



Australian Capital Territory

Road Transport Reform (Light Rail) Legislation Amendment Act 2018

A2018-19

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Australian Capital Territory

Road Transport Reform (Light Rail) Legislation Amendment Act 2018

A2018-19

An Act to amend legislation about light rail, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport Reform (Light Rail) Legislation Amendment Act 2018*.

2 Commencement

This Act commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Public Passenger Services) Regulation 2002*.

Note This Act also amends other legislation (see sch 1 and sch 2).

Part 2 Road Transport (Public Passenger Services) Act 2001

4 Offences against Act—application of Criminal Code etc Section 4A, note 1

insert

- s 27B (Entitlement to operate light rail service)

5 New part 2A

insert

Part 2A Light rail services

27A Meaning of *light rail service* and *light rail service operator*

- (1) A *light rail service* is a public passenger service operated using light rail.
- (2) A *light rail service operator* is a rail transport operator who operates a light rail service.

27B Entitlement to operate light rail service

- (1) A person is entitled to operate a light rail service if the person is accredited under the *Rail Safety National Law (ACT)* as a rail transport operator to operate a light rail service.

Note It is an offence to carry out railway operations without accreditation (see *Rail Safety National Law (ACT)*, s 62).

- (2) A person commits an offence if—
- (a) the person operates a light rail service; and
 - (b) the person—
 - (i) fails to give the road transport authority a copy of the person's current notice of accreditation within 2 days after receiving the notice; or
 - (ii) if a material particular of the person's accreditation changes—fails to tell the road transport authority, in writing, about the change in the person's accreditation within 2 days after the day the change comes into effect; or
 - (iii) fails to give the road transport authority a copy of any notice of suspension or cancellation given to the person under the *Rail Safety National Law (ACT)*, section 73 or section 74 within 2 days after the day the suspension comes into effect.

Note The current notice of accreditation must also be available for public inspection (see *Rail Safety National Law (ACT)*, s 81).

Note It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see *Criminal Code*, pt 3.4).

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if the person—
- (a) operates a light rail service; and
 - (b) fails to give the road transport authority a copy of an application made to the Office of the National Rail Safety Regulator to vary—
 - (i) the person's accreditation under the *Rail Safety National Law (ACT)*, section 68; or

- (ii) a condition or restriction of the person's accreditation under the *Rail Safety National Law (ACT)*, section 71.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In this section:

accreditation, to operate a light rail service, means accreditation under the *Rail Safety National Law (ACT)* to operate the service.

27C Light rail services—power to determine fares

- (1) The Minister may determine the following for light rail services:
- (a) fares payable by passengers;
 - (b) ways of calculating fares;
 - (c) ways of paying fares.

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the [Legislation Act](#).

27D Light rail services—regulations

A regulation may make provision about—

- (a) the operation of light rail services, including, for example—
- (i) the safety of passengers and the public; and
 - (ii) any licences required by light rail drivers and other people providing services relating to driving light rail vehicles; and

- (iii) the conduct or qualifications required by employees of the light rail service operator or a person exercising a function on behalf of the light rail service operator; and
- (iv) light rail stops; and
- (v) the issue and inspection of tickets; and
- (vi) the making and keeping of records and their inspection; and
- (vii) the auditing of records and systems; and
- (viii) the provision of information and reports to the road transport authority; and

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (b) travel on light rail vehicles, including, for example—
 - (i) conduct of passengers on light rail vehicles; and
 - (ii) conditions of travel on light rail vehicles; and
 - (iii) the authority of police officers and authorised people to direct people contravening a regulation to get off or not get on a light rail vehicle; and
 - (iv) the authority of police officers to remove people contravening a regulation from a light rail vehicle; and
- (c) people at light rail stops, including, for example—
 - (i) conduct of people at light rail stops; and
 - (ii) the authority of police officers and authorised people to direct people contravening a regulation to leave a light rail stop; and
 - (iii) the authority of police officers to remove people contravening a regulation from a light rail stop.

6 New section 109

in part 8A, insert

109 Application—pt 8A

This part does not apply to a light rail service.

**7 Unauthorised public passenger services
Section 125 (2), note 1**

insert

- s 27B (Entitlement to operate light rail service)

8 Dictionary, note 3

insert

- light rail
- light rail vehicle
- rail transport operator

9 Dictionary, new definitions

insert

light rail service—see section 27A (1).

light rail service operator—see section 27A (2).

10 Dictionary, definition of *public passenger vehicle*

substitute

public passenger vehicle means a public bus, light rail vehicle, taxi, rideshare vehicle, hire car or demand responsive service vehicle.

Part 3 Road Transport (Public Passenger Services) Regulation 2002

11 Offences against regulation—application of Criminal Code etc Section 4A, note 1

insert

- section 50A
- section 50B
- a provision of ch 3AA (Light rail services)

12 Section 4B heading

substitute

4B Meaning of *regulated service*

13 Section 4B

omit

In this chapter:

substitute

In this regulation:

14 Section 50

substitute

50 Entitlement to use concession bus ticket

A person is entitled to use a bus ticket issued free or at a concession fare (a *concession bus ticket*) for travel on a bus service if the operator of the bus service has authorised the person to use the concession bus ticket.

50A Application for concession bus ticket

- (1) A person commits an offence if—
 - (a) the person applies to the operator of a bus service for a concession bus ticket; and
 - (b) the application includes information; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person must not be prosecuted for an offence against both this section and section 70AP (Application for concession light rail ticket) in relation to the same ticket.

