

2017

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice, Consumer Affairs and Road Safety)

Road Transport Reform (Light Rail) Legislation Amendment Bill 2017

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Justice, Consumer Affairs and Road Safety)

Road Transport Reform (Light Rail) Legislation Amendment Bill 2017

A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Road Transport Reform (Light Rail) Legislation*
4 *Amendment Act 2017*.

5 **2 Commencement**

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

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • *Road Transport (Alcohol and Drugs) Act 1977*
- 12 • *Road Transport (Driver Licensing) Regulation 2000*
- 13 • *Road Transport (General) Act 1999*
- 14 • *Road Transport (Offences) Regulation 2005*
- 15 • *Road Transport (Public Passenger Services) Act 2001*
- 16 • *Road Transport (Safety and Traffic Management) Act 1999*
- 17 • *Road Transport (Safety and Traffic Management)*
18 *Regulation 2000*
- 19 • *Road Transport (Third-Party Insurance) Act 2008*
- 20 • *Road Transport (Third-Party Insurance) Regulation 2008*
- 21 • *Road Transport (Vehicle Registration) Act 1999*
- 22 • *Road Transport (Vehicle Registration) Regulation 2000*.

23 *Note* This Act also amends other legislation (see sch 1).

1 **Part 2** **Road Transport (Alcohol and**
2 **Drugs) Act 1977**

3 **4** **Meaning of *special driver***
4 **New section 4B (1) (h) (v)**

5 *insert*

6 (v) a light rail vehicle; or

7 **5** **New section 4B (1) (m)**

8 *insert*

9 (m) the person is with a driver of a light rail vehicle and is—

10 (i) instructing the driver how to drive a light rail vehicle; or

11 (ii) assessing the driver's suitability to drive a light rail
12 vehicle.

13 **6** **Meaning of *driver trainer***
14 **Section 4BA**

15 *omit*

16 section 4B (1) (j), (k) or (l)

17 *substitute*

18 section 4B (1) (j) to (m)

19 **7** **Driver etc intoxicated**
20 **Section 24A (2), definition of *vehicle*, new paragraph (ab)**

21 *insert*

22 (ab) a segway; or

1 **8 Consuming alcohol—driver or driver trainer**
2 **Section 25 (2) (b)**

3 *before*
4 vehicle
5 *insert*
6 motor

7 **9 Section 25 (5), definition of *vehicle***

8 *substitute*
9 ***vehicle*** means—
10 (a) a motor vehicle; or
11 (b) a bicycle; or
12 (c) a segway.

13 **10 Dictionary, note 3**

14 *insert*
15 • light rail vehicle
16 • segway

1 **Part 3** **Road Transport (Driver**
2 **Licensing) Regulation 2000**

3 **11** **New section 98A**

4 *insert*

5 **98A** **Exemption of drivers of light rail vehicles—Act,**
6 **s 31 (1) (b)**

7 A person who is driving a light rail vehicle on a road or road related
8 area is exempt from holding an Australian driver licence that
9 authorises the person to drive the light rail vehicle if the person is
10 the holder of a full car licence.

11 **12** **Dictionary, note 4**

12 *insert*

- 13
 - light rail vehicle

1 **Part 4** **Road Transport (General)**
2 **Act 1999**

3 **13 Who is a *responsible person* for a vehicle?**
4 **New section 10 (ca)**

5 *insert*

6 (ca) for a light rail vehicle—the accredited rail transport operator
7 for the light rail vehicle;

8 **14 New section 10 (2)**

9 *after the note, insert*

10 (2) In this section:

11 *accredited rail transport operator* means an accredited person
12 within the meaning of the *Rail Safety National Law (ACT)*.

