

Independent Pricing and Regulatory Tribunal
New South Wales

Maximum fares for Opal Services

To apply until June 2024

Final Determination

February 2020

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Preliminary

1 Application of this determination

1.1 This determination applies only to Opal Services paid for through Regulated Fares

- (a) This determination determines appropriate maximum fares for Opal Services paid for through Regulated Fares.
- (b) It is not a breach of this determination for a customer to be charged more than the applicable Regulated Fare for an Opal Service, provided that the customer:
 - (1) had the option of paying for that Opal Service through a Regulated Fare; and
 - (2) chose to pay for that Opal Service otherwise than through a Regulated Fare.

[Note: The intent of clause 1.1(b) is that this determination does not inhibit flexibility in respect of how customers are charged for Opal Services. For example, it is not intended that this determination should inhibit a customer buying an entitlement to use Opal Services on the basis that she or he pays more than the applicable Regulated Fare for a Trip during part of a day or week, but less during another part of the day or week. As another example, it is not intended that this determination should inhibit a customer from paying for Opal Services by purchasing a pass.]

1.2 Commencement and term of this determination

- (a) This determination commences on the later of:
 - (1) 1 July 2020; and
 - (2) the date that it is published in the NSW Government Gazette, (the **Commencement Date**).
- (b) Subject to clause 1.2(c), this determination applies from the Commencement Date until the earlier of:
 - (1) 30 June 2024; and
 - (2) the date on which this determination is revoked or replaced.
- (c) Subject to clause 1.2(d), the maximum fares under this determination prevailing at 30 June 2024 continue to apply beyond 30 June 2024 until this determination is revoked or replaced.
- (d) If this determination is not replaced or revoked by 1 July 2024 then, until this determination is replaced or revoked, each maximum fare under this determination prevailing at 30 June 2024 (including the Maximum Average Fare) is to be inflated by multiplying it by the Inflation Multiplier.

1.3 Exclusion from this determination

Despite any other provision in this determination, this determination does not apply to:

- (a) premium On-Demand Services; or
- (b) On-Demand Services provided on a trial basis.

2 Replacement of previous determination

This determination replaces the 2016 Opal Services Determination.

3 Appropriate maximum fares for Opal Services paid for through Regulated Fares

- (a) The appropriate maximum fares for all Opal Services paid for through Regulated Fares are as set out in Schedule 2, in circumstances where the Regulated Fare for one or more Opal Services is:
 - (1) calculated otherwise than using the Default Distance Bands; and
 - (2) higher than it would be if Schedule 1 applied.
- (b) Otherwise, the appropriate maximum fares for all Opal Services paid for through Regulated Fares is as set out in Schedule 1.

[Note: The intent of clause 3 is that this determination does not inhibit flexibility in respect of which set of distance bands are used to charge customers for Opal Services. Schedule 1 provides for maximum fares where customers are charged using the Default Distance Bands. Schedule 2 allows for the use of a different set of distance bands by providing for a maximum deemed average fare across all Opal Services. The maximum deemed average fare is consistent with the average fare which IPART estimates would result from the use of the Default Distance Bands.]

4 Schedules 3, 4 and 5

- (a) Schedule 3 contains definitions and interpretation provisions used in this determination.
- (b) Schedule 4 contains two maps referred to in this determination.
- (c) Schedule 5 contains a statement of the reasons why IPART has made a determination that involves setting the methodology for fixing a maximum fare.

5 Legislative background

5.1 Passenger Transport Act

- (a) Under section 123(1) of the Passenger Transport Act, the Minister may refer to IPART, with the approval of the Minister administering the IPART Act, all or any

of the services provided by one or more public passenger services for determination of, or a recommendation as to:

- (1) appropriate maximum fares for the services;
 - (2) appropriate maximum fares for specified fares or classes of fares for the service or services.
- (b) Under section 124(1) of the Passenger Transport Act, IPART is to conduct investigations and report to the Minister on the appropriate maximum fares if a referral is made under section 123(1).
- (c) By referral dated 30 May 2018, the Minister, with the approval of the Minister administering the IPART Act, tasked IPART to investigate and report on the determination of appropriate maximum fares for Opal Services.
- (d) In making this determination, IPART has had regard to a broad range of matters, including matters:
- (1) specified by the Minister in the referral pursuant to section 123(2)(b) of the Passenger Transport Act; and
 - (2) set out in section 124(3) of the Passenger Transport Act.

5.2 IPART Act

The following provisions of the IPART Act apply in making a determination under Part 7 of the Passenger Transport Act:

- (a) sections 13A-14A (in relation to the approaches to be applied in making pricing determinations); and
- (b) Divisions 6 and 7 of Part 3 (in relation to the publication of reports and conduct of investigations).

Schedule 1 Regulated Fares charged using the Default Distance Bands

1 Regulated Fares charged using the Default Distance Bands

If Schedule 1 applies,¹ the appropriate maximum fare for an Opal Service paid for through a Regulated Fare during the Determination Period is:

- (a) for a Trip using a Train Service, the fare for the relevant Distance of the Trip set out in Table 1;
- (b) for a Trip using a Light Rail Service, the fare for the relevant Distance of the Trip set out in Table 2;
- (c) for a Trip using a Ferry Service outside the Newcastle region, the fare for the relevant Distance of the Trip set out in Table 3;
- (d) for a Trip using a Ferry Service within the Newcastle region, \$2.91; and
- (e) for a Trip using a Bus Service, the fare for the relevant Distance of the Trip set out in Table 4.