50B Use concession bus ticket when not entitled

- (1) A person commits an offence if the person—
 - (a) travels on a bus service; and
 - (b) uses a concession bus ticket for the travel; and

(c) is not entitled to use the concession bus ticket.

Maximum penalty: 5 penalty units.

- (2) A police officer or authorised person may require a person who uses or attempts to use a concession bus ticket to travel on a bus service to produce evidence that the person is eligible to use the ticket to travel on the bus service.

Examples—evidence

student card, pensioner card, concession card

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) A person commits an offence if the person—
- (a) is required to produce evidence under subsection (2); and
 - (b) does not comply with the requirement.

Maximum penalty: 5 penalty units.

- (4) A person commits an offence if—
- (a) the person is required to produce evidence under subsection (2); and
 - (b) the person produces evidence containing information; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: 10 penalty units.

- (5) A person commits an offence if—
- (a) the person is required to produce evidence under subsection (2); and

- (b) the person makes a statement containing information to the police officer or authorised person; and
- (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: 10 penalty units.

- (6) An offence against this section is a strict liability offence.
- (7) A person must not be prosecuted for an offence against more than 1 of the following provisions for a single journey:
 - (a) subsection (1);
 - (b) subsection (3);
 - (c) subsection (4);
 - (d) subsection (5);
 - (e) section 70AQ (1) (Use concession light rail ticket when not entitled);
 - (f) section 70AQ (3);
 - (g) section 70AQ (4);
 - (h) section 70AQ (5).
- (8) In this section:

single journey means a journey for which a single fare is payable.

Example

a single fare payment that allows a person to travel on multiple public passenger vehicles within a 90 minute period

15 New chapter 3AA

before chapter 3A, insert

Chapter 3AA Light rail services

Part 3AA.1 Light rail service operators

70AA Definitions—pt 3AA.1

In this part:

light rail driver means the driver of a light rail vehicle.

light rail driving assessor means a person who assesses a light rail driver's suitability to be a driver of a light rail vehicle.

light rail driving instructor means a person who instructs a person about how to drive a light rail vehicle.

70AB Notifiable occurrence involving light rail vehicle

- (1) A person commits an offence if—
 - (a) the person is a light rail service operator; and
 - (b) the light rail service is involved in a notifiable occurrence; and
 - (c) the person gives the Office of the National Rail Safety Regulator a report under the *Rail Safety National Law (ACT)*, section 121, about a notifiable occurrence; and
 - (d) the person fails to give the road transport authority a copy of the report at the same time as giving the report to the Office of the National Rail Safety Regulator.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) In this section:

notifiable occurrence—see the *Rail Safety National Law (ACT)*, section 4.

70AC Light rail driver etc to hold driver licence

- (1) A person commits an offence if the person—
- (a) is a light rail service operator; and
 - (b) does not take reasonable steps to ensure that each of the following people holds a full car licence or a licence of a higher class:
 - (i) a light rail driver for the service;
 - (ii) a light rail driving assessor for the service;
 - (iii) a light rail driving instructor for the service.

Note A person who drives a light rail vehicle must hold a full car licence (see *Road Transport (Driver Licensing) Regulation 2000*, s 98A).

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

full car licence means a full car licence within the meaning of the *Road Transport (Driver Licensing) Regulation 2000*.

70AD Light rail driver records

- (1) A person commits an offence if the person—
- (a) is a light rail service operator; and
 - (b) does not—
 - (i) keep a light rail driver record for each light rail driver for the service; and

- (ii) take reasonable steps to ensure each light rail driver record is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
 - (a) is or has been a light rail service operator; and
 - (b) does not keep each light rail driver record for at least 2 years after the last date on which the driver drove a light rail vehicle for the service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
 - (a) is or has been a light rail service operator; and
 - (b) does not provide a light rail driver record, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or
 - (iii) an authorised person.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In this section:

light rail driver record means a record of the following details for a light rail driver:

- (a) the light rail driver's full name, home address and date of birth;
- (b) the light rail driver's driver licence number and expiry date;
- (c) the days and times when a light rail vehicle was driven by the light rail driver.

70AE Light rail driving instructor records

- (1) A person commits an offence if the person—
- (a) is a light rail service operator; and
 - (b) does not—
 - (i) keep a light rail driving instructor record for each light rail driving instructor for the service; and
 - (ii) take reasonable steps to ensure each light rail driving instructor record is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) is or has been a light rail service operator; and
 - (b) does not keep each light rail driving instructor record for at least 2 years after the last date on which an instructor for the operator instructed a driver for the service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
- (a) is or has been a light rail service operator; and
 - (b) does not provide a light rail driving instructor record, on request, to—
 - (i) the road transport authority; or
 - (ii) a police officer; or
 - (iii) an authorised person.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

(5) In this section:

light rail driving instructor record means a record of the following details for a light rail driving instructor:

- (a) the light rail driving instructor's full name, home address and date of birth;
- (b) the light rail driving instructor's driver licence number and expiry date;
- (c) the days and times when a light rail driver was instructed by the light rail driving instructor.

70AF Light rail driving assessor records

- (1) A person commits an offence if the person—
- (a) is a light rail service operator; and
 - (b) does not—
 - (i) keep a light rail driving assessor record for each light rail driving assessor for the service; and
 - (ii) take reasonable steps to ensure each light rail driving assessor record is up-to-date.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person—
- (a) is or has been a light rail service operator; and
 - (b) does not keep each light rail driving assessor record for at least 2 years after the last date on which a light rail driving assessor for the operator assessed a driver for the service.

