011	Easter Monday
Tuesday	26 April	2011	ANZAC Day (substitute)
Monday	13 June	2011	Queen's Birthday
Tuesday	1 November	2011	Melbourne Cup Day
Monday	26 December	2011	Boxing Day
Tuesday	27 December	2011	Christmas Day (substitute)

(f) a reference to a document or a provision of a document includes an amendment or supplement to, or replacement or novation of, that document or that provision of that document;

(g) a reference to a person includes that person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and permitted assigns; and

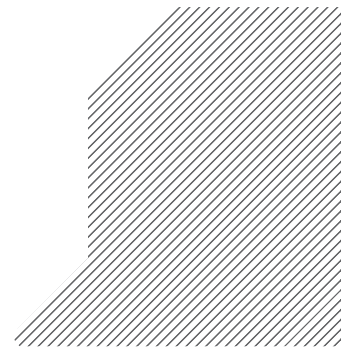
(h) a reference to an operator includes an operator's officers, employees, contractors, agents or other representatives.

Interpretation

In the conditions contained in this manual, unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing a gender include any gender;
- (c) an expression importing a natural person includes any company, partnership, trust, joint venture, association, corporation or other body corporate and any governmental agency;
- (d) a reference to a chapter is to a chapter of this manual;
- (e) a reference to any statute, regulation, proclamation, order in council, ordinance, by-law or rule, includes all statutes, regulations, proclamations, orders in council, ordinances, by-laws or rules varying, consolidating, re-enacting, extending or replacing them and a reference to a statute includes all regulations, proclamations, orders in council, ordinances, by-laws or rules issued under that statute;

Definitions and interpretations



Contact information

Metlink

Customer Information Line **131 638**

TTY **9619 2727**

Website: www.metlinkmelbourne.com.au

The Metlink website and information line provides timetable, route and ticketing information on metropolitan bus, train and tram services.

Viclink

Customer Information Line **136 196**

TTY **9619 2727**

Website: www.viclink.com.au

The Viclink website and information line provides timetable, route and ticketing information on regional bus, train and coach services.

V/Line

Customer Information **136 196**

Customer Feedback Line **1800 800 120**

Website: www.vline.com.au

The V/Line customer information line provides timetable, route and fare information for regional trains and coaches. Reservations can be made. The V/Line feedback line allows customers to provide compliments/complaints regarding any V/Line operated service.

Metro

Customer Feedback **1800 696 3876**

Lost Property (9.00 am–4.30 pm: Mon–Fri) **9610 7512**

Emergencies and level crossing failures **9619 2999**

Website: www.metrotrains.com.au

The Metro feedback line allows customers to provide compliments/complaints regarding any metropolitan train service.

Yarra Trams

Customer Feedback **1800 800 166**

Lost Property (6.00 am–10.00 pm; Mon–Fri) **1800 800 166**

Website: www.yarratrams.com.au

The Yarra Trams feedback line allows customers to provide compliments/complaints regarding any tram service.

Bus services

For information on metropolitan or regional bus services contact Metlink or Viclink.

Public transport infringement enquiries

Department of Transport, Infringement Administration
1300 135 066

Public Transport Ombudsman

Telephone **1800 466 865**

TTY **1800 809 623**

Website: www.ptovic.com.au

The Public Transport Ombudsman deals with complaints about Victorian Public Transport that members of the community have been unable to resolve directly with the Public Transport operators.

Myki forms processing bureau

Myki Mailbox
PO Box 4318
Melbourne
Victoria 3001

The myki forms processing bureau processes forms submitted by customers at staffed railway stations or the MetShop. Customers can also post forms directly to the bureau at the address above.