13 **15 Definitions—pt 3**
14 **Section 21A, definition of *illegal user declaration***

15 *after*

16 registrable

17 *insert*

18 or rail

19 **16 Section 21A, definition of *known user declaration***

20 *after*

21 registrable

22 *insert*

23 or rail

1 **17 Section 21A, definition of *online declaration***

2 *after*

3 authority

4 *insert*

5 under section 57 (Approval of website for online declarations)

6 **18 Section 21A, new definition of *registrable or rail vehicle***

7 *insert*

8 *registrable or rail vehicle* means—

9 (a) a registrable vehicle; or

10 (b) a light rail vehicle.

11 **19 Section 21A, definition of *unknown user declaration***

12 *after*

13 registrable

14 *insert*

15 or rail

16 **20 Division 3.3 heading**

17 *substitute*

18 **Division 3.3 Infringement notice offences**
19 **involving registrable and rail vehicles**

- 1 **21** **Meaning of *all reasonable steps*—div 3.3**
2 **Section 32 (1), definition of *all reasonable steps***
- 3 *after*
4 registrable
5 *insert*
6 or rail
- 7 **22** **Responsible person’s obligations**
8 **Section 33**
- 9 *after*
10 registrable
11 *insert*
12 or rail
- 13 **23** **New division 3.3AA heading**
- 14 *after section 33, insert*
- 15 **Division 3.3AA** **Withdrawal of infringement notices**
- 16 **24** **New division 3.3AB heading**
- 17 *after section 38, insert*
- 18 **Division 3.3AB** **Effect of penalty payment etc**

1 **25 Infringement notice—effect of penalty payment etc**
2 **Section 39 (1) (c) (i)**

3 *after*

4 registrable

5 *insert*

6 or rail

7 **26 Definitions—div 3.3A**
8 **Section 40, definition of *corporation's vehicle***

9 *omit*

10 registered owner

11 *substitute*

12 registered operator

13 **27 Meaning of *all reasonable steps*—div 3.3A**
14 **Section 41 (1), definition of *all reasonable steps***

15 *omit*

16 registered owner

17 *substitute*

18 registered operator

19 **28 Demerit points offences—suspension of registration etc**
20 **Section 42 (1) (a)**

21 *omit*

22 registered owner

23 *substitute*

24 registered operator

- 1 **29 Suspension for nonpayment of infringement notice**
2 **penalties**
3 **Section 44 (1) (b)**
- 4 *after*
5 registrable
6 *insert*
7 or rail
- 8 **30 Presumption against responsible person**
9 **Section 53AA**
- 10 *after*
11 registrable
12 *insert*
13 or rail
- 14 **31 Police officer or authorised person may require name,**
15 **date of birth, address and driver licence—driver or rider**
16 **New section 58 (5)**
- 17 *after the note, insert*
18 (5) In this section:
19 *heavy combination*—see the *Heavy Vehicle National Law (ACT)*,
20 section 5.

1 **32 Certificate evidence and other evidentiary provisions**
2 **Section 72 (6) (d)**

3 *after*

4 registrable vehicles

5 *insert*

6 or light rail vehicles

7 **33 Indemnity from personal liability for honest and good**
8 **faith carrying out of duties**
9 **New section 230 (5)**

10 *insert*

11 (5) This section does not apply to an individual who is—

12 (a) employed by a rail transport operator; and

13 (b) exercising a function under the road transport legislation in the
14 course of that employment.

15 **34 Dictionary, definition of *all reasonable steps*,**
16 **paragraph (a)**

17 *substitute*

18 (a) for division 3.3 (Infringement notice offences involving
19 registrable and rail vehicles)—see section 32; and

20 **35 Dictionary, new definitions**

21 *insert*

22 ***light rail***—

23 (a) means a system of transport for public passengers using
24 lightweight rail and rolling stock; and

1 (b) includes tracks, catenaries, supports for tracks and catenaries,
2 stops, pedestrian access to stops, signalling facilities and
3 signalling equipment.

4 *light rail vehicle* means a motor vehicle built to be used on light
5 rail.

6 **36 Dictionary, definition of *motor vehicle***

7 *substitute*

8 *motor vehicle* means a vehicle built to be propelled by a motor that
9 forms part of the vehicle, but does not include a segway.