Maximum penalty: 10 penalty units.

- (3) A person commits an offence if the person—
- (a) is or has been a light rail service operator; and

- (b) does not provide a light rail driving assessor record, on request, to—
- (i) the road transport authority; or
 - (ii) a police officer; or
 - (iii) an authorised person.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) In this section:

light rail driving assessor record means a record of the following details for a light rail driving assessor:

- (a) the light rail driving assessor's full name, home address and date of birth;
- (b) the light rail driving assessor's driver licence number and expiry date;
- (c) the days and times when a light rail driver was assessed by the light rail driving assessor.

70AG Road transport authority to share information

- (1) If a light rail service operator has given the road transport authority a light rail driver record, the road transport authority must tell the light rail service operator about any suspension or cancellation of a driver licence held by the driver.
- (2) If a light rail service operator has given the road transport authority a light rail driving instructor record, the road transport authority must tell the light rail service operator about any suspension or cancellation of a driver licence held by the light rail driving instructor.

- (3) If a light rail service operator has given the road transport authority a light rail driving assessor record, the road transport authority must tell the light rail service operator about any suspension or cancellation of a driver licence held by the light rail driving assessor.
- (4) In this section:
- light rail driving assessor record*—see section 70AF (5).
- light rail driver record*—see section 70AD (5).
- light rail driving instructor record*—see section 70AE (5).

70AH Signs about security cameras in light rail vehicles and at light rail stops

- (1) A person commits an offence if—
- (a) the person is a light rail service operator; and
 - (b) a light rail vehicle for the service is fitted with a security camera; and
 - (c) the person does not ensure—
 - (i) there is a sign inside the light rail vehicle telling people they may be under video surveillance while in or near the light rail vehicle; and
 - (ii) the sign is located in a place that can be easily seen by a person who may be under video surveillance.

Maximum penalty: 10 penalty units.

Note In collecting personal information, a light rail service operator may also have to comply with the Australian Privacy Principles under the [Privacy Act 1988](#) (Cwlth) or the Territory privacy principles under the [Information Privacy Act 2014](#).

- (2) A person commits an offence if—
- (a) the person is a light rail service operator; and
 - (b) a light rail stop is fitted with a security camera; and
 - (c) the person does not ensure—
 - (i) there is a sign on the light rail stop telling people they may be under video surveillance while on or near the light rail stop; and
 - (ii) the sign is located in a place that can be easily seen by a person who may be under video surveillance.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

70AI Lost property in light rail vehicles and at light rail stops

- (1) A person commits an offence if the person—
- (a) is a light rail service operator; and
 - (b) does not ensure that each item of lost property found in a light rail vehicle or at a light rail stop is—
 - (i) given to its owner; or
 - (ii) if the owner cannot be identified—
 - (A) held for a reasonable time at an office of the light rail service operator; and
 - (B) made available for collection by the owner during ordinary business hours.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

Part 3AA.2 Light rail tickets

70AJ Meaning of *light rail ticket*—pt 3AA.2

In this part:

light rail ticket means anything issued by or on behalf of the road transport authority authorising a person to travel in a light rail vehicle operated for a light rail service.

70AK Validity of light rail tickets

- (1) A light rail ticket is valid for travel only for a journey—
 - (a) for which it is issued; and
 - (b) if a passenger is required to assign a journey to a ticket—to which it is assigned.
- (2) If a passenger is required to use a device to assign a journey to a ticket, the passenger must use the device in accordance with any instructions provided by the road transport authority.
- (3) A light rail ticket transferred in contravention of section 70AM is not a valid ticket.

70AL Valid light rail ticket required for travel

- (1) A person commits an offence if the person—
 - (a) travels on a light rail service; and
 - (b) does not hold a valid light rail ticket for the travel.Maximum penalty: 5 penalty units.
- (2) An offence against this section is a strict liability offence.

70AM Light rail ticket not transferable

- (1) A person commits an offence if the person—
- (a) holds a valid light rail ticket for a journey; and
 - (b) before the journey ends—
 - (i) transfers the ticket to someone else; or
 - (ii) offers to transfer the ticket to someone else.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply if—
- (a) the ticket was bought for the other person; or
 - (b) the transfer is authorised by the road transport authority.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

70AN Damaged or changed light rail ticket not to be used

- (1) A person commits an offence if the person—
- (a) travels on a light rail service; and
 - (b) holds a valid light rail ticket for the travel; and
 - (c) the ticket is damaged, defaced or changed.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

70AO Entitlement to use concession light rail ticket

A person is entitled to use a light rail ticket issued free or at a concession fare (a *concession light rail ticket*) for travel on a light rail service if the road transport authority has authorised the person to use the concession light rail ticket.

70AP Application for concession light rail ticket

- (1) A person commits an offence if—
 - (a) the person applies to the road transport authority for a concession light rail ticket; and
 - (b) the application includes information; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: 10 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) A person must not be prosecuted for an offence against both this section and section 50A (Application for concession bus ticket) in relation to the same ticket.

70AQ Use concession light rail ticket when not entitled

- (1) A person commits an offence if the person—
 - (a) travels on a light rail service; and
 - (b) uses a concession light rail ticket for the travel; and

(c) is not entitled to use the concession light rail ticket.

Maximum penalty: 5 penalty units.

- (2) A police officer or authorised person may require a person who uses or attempts to use a concession light rail ticket to travel on a light rail service to produce evidence that the person is entitled to use the ticket to travel on the light rail service.