Table 1: Train Services

Distance of the Trip (km)	Appropriate maximum fare (\$)
0 to ≤10	4.00
>10 to ≤20	4.91
>20 to ≤35	5.73
>35 to ≤65	7.55
>65	9.73

Table 2: Light Rail Services

Distance of the Trip (km)	Appropriate maximum fare (\$)
0 to ≤3	2.91
>3 to ≤8	4.18
>8 to ≤20	5.45
>20 to ≤35	5.82
>35 to ≤65	7.55
>65	9.73

¹ Note: Clause 3 of the Preliminary section of this determination provides for the circumstances in which Schedule 1 applies.

Table 3: Ferry Services

Distance of the Trip (km)	Appropriate maximum fare (\$)
0 to ≤9	6.73
>9	8.36

Table 4: Bus Services

Distance of the Trip (km)	Appropriate maximum fare (\$)
0 to ≤3	2.91
>3 to ≤8	4.18
>8 to ≤20	5.45
>20	5.82

Schedule 2 Regulated Fares not charged using the Default Distance Bands

1 The Deemed Average Fare must be lower than the Maximum Average Fare

If Schedule 2 applies,² all fares for Opal Services paid for through Regulated Fares are appropriate provided that the Deemed Average Fare is lower than the Maximum Average Fare.

2 How is the Maximum Average Fare to be calculated?

The Maximum Average Fare is to be calculated by:

- (a) multiplying each value in the Distribution Table by the appropriate maximum fare under Schedule 1 for a Trip of the Mode and Distance of the Trip to which the value relates; and
- (b) adding together all of the results yielded under paragraph (a) above.

3 How is the Deemed Average Fare to be calculated?

The Deemed Average Fare is to be calculated by:

- (a) multiplying each value in the Distribution Table by the Regulated Fare that applies to a Trip of the Mode and Distance of the Trip to which that value relates; and

[Note: For example, if Table 5 has not been replaced, and if the Regulated Fare for Trip by bus of >1km to ≤2km is \$3.00, multiply \$3.00 by 7.647124%, for a result of \$0. 22941372.]

- (b) adding together all of the results yielded under paragraph (a) above.

Table 5 Distribution Table

Distance of the Trip	Bus	Ferry outside Newcastle region	Light rail	Ferry in Newcastle region	Train
>0 to ≤1	2.675031%	0.055799%	0.289250%	0.063247%	0.149686%
>1 to ≤2	7.647124%	0.298738%	0.707101%	0.000000%	1.147152%
>2 to ≤3	6.564807%	0.172130%	0.174570%	0.000000%	1.271710%

² Note: Clause 3 of the Preliminary section of this determination provides for the circumstances in which Schedule 2 applies.

Schedule 2 Regulated Fares not charged using the Default Distance Bands

>3 to ≤4	4.320829%	0.262246%	0.059391%	0.000000%	4.311022%
>4 to ≤5	3.912465%	0.131157%	0.067651%	0.000000%	2.022265%
>5 to ≤6	2.687990%	0.053125%	0.071101%	0.000000%	1.874774%
>6 to ≤7	2.105352%	0.093116%	0.104418%	0.000000%	3.590677%
>7 to ≤8	1.515825%	0.035105%	0.000000%	0.000000%	1.364077%
>8 to ≤9	1.080550%	0.054139%	0.000000%	0.000000%	2.066813%
>9 to ≤10	0.800636%	0.567502%	0.000000%	0.000000%	2.157851%
>10 to ≤11	0.680262%	0.018948%	0.000000%	0.000000%	1.637930%
>11 to ≤12	0.545548%	0.023109%	0.000000%	0.000000%	2.377171%
>12 to ≤13	0.509418%	0.046706%	0.000000%	0.000000%	1.621801%
>13 to ≤14	0.291132%	0.002011%	0.000000%	0.000000%	1.818413%
>14 to ≤15	0.385583%	0.000804%	0.000000%	0.000000%	2.430297%
>15 to ≤16	0.171404%	0.004588%	0.000000%	0.000000%	1.241039%
>16 to ≤17	0.151409%	0.010499%	0.000000%	0.000000%	1.481892%
>17 to ≤18	0.184089%	0.000839%	0.000000%	0.000000%	1.192378%
>18 to ≤19	0.105083%	0.002651%	0.000000%	0.000000%	1.764973%
>19 to ≤20	0.209374%	0.003487%	0.000000%	0.000000%	1.620915%
>20 to ≤21	0.160476%	0.000004%	0.000000%	0.000000%	1.139796%
>21 to ≤22	0.134691%	0.000071%	0.000000%	0.000000%	1.514218%
>22 to ≤23	0.230727%	0.001400%	0.000000%	0.000000%	1.097402%
>23 to ≤24	0.198609%	0.000000%	0.000000%	0.000000%	1.340188%
>24 to ≤25	0.117602%	0.000026%	0.000000%	0.000000%	1.084355%
>25 to ≤26	0.060873%	0.000192%	0.000000%	0.000000%	0.985064%
>26 to ≤27	0.054113%	0.000000%	0.000000%	0.000000%	1.505220%
>27 to ≤28	0.055504%	0.000000%	0.000000%	0.000000%	0.706472%
>28 to ≤29	0.078310%	0.000000%	0.000000%	0.000000%	0.818338%
>29 to ≤30	0.050191%	0.000000%	0.000000%	0.000000%	0.764570%
>30 to ≤31	0.075303%	0.000000%	0.000000%	0.000000%	0.548835%
>31 to ≤32	0.039153%	0.000000%	0.000000%	0.000000%	0.796550%
>32 to ≤33	0.038472%	0.000000%	0.000000%	0.000000%	0.660056%
>33 to ≤34	0.008024%	0.000000%	0.000000%	0.000000%	0.585474%
>34 to ≤35	0.005163%	0.000000%	0.000000%	0.000000%	0.539660%
>35 to ≤36	0.002288%	0.000000%	0.000000%	0.000000%	0.475044%
>36 to ≤37	0.002003%	0.000000%	0.000000%	0.000000%	0.500390%
>37 to ≤38	0.003862%	0.000000%	0.000000%	0.000000%	0.202138%
>38 to ≤39	0.009943%	0.000000%	0.000000%	0.000000%	0.597507%
>39 to ≤40	0.002686%	0.000000%	0.000000%	0.000000%	0.228021%
>40 to ≤41	0.003743%	0.000000%	0.000000%	0.000000%	0.321505%
>41 to ≤42	0.001535%	0.000000%	0.000000%	0.000000%	0.250250%
>42 to ≤43	0.001648%	0.000000%	0.000000%	0.000000%	0.154721%
>43 to ≤44	0.001086%	0.000000%	0.000000%	0.000000%	0.313409%
>44 to ≤45	0.000993%	0.000000%	0.000000%	0.000000%	0.247668%
>45 to ≤46	0.000643%	0.000000%	0.000000%	0.000000%	0.241338%