10 **37 Dictionary, new definitions**

11 *insert*

12 *rail transport operator*—see the [Rail Safety National Law \(ACT\)](#),
13 section 4.

14 *registrable or rail vehicle*, for part 3 (Infringement notices for
15 certain offences)—see section 21A.

16 *segway* means a vehicle that—

17 (a) is designed to be self-balancing while a person travels in or on
18 the vehicle; and

19 (b) is propelled by an electric motor; and

20 (c) has 2 wheels that operate on a single axis; and

21 (d) has a platform anywhere between the 2 wheels for the person's
22 feet; and

23 (e) has handles mounted on an upright post.

38 Dictionary, definition of *vehicle*

substitute

vehicle—

(a) means any vehicle, including—

(i) a tracked vehicle; and

(ii) a light rail vehicle; and

(iii) anything else prescribed by regulation to be a vehicle; but

(b) does not include a vehicle (other than a light rail vehicle) that is used exclusively on a railway or tramway.

1 **Part 5** **Road Transport (Offences)**
2 **Regulation 2005**

3 **39** **Meaning of *identifying particulars*—pt 2**
4 **Section 4A, definition of *identifying particulars*, new**
5 **paragraph (ba)**

6 *insert*

7 (ba) for a light rail vehicle involved in an infringement notice
8 offence—see section 4CA; and

9 **40** **New section 4CA**

10 *insert*

11 **4CA** ***Identifying particulars* for vehicle for infringement notice**
12 **offence involving light rail vehicle—pt 2**

13 (1) In this part:

14 *identifying particulars*, for a light rail vehicle involved in an
15 infringement notice offence, means the unique identification number
16 displayed on the light rail vehicle by the rail transport operator for
17 the light rail vehicle.

18 (2) For a camera-detected offence, subsection (1) does not apply if it is
19 not possible to decide those particulars from the image taken by the
20 traffic offence detection device.

41 Section 12

substitute

**12 Infringement notices—service if offender known—
Act, s 24 (2)**

- (1) If the identity of the person who is believed to have committed an infringement notice offence (the *suspected offender*) is known, an authorised person may serve an infringement notice for the offence on the suspected offender.

Note For how documents may be served, see the [Legislation Act](#), pt 19.5.

- (2) An infringement notice may be served—

(a) if it is reasonably practicable to serve the notice on the suspected offender personally—on the offender personally; or

(b) in any other case—by sending the notice to the offender—

(i) by prepaid post addressed to the offender, at—

(A) the offender's home address or business address; or

(B) if the offender has an address for service in a record or register kept under the road transport legislation, [Heavy Vehicle National Law \(ACT\)](#) or a corresponding law—the recorded address for service; or

(ii) by an electronic means if—

(A) the electronic means is approved by the chief police officer or the road transport authority; and

1 (B) the offender has given the authorised person an
2 electronic address at which service may be effected
3 by the electronic means.

4 **Examples—electronic means**

- 5 • email address
6 • mobile telephone number

7 *Note 1* For when a notice sent by post is taken to be given, see the *Road*
8 *Transport (General) Regulation 2000*, s 9B. The *Legislation Act*,
9 s 250 (1) does not apply to a notice given under the road transport
10 legislation (see *Road Transport (General) Regulation 2000*, s 9B (4)).

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

14 **12A Infringement notices—service if offender unknown—**
15 **Act, s 24 (2)**

16 (1) If the identity of the person who is believed to have committed an
17 infringement notice offence is not known, but the offence involves a
18 registrable or rail vehicle, an authorised person may serve an
19 infringement notice for the offence on the responsible person for the
20 vehicle.

21 *Note* For how documents may be served, see the *Legislation Act*, pt 19.5.