Examples—evidence

student card, pensioner card, concession card

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) A person commits an offence if the person—
- (a) is required to produce evidence under subsection (2); and
 - (b) does not comply with the requirement.

Maximum penalty: 5 penalty units.

- (4) A person commits an offence if—
- (a) the person is required to produce evidence under subsection (2); and
 - (b) the person produces evidence containing information; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: 10 penalty units.

- (5) A person commits an offence if—
- (a) the person is required to produce evidence under subsection (2); and

- (b) the person makes a statement containing information to the police officer or authorised person; and
- (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: 10 penalty units.

- (6) An offence against this section is a strict liability offence.
- (7) A person must not be prosecuted for an offence against more than 1 of the following provisions for a single journey:
 - (a) subsection (1);
 - (b) subsection (3);
 - (c) subsection (4);
 - (d) subsection (5);
 - (e) section 50B (1) (Use concession bus ticket when not entitled);
 - (f) section 50B (3);
 - (g) section 50B (4);
 - (h) section 50B (5).
- (8) In this section:

single journey means a journey for which a single fare is payable.

Example

a single fare payment that allows a person to travel on multiple public passenger vehicles within a 90 minute period

70AR Inspection of light rail ticket

- (1) A police officer or authorised person may require a person to produce the person's light rail ticket for inspection if the person—
 - (a) is in a light rail vehicle; or
 - (b) has just got off a light rail vehicle; or
 - (c) is at a light rail stop and the police officer or authorised person believes on reasonable grounds that the person is at the light rail stop because the person has got off a light rail vehicle; or
 - (d) is at a place declared under section 70AS in circumstances in which a valid light rail ticket is required.
- (2) A person commits an offence if the person—
 - (a) is required to produce the person's light rail ticket under subsection (1); and
 - (b) does not produce the ticket as required.

Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.

70AS Minister may declare light rail ticket required at certain place

- (1) The Minister may declare a place, connected to a light rail service, where a person is required to have a valid light rail ticket for travel on the light rail service.
- (2) The declaration must state—
 - (a) a description of the place; and
 - (b) the circumstances in which the valid light rail ticket is required; and
 - (c) the reason for the declaration; and

(d) the period when the declaration is to operate.

(3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

Part 3AA.3 Light rail passengers and people at light rail stops

70AT Behaviour that interferes with comfort or safety

(1) A person commits an offence if—

(a) the person is in a light rail vehicle; and

(b) the person—

(i) puts a foot on a light rail vehicle seat; or

(ii) obstructs a light rail vehicle seat.

Note A person is not allowed to smoke in a light rail vehicle (see [Smoke-Free Public Places Act 2003](#)).

Maximum penalty: 5 penalty units.

(2) A person commits an offence if—

(a) the person is—

(i) in a light rail vehicle; or

(ii) at a light rail stop; and

(b) the person—

(i) spits; or

(ii) uses a wheeled recreational device.

Maximum penalty: 5 penalty units.

- (3) A person commits an offence if—
- (a) the person is—
 - (i) in a light rail vehicle; or
 - (ii) at a light rail stop; and
 - (b) the person—
 - (i) uses offensive language; or
 - (ii) behaves in an offensive way; or
 - (iii) behaves in an aggressive or menacing way.

Maximum penalty: 10 penalty units.

- (4) A person commits an offence if—
- (a) the person is—
 - (i) in a light rail vehicle; or
 - (ii) at a light rail stop; and
 - (b) the person unreasonably interferes with the comfort or safety of someone else.

Maximum penalty: 10 penalty units.

- (5) An offence against subsection (1), (2) or (3) is a strict liability offence.

70AU Inconvenient or dangerous items in light rail vehicle

- (1) An authorised person or police officer may direct a passenger who brings an inconvenient or dangerous item into a light rail vehicle to—
- (a) place the item in a storage area in the light rail vehicle; or
 - (b) remove the item from the light rail vehicle.

- (2) A person commits an offence if the person—
- (a) is given a direction under subsection (1); and
 - (b) does not comply with the direction.

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) This section does not apply to anything assisting a person with disability.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) In this section:

storage area, in a light rail vehicle, means an area identified by a sign indicating that the area is for the storage of goods.

inconvenient or dangerous item means an item that, because of its size or nature, cannot be carried in a light rail vehicle without inconvenience or danger to someone else.

Example

item containing petrol

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

70AV Obstructing light rail vehicle door

- (1) A person commits an offence if the person obstructs a light rail vehicle door.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

70AW Getting on and off light rail vehicle

- (1) A person commits an offence if the person gets on or off a light rail vehicle—
- (a) while the light rail vehicle is moving; or
 - (b) at a place that is not a light rail stop; or
 - (c) through an emergency exit or roof hatch.

Maximum penalty: 5 penalty units.

Note A person is not criminally responsible for an offence if the person is responding to circumstances of sudden or extraordinary emergency (see [Criminal Code](#), s 41).

- (2) An offence against this section is a strict liability offence.

70AX Passenger not allowed on certain parts of light rail vehicle

- (1) A person commits an offence if the person—
- (a) is a passenger in a light rail vehicle; and
 - (b) enters the driver's cab of the light rail vehicle.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if—
- (a) the person is a passenger in a light rail vehicle; and
 - (b) the light rail vehicle is moving; and
 - (c) the person is—
 - (i) in a part of the light rail vehicle not designed to carry passengers; or

- (ii) travelling in a part of the light rail vehicle other than in the way for which that part of the light rail vehicle is designed.