Schedule 2 Regulated Fares not charged using the Default Distance Bands

>46 to ≤47	0.000588%	0.000000%	0.000000%	0.000000%	0.185476%
>47 to ≤48	0.000313%	0.000000%	0.000000%	0.000000%	0.321664%
>48 to ≤49	0.000276%	0.000000%	0.000000%	0.000000%	0.073998%
>49 to ≤50	0.000253%	0.000000%	0.000000%	0.000000%	0.322975%
>50 to ≤51	0.000061%	0.000000%	0.000000%	0.000000%	0.151179%
>51 to ≤52	0.000087%	0.000000%	0.000000%	0.000000%	0.041024%
>52 to ≤53	0.000071%	0.000000%	0.000000%	0.000000%	0.111605%
>53 to ≤54	0.000083%	0.000000%	0.000000%	0.000000%	0.074275%
>54 to ≤55	0.000026%	0.000000%	0.000000%	0.000000%	0.042785%
>55 to ≤56	0.000049%	0.000000%	0.000000%	0.000000%	0.173831%
>56 to ≤57	0.000011%	0.000000%	0.000000%	0.000000%	0.055034%
>57 to ≤58	0.000004%	0.000000%	0.000000%	0.000000%	0.053616%
>58 to ≤59	0.000011%	0.000000%	0.000000%	0.000000%	0.182326%
>59 to ≤60	0.000004%	0.000000%	0.000000%	0.000000%	0.029820%
>60 to ≤61	0.000004%	0.000000%	0.000000%	0.000000%	0.081305%
>61 to ≤62	0.000004%	0.000000%	0.000000%	0.000000%	0.039483%
>62 to ≤63	0.000004%	0.000000%	0.000000%	0.000000%	0.066288%
>63 to ≤64	0.000004%	0.000000%	0.000000%	0.000000%	0.094727%
>64 to ≤65	0.000000%	0.000000%	0.000000%	0.000000%	0.021274%
>65 to ≤66	0.000011%	0.000000%	0.000000%	0.000000%	0.024919%
>66 to ≤67	0.000008%	0.000000%	0.000000%	0.000000%	0.049943%
>67 to ≤68	0.000004%	0.000000%	0.000000%	0.000000%	0.039868%
>68 to ≤69	0.000000%	0.000000%	0.000000%	0.000000%	0.117812%
>69 to ≤70	0.000000%	0.000000%	0.000000%	0.000000%	0.024377%
>70 to ≤71	0.000004%	0.000000%	0.000000%	0.000000%	0.093106%
>71 to ≤72	0.000000%	0.000000%	0.000000%	0.000000%	0.026729%
>72 to ≤73	0.000000%	0.000000%	0.000000%	0.000000%	0.026951%
>73 to ≤74	0.000000%	0.000000%	0.000000%	0.000000%	0.154040%
>74 to ≤75	0.000000%	0.000000%	0.000000%	0.000000%	0.034585%
>75 to ≤76	0.000000%	0.000000%	0.000000%	0.000000%	0.017998%
>76 to ≤77	0.000000%	0.000000%	0.000000%	0.000000%	0.029671%
>77 to ≤78	0.000000%	0.000000%	0.000000%	0.000000%	0.024649%
>78 to ≤79	0.000000%	0.000000%	0.000000%	0.000000%	0.026897%
>79 to ≤80	0.000000%	0.000000%	0.000000%	0.000000%	0.038289%
>80 to ≤81	0.000000%	0.000000%	0.000000%	0.000000%	0.040817%
>81 to ≤82	0.000000%	0.000000%	0.000000%	0.000000%	0.043157%
>82 to ≤83	0.000000%	0.000000%	0.000000%	0.000000%	0.058926%
>83 to ≤84	0.000000%	0.000000%	0.000000%	0.000000%	0.015795%
>84 to ≤85	0.000000%	0.000000%	0.000000%	0.000000%	0.055224%
>85 to ≤86	0.000000%	0.000000%	0.000000%	0.000000%	0.011132%
>86 to ≤87	0.000000%	0.000000%	0.000000%	0.000000%	0.055393%
>87 to ≤88	0.000000%	0.000000%	0.000000%	0.000000%	0.029087%
>88 to ≤89	0.000000%	0.000000%	0.000000%	0.000000%	0.013501%