22 (2) An infringement notice may be served on a responsible person for
23 the registrable or rail vehicle—

24 (a) if the vehicle is a registrable vehicle and it is reasonably
25 practicable to access the vehicle—by securely placing or
26 attaching the notice, addressed to the responsible person
27 (without further description), on or to the vehicle in a
28 prominent position; or

- 1 (b) in any other case—by sending the notice to the responsible
2 person—
- 3 (i) by prepaid post addressed to the person, at—
- 4 (A) the person’s home address or business address; or
- 5 (B) if the person has an address for service in a record
6 or register kept under the road transport legislation,
7 *Heavy Vehicle National Law (ACT)* or a
8 corresponding law—the recorded address for
9 service; or
- 10 (ii) by an electronic means if—
- 11 (A) the electronic means is approved by the chief police
12 officer or the road transport authority; and
- 13 (B) the responsible person has given the authorised
14 person an electronic address at which service may
15 be effected by the electronic means.
- 16 **Examples—electronic means**
- 17 • email address
- 18 • mobile telephone number
- 19 *Note 1* For when a notice sent by post is taken to be given, see the *Road*
20 *Transport (General) Regulation 2000*, s 9B. The *Legislation Act*,
21 s 250 (1) does not apply to a notice given under the road transport
22 legislation (see *Road Transport (General) Regulation 2000*, s 9B (4)).
- 23 *Note 2* An example is part of the regulation, is not exhaustive and may extend,
24 but does not limit, the meaning of the provision in which it appears (see
25 *Legislation Act*, s 126 and s 132).
- 26 (3) A person commits an offence if—
- 27 (a) an infringement notice is placed on or attached to a vehicle;
28 and

- 1 (b) the person does something that prevents the responsible person
2 for the vehicle receiving or reading the infringement notice;
3 and
- 4 (c) the person is reckless about whether the person's action
5 prevents the responsible person for the vehicle receiving or
6 reading the infringement notice.

7 Maximum penalty: 20 penalty units.

8 *Note* The fault element of recklessness can be satisfied by proof of intention,
9 knowledge or recklessness (see [Criminal Code](#), s 20 (4)).

10 **12B Infringement notices—service by electronic means—**
11 **Act, s 24 (2)**

- 12 (1) If the sender has no reason to suspect that an infringement notice
13 served by electronic means under section 12 or section 12A was not
14 received by the recipient when sent, the notice is presumed to be
15 served when sent unless evidence sufficient to raise doubt about the
16 presumption is given.
- 17 (2) If the sender has reason to suspect that an infringement notice
18 served by electronic means was not received by the recipient when
19 sent only if, on the day the notice was sent or on the next working
20 day, the equipment the sender used to send the notice indicated by
21 way of a signal or other message that—
- 22 (a) the equipment did not send the notice when the equipment was
23 used to send the notice; or
- 24 (b) for an email—the address to which the email was sent was not
25 an email address of the recipient; or
- 26 (c) for a mobile telephone—the number to which the notice was
27 sent was not a mobile telephone number of the recipient.

1 (3) In this section:

2 *recipient*, for an infringement notice, means the person on whom the
3 notice is intended to be served.

4 *sender*, for an infringement notice served or to be served by
5 electronic means, means the person sending or seeking to send the
6 notice.

7 **42 Infringement notices—service on nominated person—**
8 **Act, s 24 (2)**
9 **Section 14 (1) (a)**

10 *after*

11 registrable

12 *insert*

13 or rail

14 **43 Infringement notices—contents—Act, s 25**
15 **Section 14A (1) (f)**

16 *after*

17 registrable

18 *insert*

19 or rail

20 **44 Section 14A (2) (h)**

21 *after*

22 registrable

23 *insert*

24 or rail

1 **45 Section 14A (2) (l)**

2 *omit*

3 registrable vehicle

4 *substitute*

5 registrable or rail vehicle

6 **46 Section 14A (2) (l) (v)**

7 *omit*

8 registrable vehicles—responsible person’s liability

9 *substitute*

10 registrable and rail vehicles

11 **47 Reminder notices—contents—Act, s 27 (3)**
12 **Section 14B (1) (r) (ii)**