Example

sitting on the floor

Note 1 **In** a vehicle includes on the vehicle (see dict).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

Maximum penalty: 5 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) Without limiting subsection (2), the parts of a light rail vehicle not designed to carry passengers include the roof, steps, footboard and exterior surfaces of the vehicle.

70AY Throwing objects in or from light rail vehicle

- (1) A person commits an offence if the person throws anything—
- (a) in a light rail vehicle; or
- (b) from a light rail vehicle.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

Note Intentionally throwing an object at, dropping an object on, or placing an object in the path of, a light rail vehicle is also an offence (see [Crimes Act 1900](#), s 28A).

70AZ Vacating designated seats in light rail vehicle

- (1) A person commits an offence if—
 - (a) a sign in a light rail vehicle indicates—
 - (i) that a seat is set aside for designated people; and
 - (ii) the designated people who may use the seat; and
 - (b) a designated person travelling in the light rail vehicle—
 - (i) is standing; or
 - (ii) indicates that they wish to use the seat; and
 - (c) the person sits, or continues to sit, in the seat.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to a designated person.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

- (4) In this section:

designated people include seniors, people with disability and pregnant people.

70AAA Liquor in light rail vehicle or at light rail stop

- (1) A person commits an offence if the person—
 - (a) consumes liquor or low-alcohol liquor—
 - (i) in a light rail vehicle; or
 - (ii) at a light rail stop; or
 - (b) possesses an open container of liquor or low-alcohol liquor—
 - (i) in a light rail vehicle; or

- (ii) at a light rail stop.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

Note It is also an offence to consume or possess an open container of liquor at a light rail stop (see [Liquor Act 2010](#), s 199 and s 200).

- (3) In a prosecution for an offence against this section, unless there is evidence to the contrary, a substance is presumed to be liquor or low-alcohol liquor if—

- (a) the substance is in a container; and
- (b) a label or other mark on the container describes the contents as liquor or low-alcohol liquor.

Examples—label or mark that describes container contents as liquor

1 ‘2.6% Alc/Vol’ printed on a can

2 ‘14% Alc/Vol’ printed on the label of a bottle

Note 1 A person rebutting the presumption in s (2) has an evidential burden in relation to the rebuttal (see [Criminal Code](#), s 58).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

70AAB Seizure of liquor in light rail vehicle or at light rail stop

- (1) This section applies if an authorised person or police officer suspects on reasonable grounds that—

- (a) person (the *possessor*) is in possession of liquor or low-alcohol liquor; and
- (b) the liquor or low-alcohol liquor is connected with the commission of an offence against section 70AAA.

- (2) An authorised person or police officer may seize the liquor or low-alcohol liquor from the possessor if the authorised person or police officer has told the possessor—
 - (a) that the authorised person or police officer suspects the liquor or low-alcohol liquor is connected with the commission of an offence against section 70AAA; and
 - (b) the grounds for the suspicion.
- (3) If an authorised person or police officer seizes liquor or low-alcohol liquor under subsection (2), the authorised person or police officer may dispose of the liquor or low-alcohol liquor.
- (4) However, the authorised person or police officer must not dispose of the liquor or low-alcohol liquor under subsection (3) if the possessor indicates in any way that the possessor believes the authorised person's or police officer's grounds for the suspicion are incorrect.
- (5) If an authorised person or police officer disposes of liquor or low-alcohol liquor under subsection (3)—
 - (a) the person must not be prosecuted for an offence in relation to the liquor or low-alcohol liquor; and
 - (b) a caution must not be issued to the possessor in relation to any act done in relation to the liquor or low-alcohol liquor.

70AAC Eating or drinking in light rail vehicle

- (1) A person commits an offence if—
 - (a) a sign in a light rail vehicle indicates that a person must not eat or drink in the light rail vehicle; and
 - (b) the person eats or drinks in the light rail vehicle.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) This section does not apply if the person eats or drinks in the light rail vehicle for a medical reason.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

70AAD Animal in light rail vehicle

- (1) The Minister may determine—
- (a) circumstances in which a light rail service operator must or must not allow an animal to be in a light rail vehicle; and
 - (b) ways in which an animal must or must not be carried in a light rail vehicle.

- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (3) A person commits an offence if—
- (a) the person travels with an animal in a light rail vehicle; and
 - (b) the animal is not—
 - (i) confined in a box, basket or other container; or
 - (ii) carried in a way allowed under the determination.

Maximum penalty: 5 penalty units.

- (4) An offence against this section is a strict liability offence.
- (5) This section does not apply if the animal is—
- (a) a guide-dog or other animal assisting a person with disability;
or

(b) being trained to assist a person with disability.

Note 1 The defendant has an evidential burden in relation to the matters mentioned in s (5) (see [Criminal Code](#), s 58).

Note 2 If a person is treated unfavourably because the person is accompanied by an animal trained to help the person alleviate the effect of a disability, the person is discriminated against (see [Discrimination Act 1991](#), s 5AA and s 8).

70AAE Lost property found on light rail vehicle or at light rail stop

- (1) A person commits an offence if the person—
- (a) finds something that appears to be lost—
 - (i) in a light rail vehicle; or
 - (ii) at a light rail stop; and
 - (b) fails to give the thing to—
 - (i) its owner; or
 - (ii) the light rail service operator; or
 - (iii) a police officer; or
 - (iv) an authorised person.

Maximum penalty: 5 penalty units.

- (2) An offence against this section is a strict liability offence.