Schedule 2 Regulated Fares not charged using the Default Distance Bands

>89 to ≤90	0.000000%	0.000000%	0.000000%	0.000000%	0.018529%
>90 to ≤91	0.000000%	0.000000%	0.000000%	0.000000%	0.019961%
>91 to ≤92	0.000000%	0.000000%	0.000000%	0.000000%	0.045277%
>92 to ≤93	0.000000%	0.000000%	0.000000%	0.000000%	0.011863%
>93 to ≤94	0.000000%	0.000000%	0.000000%	0.000000%	0.043281%
>94 to ≤95	0.000000%	0.000000%	0.000000%	0.000000%	0.010949%
>95 to ≤96	0.000000%	0.000000%	0.000000%	0.000000%	0.014941%
>96 to ≤97	0.000000%	0.000000%	0.000000%	0.000000%	0.013094%
>97 to ≤98	0.000000%	0.000000%	0.000000%	0.000000%	0.010385%
>98 to ≤99	0.000000%	0.000000%	0.000000%	0.000000%	0.024969%
>99 to ≤100	0.000000%	0.000000%	0.000000%	0.000000%	0.009110%
>100 to ≤101	0.000000%	0.000000%	0.000000%	0.000000%	0.011432%
>101 to ≤102	0.000000%	0.000000%	0.000000%	0.000000%	0.011373%
>102 to ≤103	0.000000%	0.000000%	0.000000%	0.000000%	0.012167%
>103 to ≤104	0.000000%	0.000000%	0.000000%	0.000000%	0.012352%
>104 to ≤105	0.000000%	0.000000%	0.000000%	0.000000%	0.009227%
>105 to ≤106	0.000000%	0.000000%	0.000000%	0.000000%	0.015596%
>106 to ≤107	0.000000%	0.000000%	0.000000%	0.000000%	0.009168%
>107 to ≤108	0.000000%	0.000000%	0.000000%	0.000000%	0.017780%
>108 to ≤109	0.000000%	0.000000%	0.000000%	0.000000%	0.013444%
>109 to ≤110	0.000000%	0.000000%	0.000000%	0.000000%	0.038077%
>110 to ≤111	0.000000%	0.000000%	0.000000%	0.000000%	0.010781%
>111 to ≤112	0.000000%	0.000000%	0.000000%	0.000000%	0.004766%
>112 to ≤113	0.000000%	0.000000%	0.000000%	0.000000%	0.007407%
>113 to ≤114	0.000000%	0.000000%	0.000000%	0.000000%	0.028796%
>114 to ≤115	0.000000%	0.000000%	0.000000%	0.000000%	0.005090%
>115 to ≤116	0.000000%	0.000000%	0.000000%	0.000000%	0.005603%
>116 to ≤117	0.000000%	0.000000%	0.000000%	0.000000%	0.024469%
>117 to ≤118	0.000000%	0.000000%	0.000000%	0.000000%	0.005062%
>118 to ≤119	0.000000%	0.000000%	0.000000%	0.000000%	0.003177%
>119 to ≤120	0.000000%	0.000000%	0.000000%	0.000000%	0.009715%
>120 to ≤121	0.000000%	0.000000%	0.000000%	0.000000%	0.005481%
>121 to ≤122	0.000000%	0.000000%	0.000000%	0.000000%	0.004231%
>122 to ≤123	0.000000%	0.000000%	0.000000%	0.000000%	0.011284%
>123 to ≤124	0.000000%	0.000000%	0.000000%	0.000000%	0.007053%
>124 to ≤125	0.000000%	0.000000%	0.000000%	0.000000%	0.004174%
>125 to ≤126	0.000000%	0.000000%	0.000000%	0.000000%	0.003987%
>126 to ≤127	0.000000%	0.000000%	0.000000%	0.000000%	0.004150%
>127 to ≤128	0.000000%	0.000000%	0.000000%	0.000000%	0.007954%
>128 to ≤129	0.000000%	0.000000%	0.000000%	0.000000%	0.003298%
>129 to ≤130	0.000000%	0.000000%	0.000000%	0.000000%	0.003997%
>130 to ≤131	0.000000%	0.000000%	0.000000%	0.000000%	0.003090%
>131 to ≤132	0.000000%	0.000000%	0.000000%	0.000000%	0.011011%

Schedule 2 Regulated Fares not charged using the Default Distance Bands

>132 to ≤133	0.000000%	0.000000%	0.000000%	0.000000%	0.002556%
>133 to ≤134	0.000000%	0.000000%	0.000000%	0.000000%	0.003198%
>134 to ≤135	0.000000%	0.000000%	0.000000%	0.000000%	0.012129%
>135 to ≤136	0.000000%	0.000000%	0.000000%	0.000000%	0.002432%
>136 to ≤137	0.000000%	0.000000%	0.000000%	0.000000%	0.002272%
>137 to ≤138	0.000000%	0.000000%	0.000000%	0.000000%	0.004157%
>138 to ≤139	0.000000%	0.000000%	0.000000%	0.000000%	0.003563%
>139 to ≤140	0.000000%	0.000000%	0.000000%	0.000000%	0.002480%
>140 to ≤141	0.000000%	0.000000%	0.000000%	0.000000%	0.002520%
>141 to ≤142	0.000000%	0.000000%	0.000000%	0.000000%	0.006238%
>142 to ≤143	0.000000%	0.000000%	0.000000%	0.000000%	0.003566%
>143 to ≤144	0.000000%	0.000000%	0.000000%	0.000000%	0.004887%
>144 to ≤145	0.000000%	0.000000%	0.000000%	0.000000%	0.005256%
>145 to ≤146	0.000000%	0.000000%	0.000000%	0.000000%	0.003052%
>146 to ≤147	0.000000%	0.000000%	0.000000%	0.000000%	0.001839%
>147 to ≤148	0.000000%	0.000000%	0.000000%	0.000000%	0.021411%
>148 to ≤149	0.000000%	0.000000%	0.000000%	0.000000%	0.004031%
>149 to ≤150	0.000000%	0.000000%	0.000000%	0.000000%	0.002591%
>150	0.000000%	0.000000%	0.000000%	0.000000%	0.169136%