13 *after*

14 registrable

15 *insert*

16 or rail

17 **48 Section 14B (2) (d)**

18 *omit*

19 registrable vehicle

20 *substitute*

21 registrable or rail vehicle

1 **49 Section 14B (2) (d) (v)**

2 *omit*

3 registrable vehicles—responsible person’s liability

4 *substitute*

5 registrable and rail vehicles

6 **50 Dictionary, note 3**

7 *insert*

- 8 • light rail vehicle
9 • registrable or rail vehicle

10 **51 Dictionary, new definition of *corresponding law***

11 *insert*

12 *corresponding law*—see the *Road Transport (Vehicle Registration)*
13 *Act 1999*, dictionary.

14 **52 Dictionary, new definition of *identifying particulars***

15 *insert*

16 *identifying particulars*, for part 2 (Infringement notices)—

- 17 (a) generally—see section 4A; and
18 (b) for an animal involved in an infringement notice offence—see
19 section 4B; and
20 (c) for a registrable vehicle involved in an infringement notice
21 offence—see section 4C; and
22 (d) for a light rail vehicle involved in an infringement notice
23 offence—see section 4CA; and
24 (e) for an authorised person—see section 4D.

1 **Part 6** **Road Transport (Public**
2 **Passenger Services) Act 2001**

3 **53** **Meaning of *bus* and *public bus***
4 **Section 10A, definition of *bus*, paragraph (b)**

5 *substitute*

6 (b) does not include—

7 (i) a limousine; or

8 (ii) a light rail vehicle.

1 **Part 7** **Road Transport (Safety and**
2 **Traffic Management) Act 1999**

3 **54** **New section 8A**

4 *in division 2.1, insert*

5 **8A** **Registered operator and interested people to be notified**
6 **of prosecution**

7 (1) This section applies if a prosecution is started against a person for
8 an offence involving a motor vehicle against—

9 (a) section 5A (Races, attempts on speed records, speed trials etc);
10 or

11 (b) section 5B (Improper use of motor vehicle); or

12 (c) section 5C (Failing to stop motor vehicle for police); or

13 (d) section 8 (Menacing driving).

14 (2) The chief police officer must give notice of the prosecution to—

15 (a) if the prosecution is against a person other than the registered
16 operator of the vehicle—the registered operator; or

17 (b) if the vehicle may be subject to forfeiture if the person is
18 convicted or found guilty of the offence—the holder of any
19 registered interest in the vehicle.

20 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

21 (3) The notice must be given within 7 days after the day the prosecution
22 starts.

- 1 (4) The notice must—
- 2 (a) state—
- 3 (i) either—
- 4 (A) the short description prescribed by regulation under
- 5 the *Road Transport (General) Act 1999* for the
- 6 offence for which the prosecution has been started;
- 7 or
- 8 (B) the provision of this Act contravened by the person;
- 9 and
- 10 (ii) the place where the offence was committed and the date
- 11 and approximate time of the offence; and
- 12 (iii) the identifying particulars prescribed by regulation under
- 13 the *Road Transport (General) Act 1999* for the vehicle;
- 14 and
- 15 *Note* The short descriptions and identifying particulars are prescribed
- 16 in the *Road Transport (Offences) Regulation 2005*.
- 17 (b) if the vehicle is not a light rail vehicle—tell the person that the
- 18 vehicle may be subject to impounding or, if appropriate,
- 19 forfeiture under section 10B.
- 20 (5) In this section:
- 21 *registered interest*, in relation to a motor vehicle, means an interest
- 22 in the vehicle that is registered under the *Personal Property*
- 23 *Securities Act 2009* (Cwlth).

55 New section 10AAA

before section 10AA, insert

10AAA Application—div 2.3

This division does not apply to a motor vehicle that is a light rail vehicle.

56 Section 10D

substitute

10D Registered operator to be notified of seizure

- (1) If a motor vehicle is seized under section 10C (1) (a) (Powers of police officers to seize and impound vehicles used in committing certain offences), the chief police officer must give notice of the seizure to the registered operator of the vehicle.