70AAF Removing light rail property

- (1) A person commits an offence if—
- (a) the person removes property belonging to a light rail service operator from—
 - (i) a light rail vehicle; or

- (ii) a light rail stop; and
- (b) does not have the light rail operator's consent to remove the property.

Maximum penalty: 10 penalty units.

Note Theft and minor theft are also offences against the [Criminal Code](#), s 308 and s 321.

- (2) A person commits an offence if—
 - (a) the person removes property belonging to the Territory from—
 - (i) a light rail vehicle; or
 - (ii) a light rail stop; and
 - (b) does not have the Territory's consent to remove the property.

Maximum penalty: 10 penalty units.

Note Dishonestly taking or retaining territory property are also offences against the [Criminal Code](#), s 319 and s 320.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

property includes equipment, infrastructure, furniture, signs and fittings.

70AAG Damaging light rail property

- (1) A person commits an offence if—
 - (a) the person damages property; and
 - (b) the property is light rail property; and
 - (c) the property belongs to a light rail service operator; and

- (d) the person does not have the light rail operator's consent to damage the property.

Maximum penalty: 10 penalty units.

Note Damaging property is also an offence against the [Criminal Code](#), s 403.

- (2) A person commits an offence if—
 - (a) the person damages property; and
 - (b) the property is light rail property; and
 - (c) the property belongs to the Territory; and
 - (d) the person does not have the Territory's consent to damage the property.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

light rail property includes—

- (a) infrastructure forming part of light rail; and

Note ***Light rail*** includes tracks, catenaries, supports for tracks and catenaries, stops, pedestrian access to stops, signalling facilities and signalling equipment (see [Road Transport \(General\) Act 1999](#), dict).

- (b) devices and equipment used in relation to issuing and assigning light rail tickets; and
- (c) signs, furniture and fittings made available for light rail service passengers.

70AAH Interfering with security camera or recording

- (1) A person commits an offence if the person interferes with a security camera that is—
- (a) fitted to a light rail vehicle; or
 - (b) located at a light rail stop.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if—
- (a) a recording is made by a security camera—
 - (i) fitted to a light rail vehicle; or
 - (ii) located at a light rail stop; and
 - (b) the person changes or otherwise interferes with the recording.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.

Note In collecting personal information, a light rail service operator may also have to comply with the Australian Privacy Principles under the [Privacy Act 1988](#) (Cwlth) or the Territory privacy principles under the [Information Privacy Act 2014](#).

70AAI Interfering with emergency equipment

- (1) A person commits an offence if the person—
- (a) applies an emergency brake on a light rail vehicle; or
 - (b) uses another emergency device fitted to a light rail vehicle.

Maximum penalty: 20 penalty units.

Note A person is not criminally responsible for an offence if the person is responding to circumstances of sudden or extraordinary emergency (see [Criminal Code](#), s 41).

- (2) A person commits an offence if—
- (a) the person uses an emergency device at a light rail stop; and
 - (b) the device belongs to the Territory or the light rail operator.
- Maximum penalty: 20 penalty units.
- (3) A person commits an offence if the person interferes with—
- (a) an emergency device at a light rail stop; or
 - (b) the correct operation of an emergency device at a light rail stop.
- Maximum penalty: 20 penalty units.
- (4) An offence against this section is a strict liability offence.
- (5) In this section:
- emergency device* includes an emergency door open handle, an emergency help point, an emergency glass breakage device or a fire extinguisher.

70AAJ Interfering with light rail vehicle equipment

- (1) A person commits an offence if the person interferes with—
- (a) equipment attached to, or forming part of, a light rail vehicle; or
 - (b) the correct operation of equipment attached to, or forming part of, a light rail vehicle.
- Maximum penalty: 10 penalty units.
- (2) An offence against this section is a strict liability offence.

70AAK Littering

- (1) A person commits an offence if—
 - (a) the person deposits litter—
 - (i) in a light rail vehicle; or
 - (ii) at a light rail stop; and
 - (b) the litter is not deposited in a container provided for the collection of litter.

Maximum penalty: 5 penalty units.

- (2) A person commits an offence if the person deposits anything that may endanger a person or property—
 - (a) in a light rail vehicle; or
 - (b) at a light rail stop.

Maximum penalty: 5 penalty units.

Example

person deposits an item containing petrol

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

litter—see the [Litter Act 2004](#), section 7.

70AAL Police officer or authorised person—power to direct person to get off, or not get on, light rail vehicle

- (1) A police officer or authorised person may direct a person to get off, or not get on, a light rail vehicle if the police officer or authorised person believes on reasonable grounds that—
- (a) the person is committing, or has just committed, an offence against—
 - (i) part 3AA.2 (Light rail tickets); or
 - (ii) part 3AA.3 (Light rail passengers and people at light rail stops); or
 - (b) the person's clothing or anything carried by the person may soil or damage the light rail vehicle or the clothing or goods of someone else on the light rail vehicle; or
 - (c) any of the person's goods cannot, because of their size or nature, be carried in the light rail vehicle without inconvenience or danger to someone else on the light rail vehicle; or
 - (d) the person is—
 - (i) under the influence of liquor or a drug; and
 - (ii) causing, or is likely to cause, a nuisance or an annoyance to someone else.
- (2) Subsection (1) (c) does not apply to anything assisting a person with disability.
- Note* The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).
- (3) A person commits an offence if the person—
- (a) is given a direction under subsection (1); and

(b) does not comply with the direction.