Schedule 3 Definitions and interpretation

1 Definitions

1.1 General definitions

2016 Opal Services Determination means IPART's Determination No. 1 of 2016, titled "Transport - maximum fares for Opal Services".

Airport Station Access Fee is the fee imposed on behalf of Airport Link Company Pty Ltd (ACN 058 436 801) when a passenger commences or concludes their Trip at either the Domestic Airport train station or the International Airport train station.

Approved Payment Device has the meaning given in clause 69 of the *Passenger Transport (General) Regulation 2017* but excludes a "Single Trip Ticket" of the type referred to in clause 15 of the terms of use published in Gazette no. 89 of 12 August 2019 under clause 76 of the *Passenger Transport (General) Regulation 2017* (or an amended or replacement terms of use in effect from time to time).

Bus Service means any Opal Service provided by bus, and includes an On-Demand Service provided using a bus.

CBD Increment means an additional distance specified by TfNSW by notice published on its website for the purposes of this definition from time to time.

CBD Trip means a Trip which:

- (a) starts at a station which is not a City Station and ends at a City Station other than a Gateway Station; or
- (b) starts at a City Station other than a Gateway Station and ends at a station which is not a City Station.

City Station means the train stations of Central, Town Hall, Wynyard, Circular Quay, St James, Museum, Kings Cross, Martin Place or any other station specified by TfNSW by notice published on its website for the purposes of this definition from time to time.

Commencement Date has the meaning given in clause 1.2(a) of the Preliminary section of this determination.

CPI means the consumer price index All Groups index number for the weighted average of eight capital cities, published by the Australian Bureau of Statistics, or if the Australian Bureau of Statistics does not or ceases to publish the index, then CPI will mean an index determined by IPART.

Deemed Average Fare means the fare calculated in accordance with clause 3 of Schedule 2.

Default Distance Bands means the series of ranges of Distances of the Trip set out in the left most column of each of the tables in Schedule 1.

Departure Point means:

- (a) for Opal Services other than On-Demand Services – the train station, bus stop, light rail stop or ferry wharf where the customer Taps On; or
- (b) for a Trip by an On-Demand Vehicle – the location where the customer boards the On-Demand Vehicle,

unless a different location is specified by TfNSW by notice published on its website for the purposes of this definition from time to time.

Destination Point means:

- (a) for Opal Services other than On-Demand Services – the train station, bus stop, light rail stop, or subject to paragraph (b), ferry wharf, where the customer Taps Off;
- (b) for a Trip by ferry on the Manly to Circular Quay route – the ferry wharf where the customer disembarks the ferry; or
- (c) for a Trip by an On-Demand Vehicle – the location where the customer disembarks the On-Demand Vehicle,

unless a different location is specified by TfNSW by notice published on its website for the purposes of this definition from time to time.

Determination Period means the period beginning on, and including, the Commencement Date and ending on, and including, the earlier of 30 June 2024 and the date on which this determination is revoked or replaced.

Distance of the Trip means:

- (a) for any Trip using a vehicle other than a train, the actual straight-line distance from the point where the customer boarded the vehicle to the point where the customer disembarked from the vehicle; and
- (b) for any Trip using a train, the sum of:
 - (1) the distance by rail between the Departure Point and the Destination Point; and
 - (2) if the Trip is a CBD Trip, the CBD Increment.

Distribution Table means either Table 5 or, if a Revised Distribution Table has replaced Table 5, the Revised Distribution Table.

Ferry Service means any Opal Service provided by ferry, and includes an On-Demand Service provided using a ferry.

Gateway Station means:

- (a) the train stations of Central, Kings Cross or Wynyard, but only in respect of a Trip where that is the first City Station where the customer does any of the following:
 - (1) passes through the station;
 - (2) boards at the station; or
 - (3) disembarks at the station; or
- (b) any station specified by TfNSW by notice published on its website for the purposes of this definition.

GST has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Inflation Multiplier means CPI for the March quarter of the present year divided by CPI for March quarter of 2023.

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales established under the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992*.

Light Rail Service means any Opal Service provided by light rail vehicle, and includes an On-Demand Service provided using a light rail vehicle.

Maximum Average Fare means the fare calculated in accordance with clause 2 of Schedule 2.

Metro has the meaning given in section 3 of the Transport Administration Act.

Metropolitan and Outer Metropolitan Areas means the aggregate of the Sydney Metropolitan Area and the Outer Metropolitan Area.

Minister means the Minister administering the Passenger Transport Act.