Note For how documents may be served, see the [Legislation Act](#), pt 19.5.

- (2) The notice must be given within 7 days after the day the vehicle is seized.

- (3) The notice must—

(a) state—

(i) either—

(A) the short description prescribed by regulation under the [Road Transport \(General\) Act 1999](#) for the offence for which the motor vehicle has been seized; or

(B) the provision of this Act contravened by the person; and

(ii) the place where the offence was committed and the date and approximate time of the offence; and

- 1 (iii) the identifying particulars prescribed by regulation under
2 the *Road Transport (General) Act 1999* for the vehicle;
3 and

4 *Note* The short descriptions and identifying particulars are prescribed
5 in the *Road Transport (Offences) Regulation 2005*.

- 6 (b) tell the registered operator that an application may be made to
7 the chief police officer or the Magistrates Court for the release
8 of the vehicle.

9 **57 Inspection and purchase of images taken by traffic**
10 **offence detection devices**
11 **Section 27 (1) (b)**

12 *omit*

13 division 3.2 (Infringement and reminder notices)

14 *substitute*

15 division 3.3 (Infringement notice offences involving registrable and
16 rail vehicles)

17 **58 Dictionary, note 3**

18 *insert*

- 19
 - light rail vehicle

1 **Part 8** **Road Transport (Safety and**
2 **Traffic Management)**
3 **Regulation 2000**

4 **59** **Division 2.2.1 heading, note 2**

5 *insert*

35A dict, def *bus* 33 (1)

6 **60** **ARR dict—definitions for dictionary**
7 **Section 33 (1), new definition of *bus***

8 *insert*

9 *bus* means a motor vehicle built mainly to carry people that seats
10 over 12 adults (including the driver), but does not include a light rail
11 vehicle.

12 **61** **Keeping safe lateral distance when passing bicycle rider**
13 **New section 38A (1A)**

14 *insert*

15 (1A) This section does not apply to a driver of a light rail vehicle.

16 **62** **Number of vehicles that may be drawn**
17 **New section 41 (6) (f)**

18 *insert*

19 (f) a light rail vehicle.

1 **63 New section 41 (7)**

2 *insert*

3 (7) In this section:

4 *articulated vehicle* means a motor vehicle, other than a light rail
5 vehicle, with—

6 (a) 2 rigid sections, each of which has wheels; and

7 (b) the rear section pivoted on, and part of the rear section (other
8 than a pole, drawbar or similar device, or an accessory of the
9 motor vehicle) superimposed on, the front section.

10 **64 Definitions—div 3.1.3**
11 **Section 82, definition of *heavy vehicle***

12 *substitute*

13 *heavy vehicle*—

14 (a) means a vehicle (whether loaded or unloaded) that—

15 (i) is longer than 7.5m; and

16 (ii) has a GVM over 4.5t; and

17 (iii) is used for commercial purposes; but

18 (b) does not include a light rail vehicle.

19 **65 Tracked vehicle—Act, dict, def *vehicle*, par (b)**
20 **Section 116**

21 *omit*

1 **66 Dictionary, note 4**

2 *insert*

- 3 • light rail vehicle

4 **67 Dictionary, definition of *articulated vehicle***

5 *omit*

1 **Part 9** **Road Transport (Third-Party**
2 **Insurance) Act 2008**

3 **68** **What is insured under a CTP policy?**
4 **New section 19 (ba)**

5 *insert*

6 (ba) a light rail vehicle;

7 **69** **Section 19 (c)**

8 *omit*

9 paragraph (a) or (b)

10 *substitute*

11 paragraphs (a) to (ba)

12 **70** **Who is the CTP insurer?**
13 **Section 23, definition of CTP insurer, paragraph (a)**

14 *substitute*

15 (a) for an insured motor vehicle that—

16 (i) is a registered motor vehicle—the insurer selected as the
17 CTP insurer for the motor vehicle under—