Maximum penalty: 5 penalty units.

(4) An offence against this section is a strict liability offence.

70AAM Police officer—power to remove person from light rail vehicle

A police officer may remove a person from a light rail vehicle if the person—

(a) is given a direction under section 70AAL; and

(b) does not comply with the direction.

70AAN Police officer or authorised person—power to direct person to leave light rail stop

(1) A police officer or authorised person may direct a person to leave a light rail stop if the police officer or authorised person believes on reasonable grounds that—

(a) the person is committing, or has just committed, an offence against—

(i) section 70AT (Behaviour that interferes with comfort or safety); or

(ii) section 70AAA (Liquor in light rail vehicle or at light rail stop); or

(iii) section 70AAF (Removing light rail property); or

(iv) section 70AAG (Damaging light rail property); or

(v) section 70AAH (Interfering with security camera or recording); or

(vi) section 70AAI (Interfering with emergency equipment); or

- (vii) section 70AAK (Littering); or
- (b) the person is—
 - (i) under the influence of liquor or a drug; and
 - (ii) causing, or likely to cause, a nuisance or an annoyance to someone else.
- (2) A person commits an offence if the person—
 - (a) is given a direction under subsection (1); and
 - (b) does not comply with the direction.Maximum penalty: 5 penalty units.
- (3) An offence against this section is a strict liability offence.

70AAO Police officer—power to remove person from light rail stop

A police officer may remove a person from a light rail stop if the person—

- (a) is given a direction under section 70AAN; and
- (b) does not comply with the direction.

**16 Driver authority card to be displayed or shown
Section 307 (1)**

omit

(other than a restricted hire car)

17 Section 307 (2)

substitute

- (2) Subsection (1) does not apply to a person who drives—
 - (a) a light rail vehicle; or

- (b) a restricted hire car; or
- (c) a public passenger vehicle if—
- (i) the person is an affiliated driver for a transport booking service; and
 - (ii) the transport booking service gives the hirer sufficient information, including photo identification, for the hirer to identify the person before the hiring begins.

Note A light rail driver is not issued a driver authority card (see [Road Transport \(Driver Licensing\) Act 1999](#), s 64 and dict, def **public vehicle**).

18 Meaning of service authority for ch 8 Section 320, definition of service authority, paragraph (a)

substitute

- (a) an accreditation to operate a regulated service; or

Note Accreditation to operate a light rail service, including disciplinary action, is dealt with in the [Rail Safety National Law \(ACT\)](#).

19 Dictionary, note 4

insert

- light rail
- light rail vehicle
- road related area

20 Dictionary, definition of accreditation

substitute

accreditation, to operate a regulated service, means accreditation under this regulation to operate the service.

Note Accreditation to operate a light rail service is dealt with in the [Rail Safety National Law \(ACT\)](#).

21 Dictionary, definition of *bus ticket*

substitute

bus ticket means—

- (a) for a bus service operated by the Territory—anything issued by or on behalf of the Territory authorising a person to travel in a bus operated for the service; and
- (b) for a bus service operated by an accredited operator of the bus service—anything issued by or on behalf of the accredited operator of the bus service authorising a person to travel in a bus operated for the service.

22 Dictionary, new definitions

insert

concession bus ticket—see section 50.

concession light rail ticket—see section 70AO.

light rail driver, for part 3AA.1 (Light rail service operators)—see section 70AA.

light rail driving assessor, for part 3AA.1 (Light rail service operators)—see section 70AA.

light rail driving instructor, for part 3AA.1 (Light rail service operators)—see section 70AA.

light rail stop means a place on a road or road related area where—

- (a) a light rail vehicle may stop for the purpose of allowing a passenger to get on or get off the light rail vehicle; and
- (b) there is a sign indicating that the place is a light rail stop.

light rail ticket, for part 3AA.2 (Light rail tickets)—see section 70AJ.

low-alcohol liquor—see the *Liquor Act 2010*, dictionary.

23 Dictionary, definition of *regulated service*

substitute

regulated service—see section 4B.

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Domestic Animals Act 2000

[1.1] Dictionary, definition of *public place*, note

substitute

Note A *public passenger vehicle* is a public bus, light rail vehicle, taxi, rideshare vehicle, hire car or demand responsive service vehicle.

Part 1.2 Liquor Act 2010

[1.2] New section 199 (1) (b) (iia)

insert

(iia) a light rail stop; or

[1.3] New section 199 (1) (b) (iii) (BA)

insert

(BA) a light rail stop; or

[1.4] New section 199 (5)

insert

(5) In this section:

light rail stop—see the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

[1.5] New section 200 (1) (b) (ia)

insert

(ia) a light rail stop; or

[1.6] New section 200 (1) (b) (iii) (BA)

insert

(BA) a light rail stop; or

[1.7] Section 200 (4), new definition of *light rail stop*

insert

light rail stop—see the *Road Transport (Public Passenger Services) Regulation 2002*, dictionary.

Part 1.3 Road Transport (Driver Licensing) Act 1999

[1.8] Dictionary, definition of *public vehicle*

substitute

public vehicle—

(a) means a public passenger vehicle under the *Road Transport (Public Passenger Services) Act 2001*; but

Note A *public passenger vehicle* is a public bus, light rail vehicle, taxi, rideshare vehicle, hire car or demand responsive service vehicle.

(b) does not include a light rail vehicle.