Mode means the form of public passenger service used for a Trip, being transport by one of the following:

- (a) train (including as part of an On-Demand Service);
- (b) bus (including as part of an On-Demand Service);
- (c) light rail vehicle (including as part of an On-Demand Service);
- (d) ferry within the Newcastle region (including as part of an On-Demand Service);
or
- (e) ferry outside the Newcastle region (including as part of an On-Demand Service).

Newcastle Transport means the operator or operators who, from time to time, provide Bus, Light Rail or Ferry Services in respect of the Newcastle region, under a Passenger Service Contract with TfNSW.

NSW Trains means the agency described in Part 3C of the Transport Administration Act.

On-Demand Service means a service of the type described in paragraph (j) of the definition of Opal Services in Schedule 3, which:

- (a) is provided only if requested by one or more customers; and
- (b) lacks either or both of a regular:
 - (1) route; and
 - (2) timetable.

[Note: This determination does not apply to “passenger services” within the meaning of that term under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*. That is because such services are excluded from the definition of Public Passenger Services under the *Passenger Transport Act*.]

On-Demand Vehicle means, in respect of a Trip using an On-Demand Service, the vehicle used for that Trip.

Opal Card has the meaning given in clause 3(1) of the *Passenger Transport Regulation 2014* and includes any smartcard issued by TfNSW for use on Opal Services.

Opal Services means all Part 7 Division 2 Services comprised in the following:

- (a) Train services operated by Sydney Trains under the authority of a Passenger Service Contract with TfNSW;
- (b) Train services operated by NSW Trains operated under the business name NSW TrainLink Intercity under the authority of a Passenger Service Contract with TfNSW;
- (c) Train services operated by Sydney Metro under the authority of a Passenger Service Contract with TfNSW;
- (d) Ferry Services operated by Sydney Ferries under the authority of a Passenger Service Contract with TfNSW;
- (e) Bus, Light Rail and Ferry Services operated by Newcastle Transport under the authority of a Passenger Service Contract with TfNSW;
- (f) Bus services operated under the authority of a Sydney Metropolitan Bus Service Contract with TfNSW;
- (g) Bus services operated under the authority of an Outer Sydney Metropolitan Bus Service Contract with TfNSW;
- (h) Light rail services operated by Sydney Light Rail, including Inner West and CBD and South East light rail, under the authority of a Passenger Service Contract with TfNSW;
- (i) Light rail services in Parramatta, under the authority of a Passenger Service Contract with TfNSW; and

- (j) On-Demand Services in Metropolitan and Outer Metropolitan Areas operated under the authority of a Passenger Service Contract with TfNSW.

Opal Terms of Use means the terms and conditions published by TfNSW that apply to the use of the Opal Card and Opal Services, including any amendments or variations made from time to time.

Outer Metropolitan Area means the aggregate of the areas identified as Outer Sydney Metropolitan Bus Services Contracts in Map 2 of Schedule 4.

Outer Sydney Metropolitan Bus Service Contract means a contract with TfNSW for the provision of Bus Services within the Outer Metropolitan Area.

Part 7 Division 2 Services means all public passenger services to which Division 2 of Part 7 of the Passenger Transport Act applies.

Passenger Service Contract has the meaning given to that term in section 4(1) of the Passenger Transport Act.

Passenger Transport Act means the *Passenger Transport Act 2014*.

Regulated Fare:

- (a) means a payment using an Opal Card or any Approved Payment Device for a single Trip; and
- (b) includes the whole amount payable for that Trip (it includes all fees, surcharges and taxes other than GST), apart from any Airport Station Access Fee and GST; but
- (c) excludes:
- (1) any discounted fare; and
- [Note: For example, concessional fares such as child fares or pensioner fares are not Regulated Fares.]**
- (2) (for the avoidance of any doubt) any fare for a Trip in respect of which a customer is required to Tap On and Tap Off, but neglects either to Tap On or to Tap Off.

Revised Distribution Table means a table published on TfNSW's website which replaces Table 5 and which is in the form of Table 5, except that:

- (a) TfNSW has replaced some or all of the values in Table 5 with new values, in a manner that results in the values in the table summing to 100%; and
- (b) those new values reflect actual travel patterns for all Trips using Opal Services in the final week of May 2020, apart from any travel in respect of which a customer is required to Tap On and Tap Off, but neglects either to Tap On or to Tap Off.

Smartcard Reader has the meaning given to that term under clause 71 of the *Passenger Transport (General) Regulation 2017*.

Sydney Ferries means the agency described in Part 3A of the Transport Administration Act.

Sydney Light Rail means the operator or operators who, from time to time, provide any light rail service within the meaning of section 104M of the Transport Administration Act, apart from any such service outside of Sydney.

Sydney Metro means the agency described in Part 3D of the Transport Administration Act.

Sydney Metropolitan Area means the aggregate of the areas identified as Sydney Metropolitan Bus Service Contracts in Map 1 of Schedule 4.

Sydney Metropolitan Bus Service Contract means a contract with TfNSW for the provision of Bus Services within the Sydney Metropolitan Area.

Sydney Trains means the agency described in Part 3B of the Transport Administration Act.

Taps Off means presents an Approved Payment Device to a Smartcard Reader at a Destination Point in order to end, and to be charged for, a Trip.

Taps On means presents an Approved Payment Device to a Smartcard Reader at a Departure Point in order to begin, and to be charged for, a Trip.

TfNSW means Transport for NSW as constituted under the Transport Administration Act.

Train Service means any Opal Service provided by train, and includes:

- (a) an On-Demand Service provided using a train; and
- (b) a Metro service provided using a train.

Transport Administration Act means the *Transport Administration Act 1988*.

