



CHAPTER 12

Definitions and interpretations

Definitions and interpretation

Definitions

In this manual, the following definitions apply:

"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 Director 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" has the same meaning as in section 3(1) of the *Bus Safety Act 2009*.

The relevant text of section 3(1) reads:

bus means —

- (a) a motor vehicle that has been built —
 - (i) with seating positions for 10 or more adults (including the driver); and
 - (ii) to comply with the requirements specified in the Australian Design Rules for a passenger omnibus (within the meaning of those Rules);
- (b) a motor vehicle prescribed to be a bus;
- (c) a motor vehicle which the Safety Director has declared to be a bus under section 7(1) —
but does not include —
 - (d) subject to section 23, a vehicle which is a taxi-cab in respect of which a taxi-cab licence is granted under the Transport (Compliance and Miscellaneous) Act 1983;
 - (e) a motor vehicle prescribed not to be a bus;
 - (f) a motor vehicle which the Safety Director has declared not to be a bus;
 - (g) a vehicle known as a Hummer.

Examples:

1. A passenger car modified to have more than 9 seats (for example, a stretch limousine) is not a bus.
2. A motor vehicle that is built as a bus but which has had seats removed so that it seats less than 10 adults is still a bus.
3. A motor vehicle built overseas as a bus is a bus unless it is a motor vehicle built to be a Hummer.

"**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 *Bus Services 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.

"**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 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 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.

"**designated area**" has the same meaning as 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 or a ticket barrier;
 - (iii) an area between a platform and any ticket validating machine, 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 within the meaning of section 3 of the *Transport Integration Act 2010*.

"**electronic ticket barrier**" means a ticket barrier which includes the facility to electronically validate or re-validate Metcards when a Metcard is inserted into the barrier.

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

"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.

"Metcard" means a plastic or cardboard ticket with a magnetic stripe for storing data and which, on issue, has encoded travel and entry details for the ticket.

"metropolitan ticket" means a ticket specified in Chapter 2 and a ticket specified in chapter 4 under the heading "metropolitan".

"mode of transport" means a tram, train or bus.

"month" means the period of time between the same dates in successive calendar months.

"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 passengers by tram or train;
- (d) a bus company.

"passenger" means a person who holds a ticket.

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

"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 purpose of the *State Owned Enterprise 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 Enterprise Act 1992*, the State business corporation.

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

"**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 and Early Childhood Development 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 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.

"**regional bus ticket**" means a ticket specified in Chapter 5.

"**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.

"**re-validate**" in relation to a Metcard which authorises travel on more than one occasion and which has already been validated, means to insert the Metcard into a ticket validating machine or electronic ticket barrier so as to record the place where and the time when the Metcard was inserted.

"**stopover**" means any break of journey where a passenger has voluntarily elected to change services and delay the completion of his or her journey. It does not include situations where customers have to transfer to next available service, or scheduled breaks in individual services.

"**suitable container**", in Chapter 8, 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.

"**ticket validating device**" means:

- (a) a ticket validating machine; or
- (b) an electronic ticket barrier.

"**ticket validating machine**" or "**validator**" has the same meaning as "ticket validating machine" in regulation 5 of the Transport (Ticketing) Regulations 2006.

The relevant text of regulation 5 reads:

ticket validating machine means a machine which is designed and intended to be used to electronically record information about a ticket when the ticket is inserted into the machine, or presented to the machine for scanning, regardless of whether or not at any particular time the machine is in working order.

"**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.

"**validate**" in relation to a Metcard, means —

- (a) to insert the Metcard into a ticket validating machine or electronic ticket barrier so as to electronically record the place where the Metcard was inserted and either the expiry time for the Metcard or the time when the Metcard was inserted; or
- (b) to purchase the Metcard from a vending machine which automatically electronically records the place where the Metcard was purchased and either the expiry time for the Metcard or the time when the Metcard was purchased.

"**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 ticket**" means a ticket specified in Chapter 3 and a ticket specified in Chapter 4 under the heading "V/Line."

"**Zone**", in relation to a metropolitan ticket, means either or both of Zone 1 and Zone 2.

"**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 headings "Melbourne Bus Zones" and "Metropolitan bus routes extending outside the Melbourne metropolitan area" in Chapter 2.

"**Zone 2**" —

- 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 headings "Melbourne Bus Zones" and "Metropolitan bus routes extending outside the Melbourne metropolitan area" in Chapter 2.

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.

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.

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;
- (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.

Contact Information

Metlink

Customer Information Line **131 638**

TTY **9619 2727**

Website: metlinkmelbourne.com.au

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

V/Line

Customer Information **136 196**

Customer Feedback **1800 800 120**

Website: 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 passengers to provide compliments/complaints regarding any V/Line operated service.

Metro Trains

Customer Feedback **1800 MY METRO (1800 69 63876)**

TTY **(03) 9619 2727**

Website: www.metrotrains.com.au

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

Yarra Trams

Customer Feedback **1800 800 166**

Lost Property (8.30 am–5.00 pm: Mon–Fri) **1800 800 166**

Website: yarratrams.com.au

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

OneLink

Report Faults/Order Tickets **1800 652 313**

The Onelink line allows customers to report faults with the Metcard ticketing system or order tickets by telephone.

Public Transport Infringement Enquiries

Department of Transport, Infringement Administration **1300 135 066**

Public Transport Ombudsman Victoria

Contact number **1800 466 865**

Website: ptovic.com.au

The Public Transport Ombudsman provides a fair and independent way to resolve complaints about public transport services. The Public Transport Ombudsman is able to deal with complaints where public transport operators have been unable to resolve them in the first instance.