Part 1.4 Road Transport (Driver Licensing) Regulation 2000

[1.9] Section 64A (1), note

omit

A public vehicle driver

substitute

Most public vehicle drivers

[1.10] Section 98A

after

full car licence

insert

or a licence of a higher class

Part 1.5 Road Transport (General) Act 1999

[1.11] Section 10 (1) (d)

omit

accredited

[1.12] Section 10 (2)

omit

Part 1.6 Road Transport (Offences) Regulation 2005

[1.13] Schedule 1, part 1.11, items 67 to 72

substitute

67	50A (1)	make application for concession bus ticket containing false or misleading information/ omitting information	10	226	
68	50B (1)	use concession bus ticket when not entitled	5	175	
69	50B (3)	not produce evidence of eligibility for concession bus ticket	5	175	
70	50B (4)	provide evidence of eligibility for concession bus ticket containing false or misleading information/ omitting information	10	226	

71	50B (5)	make statement about eligibility for concession bus ticket containing false or misleading information/ omitting information	10	226	
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Part 1.7 Road Transport (Road Rules) Regulation 2017

[1.14] Dictionary, new definition of *light rail stop*

insert

light rail stop—see the [Road Transport \(Public Passenger Services\) Regulation 2002](#), dictionary.

[1.15] Dictionary, definition of *tram stop*

substitute

tram stop—

- (a) means a place on a road at which there is a sign indicating that trams will stop to enable people to get on or off; and
- (b) includes a light rail stop.

Part 1.8 Road Transport (Safety and Traffic Management) Regulation 2017

[1.16] New section 27 (1) (ba)

insert

- (ba) a tram lane, a tramway or on tram tracks; or

[1.17] Section 27 (2), new definitions

insert

tram lane—see the [Road Transport \(Road Rules\) Regulation 2017](#), section 155.

tram tracks—see the *Road Transport (Road Rules) Regulation 2017*, dictionary.

tramway—see the *Road Transport (Road Rules) Regulation 2017*, section 155A.

Part 1.9 Road Transport (Vehicle Registration) Regulation 2000

[1.18] Section 32AA (1), new note

insert

Note 2 A light rail vehicle is also a public passenger vehicle but is not a registrable vehicle (see Act, dict, def *registrable vehicle*).

[1.19] Section 84 (1) (g), new note

insert

Note 1 A light rail vehicle is also a public passenger vehicle but is not a registrable vehicle (see Act, dict, def *registrable vehicle*).

Part 1.10 Workers Compensation Act 1951

[1.20] Section 74 (5)

substitute

(5) In this section:

public passenger vehicle—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

public transport means travel in a public passenger vehicle.

Part 1.11 Working with Vulnerable People (Background Checking) Act 2011

[1.21] Schedule 1, section 1.20 (2), notes 1 and 2

omit

[1.22] Schedule 1, new section 1.20 (3) and (4)

insert

- (3) An activity or service is a regulated activity if—
- (a) the activity or service relates to a light rail service; and
 - (b) the person conducting the activity or providing the service is—
 - (i) a light rail driver; or
 - (ii) a light rail driving assessor; or
 - (iii) a light rail driving instructor; or
 - (iv) appointed under the *Road Transport (General) Act 1999*—
 - (A) section 19 (Authorised people); or
 - (B) section 53A (Authorised people for infringement notice offences).

- (4) In this section:

accreditation—see *Road Transport (Driver Licensing) Regulation 2000*, section 103A.

light rail driver—see *Road Transport (Public Passenger Services) Regulation 2002*, section 70AA.

light rail driving assessor—see *Road Transport (Public Passenger Services) Regulation 2002*, section 70AA.

light rail driving instructor—see *Road Transport (Public Passenger Services) Regulation 2002*, section 70AA.

light rail service—see *Road Transport (Public Passenger Services) Act 2001*, section 27A.

public vehicle licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

Schedule 2 Other amendments—Rail Safety National Law (ACT) Act 2014

[2.1] Section 7 (2) (b)

substitute

- (b) a reference in the [Legislation Act](#), section 64 (1) (Presentation of subordinate laws and disallowable instruments) to—
- (i) ‘6 sitting days’ were a reference to ‘20 sitting days’; and
 - (ii) ‘notification day’ were a reference to ‘published’ as mentioned in the *Rail Safety National Law (ACT)*, section 265 (1) (Publication of national regulations); and

[2.2] New part 11

insert

Part 11 Validation

122 Validation of national regulation variation regulations

- (1) The national regulations made for the *Rail Safety National Law (ACT)* are taken to be amended by the amending regulations as if the amending regulations—
- (a) had been presented to the Legislative Assembly in accordance with the [Legislation Act](#), section 64 (1) (Presentation of subordinate laws and disallowable instruments); and
 - (b) had not been taken to be repealed under the [Legislation Act](#), section 64 (2).

(2) In this section:

amending regulations means—

- (a) the *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017* (NSW); and
- (b) the *Rail Safety National Law National Regulations (Miscellaneous) Variation Regulations 2017* (NSW); and
- (c) the *Rail Safety National Law National Regulations (Queensland Fatigue Provisions) Variation Regulations 2017* (NSW).

123 Expiry—pt 11

This part expires on the day it commences.

Note If a law validates something, the validating effect of the law does not end only because of the repeal of the law (see [Legislation Act](#), s 88 (1)).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 22 March 2018.

2 Notification

Notified under the [Legislation Act](#) on 17 May 2018.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Road Transport Reform (Light Rail) Legislation Amendment Bill 2018, which was passed by the Legislative Assembly on 10 May 2018.

Clerk of the Legislative Assembly

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