Trip means travel using a single Mode between a Departure Point and a Destination Point.

2 Interpretation

2.1 General provisions

In this determination:

- (a) headings are for convenience only and do not affect the interpretation of this determination;
- (b) a reference to a schedule, clause, paragraph or table is a reference to a schedule to, clause of, paragraph in, or table in, this determination unless otherwise indicated;

- (c) a construction that would promote a purpose or object expressly or impliedly underlying the Passenger Transport Act is to be preferred to a construction that would not promote that purpose or object;
- (d) words or expressions importing the singular include the plural and vice versa;
- (e) a reference to a law or statute includes regulations, ordinances, by-laws, rules, codes and other instruments (including licences) under it and consolidations, amendments, reenactments or replacements of them or of the law or statute itself;
- (f) where a word or expression is defined, other grammatical forms of that word or expression have a corresponding meaning;
- (g) a reference to a month is to a calendar month;
- (h) a reference to a financial year is a reference to a period of 12 months beginning on 1 July and ending on the following 30 June;
- (i) a reference to a person includes a reference to the person's executors, administrators, successors, replacements (including, but not limited to, persons taking by novation), agents and assigns;
- (j) a reference to a body, whether statutory or not:
 - (1) which ceases to exist; or
 - (2) whose powers or functions are transferred to another body;
 is a reference to the body which replaces it or which substantially succeeds to its powers or functions; and
- (k) a reference to a business name which is replaced by a different business name is taken to be a reference to the replacement business name.

2.2 Explanatory notes and clarification notice

- (a) Explanatory notes and examples do not form part of this determination, but in the case of uncertainty may be relied on for interpretation purposes.
- (b) IPART may publish a clarification notice in the NSW Government Gazette to correct any manifest error in this determination. Such a clarification notice is taken to form part of this determination.

2.3 Maximum prices exclusive of GST

- (a) Fares specified in this determination do not include GST.
- (b) For the avoidance of doubt, where GST is lawfully applied to fares under this determination, the resulting GST inclusive price is consistent with this determination.

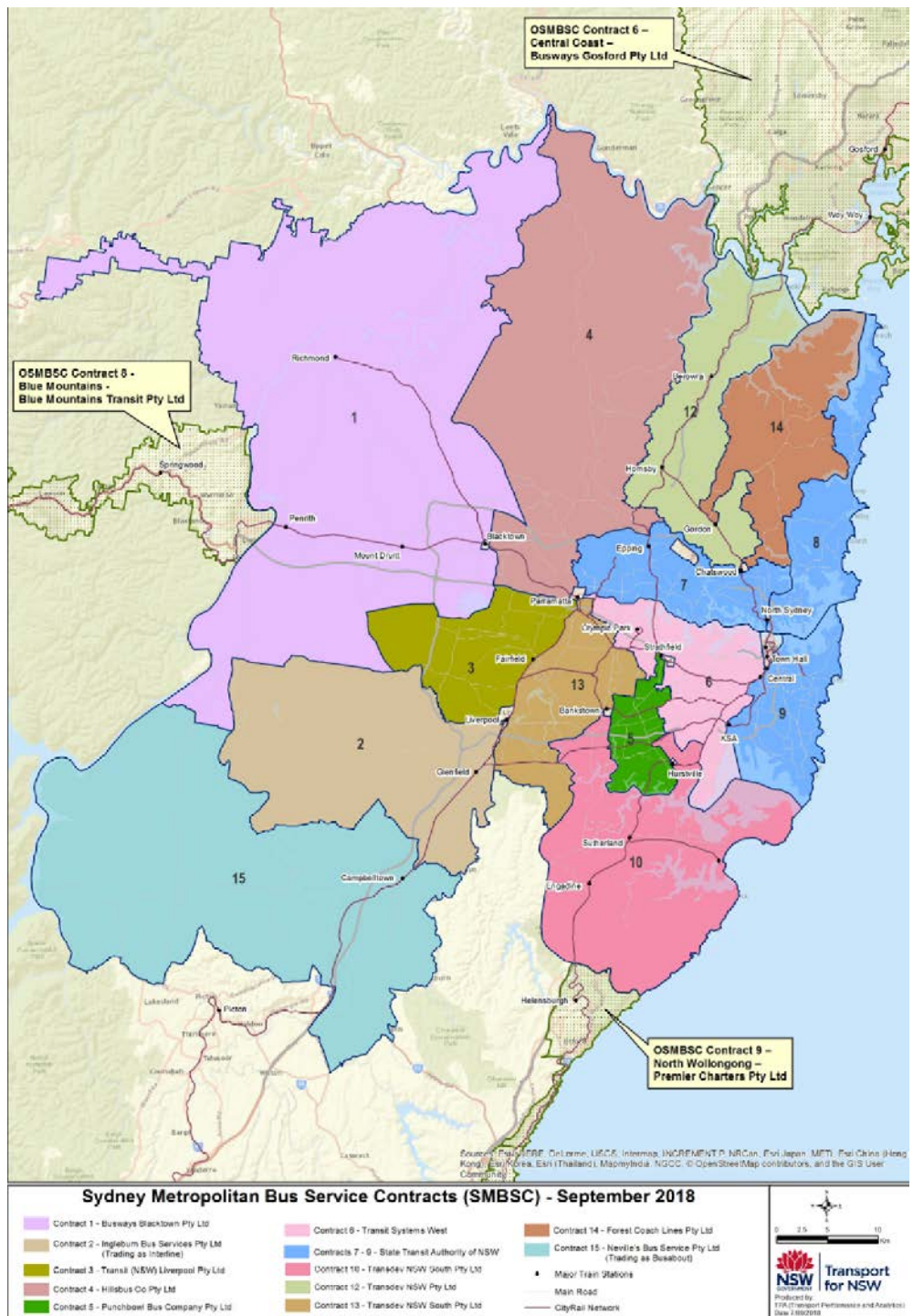
2.4 Rounding Rule

- (a) Any maximum fare calculated in accordance with this determination is to be rounded to the nearest whole cent.