18 (A) section 28 (Selecting for registered vehicle—first
19 registration); or

20 (B) section 29 (Selecting for registered vehicle—
21 renewal of registration); or

22 (ii) has a valid trader's plate attached—the insurer selected
23 under section 30 (Selecting for motor vehicle with
24 trader's plate) as the CTP insurer for a motor vehicle to
25 which the trader's plate may be attached; or

- 1 (iii) is a light rail vehicle—the insurer selected as the
2 CTP insurer for the light rail vehicle under section 30A
3 (Selecting for light rail vehicle); or

4 **71 Sections 28, 29 and 30 headings**

5 *substitute*

6 **28 Selecting for registered vehicle—first registration**

7 **29 Selecting for registered vehicle—renewal of registration**

8 **30 Selecting for motor vehicle with trader’s plate**

9 **72 New section 30A**

10 *in part 2.3, insert*

11 **30A Selecting for light rail vehicle**

- 12 (1) Before each insurance period for which a rail transport operator for
13 a light rail vehicle intends to use the vehicle on a road or road
14 related area, the operator must—
- 15 (a) tell the road transport authority about—
- 16 (i) the intention; and
- 17 (ii) if there is no CTP policy in force for the light rail
18 vehicle—the unique identification number displayed on
19 the light rail vehicle by the rail transport operator for the
20 light rail vehicle; and
- 21 (b) select, in a way approved by the road transport authority, a
22 licensed insurer to be the CTP insurer under a CTP policy for
23 the light rail vehicle for the insurance period; and

- 1 (c) pay to the road transport authority the CTP premium for the
2 CTP policy for the insurance period.

3 *Note* CTP premiums must be decided in accordance with pt 2.6.

- 4 (2) In this section:

5 *insurance period*, for a light rail vehicle, means—

- 6 (a) a period of 12 months beginning on 1 November; or
7 (b) if the CTP policy for the light rail vehicle comes into force on
8 another day—a period of less than 12 months beginning on the
9 day the policy comes into force and ending on 31 October.

10 **73 Sections 31 and 34A headings**

11 *substitute*

12 **31 When CTP policy takes effect—registered motor vehicles**

13 **34A When CTP policy takes effect—trader’s plates**

14 **74 New sections 34C and 34D**

15 *in part 2.4, insert*

16 **34C When CTP policy takes effect—light rail vehicles**

17 If a rail transport operator for a light rail vehicle pays to the road
18 transport authority a CTP premium for a CTP policy for the light
19 rail vehicle, the CTP policy comes into force—

- 20 (a) on the next 1 November; or
21 (b) if there is no CTP policy in force for the light rail vehicle when
22 the CTP premium is paid—on the day after the day payment is
23 made.

- 1 **34D CTP policy in effect while insurer on risk—light rail**
2 **vehicles**
- 3 (1) A CTP policy for a light rail vehicle is in force for the period for
4 which the CTP insurer is on risk under this section.
- 5 (2) The CTP insurer of the light rail vehicle is on risk for the insurance
6 period for the light rail vehicle.
- 7 (3) The CTP insurer ceases to be on risk if the CTP policy is cancelled.
- 8 *Note* Cancellation of CTP policies is dealt with in s 36B.
- 9 (4) In this section:
10 *insurance period*—see section 30A (2).

11 **75 New section 36B**

12 *in part 2.5, insert*

13 **36B CTP policy cancellation—light rail vehicles**

- 14 (1) A CTP policy for a light rail vehicle is cancelled if the accreditation
15 of the rail transport operator for light rail vehicle is cancelled or
16 surrendered.

17 *Note* A rail transport operator's accreditation may be cancelled or
18 surrendered under the *Rail Safety National Law (ACT)*, s 73 or s 75.

- 19 (2) In this section:
20 *accreditation*, of a rail transport operator, means accreditation by
21 the Office of the National Rail Safety Regulator under the *Rail*
22 *Safety National Law (ACT)*.