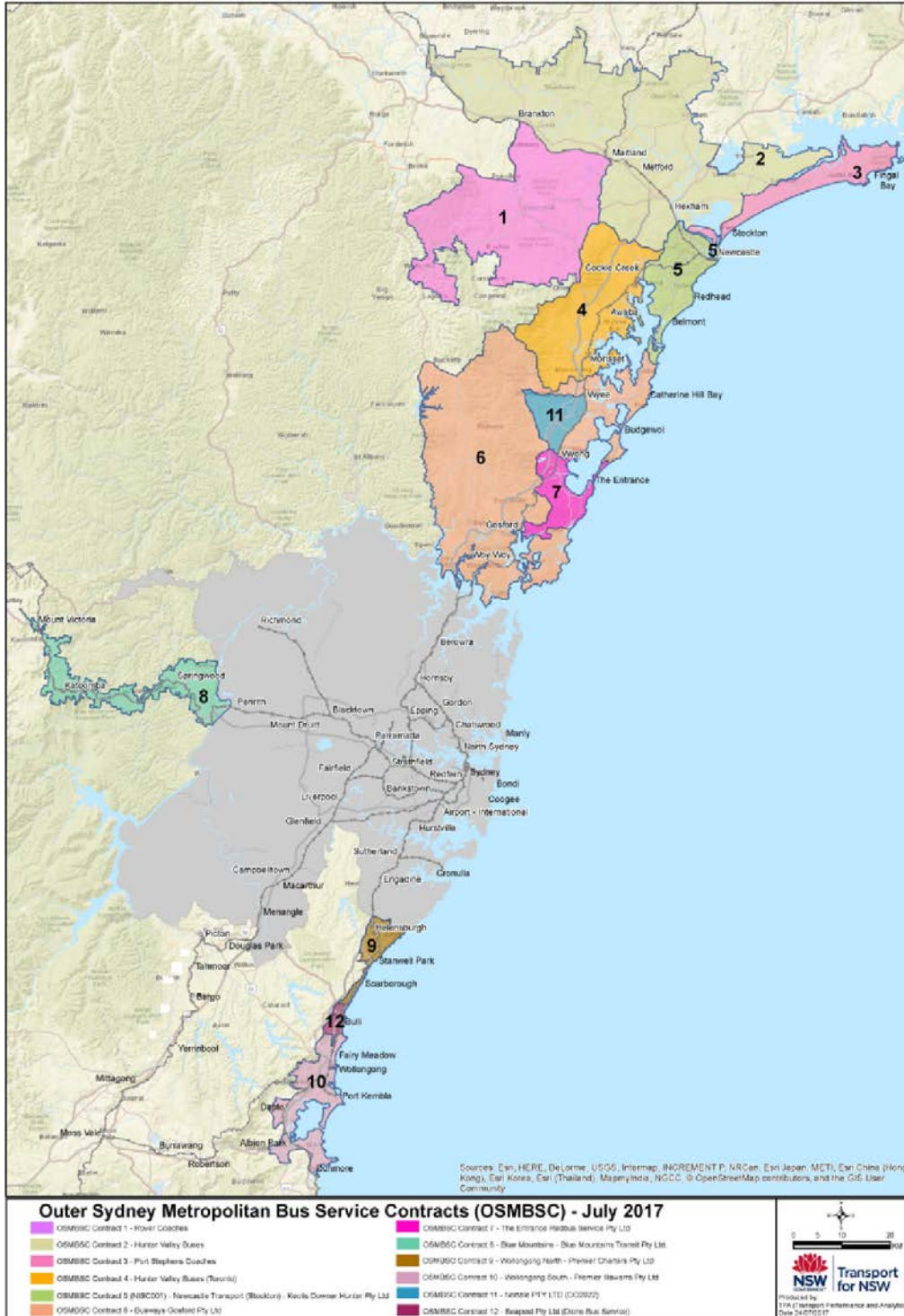
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- (b) For the purposes of rounding a maximum fare under Schedules 1 and 2, any amount that is a multiple of 0.5 cents (but not a multiple of 1 cent), is to be rounded up to the nearest whole cent.

Schedule 4 Maps

Map 1



Map 2



Schedule 5 Statement of reasons for using a methodology

Under section 13A of the IPART Act, IPART must not make a determination that involves setting the methodology for fixing a maximum fare, unless the Tribunal is of the opinion that it is impractical to make a determination directly fixing the maximum fare. Where IPART uses a methodology to fix maximum fares, rather than directly fixing them, it is required to include a statement of reasons for this decision.

Schedule 2 of this determination uses a methodology to fix maximum fares for certain Opal Services. The policy objective behind Schedule 2 is to allow TfNSW flexibility to use distance bands other than the Default Distance Bands. This flexibility is in the interests of customers, because it allows TfNSW to tailor product and fare offerings to meet customer preferences. It would have been impractical to achieve this objective by directly fixing maximum fares; that would require IPART to fix a fare for every conceivable set of distance bands. That is why IPART chose to use a methodology in Schedule 2.