1 **76 Nominal defendant may recover costs from responsible**
2 **person or driver**
3 **Section 174 (1) and note**

4 *substitute*

- 5 (1) This section applies if personal injury is caused by a motor accident
6 involving—

- 7 (a) an uninsured motor vehicle that is not a light rail vehicle; or
8 (b) an unidentified motor vehicle.

9 *Note* The nominal defendant is liable in relation to uninsured motor vehicles
10 (see s 61), and unidentified motor vehicles (see s 63).

11 **77 New section 174A**

12 *insert*

13 **174A Nominal defendant may recover costs from rail transport**
14 **operator**

- 15 (1) This section applies if personal injury is caused by a motor accident
16 involving an uninsured light rail vehicle.

17 *Note* The nominal defendant is liable in relation to uninsured light rail
18 vehicles (see s 61).

- 19 (2) The nominal defendant may recover as a debt from the rail transport
20 operator for the light rail vehicle any costs reasonably incurred by
21 the nominal defendant for a motor accident claim for the personal
22 injury.

- 23 (3) The nominal defendant may bring a proceeding for recovery of costs
24 under this section before the costs have been actually paid in full
25 and, in that case, a judgment for recovery of costs may provide that,
26 as far as the costs have not been actually paid, the right to recover
27 the costs is contingent on payment.

1 (4) This section does not affect a right of recovery that the nominal
2 defendant may have, apart from this section, against the rail
3 transport operator.

4 *Note* An amount recovered under this section must be paid into the nominal
5 defendant fund (see s 163B).

6 **78 Dictionary, note 3**

7 *insert*

- 8 • light rail vehicle

9 **79 Dictionary, new definition of *rail transport operator***

10 *insert*

11 *rail transport operator*—see the [Rail Safety National Law \(ACT\)](#),
12 section 4.

1 **Part 10** **Road Transport (Third-Party**
2 **Insurance) Regulation 2008**

3 **80 CTP premiums for policies for less than 1 year**
4 **Section 11 (1) (c) and note**

5 *substitute*

6 (c) is issued with a trader's plate for less than 1 year; or

7 (d) enters into a CTP policy for a light rail vehicle for less than
8 1 year.

9 *Note* A CTP premium for a CTP policy must be paid when—

10 (a) registering a vehicle (see [Act](#), s 28); and

11 (b) renewing the registration of a vehicle (see [Act](#), s 29); and

12 (c) applying for a trader's plate (see [Act](#), s 30); and

13 (d) intending to use a light rail vehicle (see [Act](#), s 30A).

14 **81 CTP premium classes**
15 **Schedule 1, section 1.1, definition of *bus*, new**
16 **paragraph (f)**

17 *insert*

18 (f) a light rail vehicle.

19 **82 Schedule 1, section 1.1, definition of *passenger vehicle*,**
20 **new paragraph (j)**

21 *insert*

22 (j) a light rail vehicle.

1 **83 Schedule 1, part 1.2, new items 22.1 and 22.2**2 *insert*

22.1	light rail vehicle		private
22.2	light rail vehicle		business

3 **84 Dictionary, note 3**4 *insert*

- 5
- 6
- motor accident
 - motor accident claim

7 **85 Dictionary, note 4**8 *insert*

- 9
- 10
- light rail vehicle
 - vehicle

1 **Part 11** **Road Transport (Vehicle**
2 **Registration) Act 1999**

3 **86 Dictionary, note 3**

4 *insert*

- 5 • light rail vehicle

6 **87 Dictionary, definition of *heavy vehicle***

7 *substitute*

8 ***heavy vehicle***—

9 (a) means a motor vehicle or trailer with a GVM more than 4.5t;
10 but

11 (b) does not include a light rail vehicle.

12 **88 Dictionary, definition of *registrable vehicle*, paragraph (a)**

13 *substitute*

14 (a) any motor vehicle except a light rail vehicle; or

1 **Part 12** **Road Transport (Vehicle**
2 **Registration) Regulation 2000**

3 **89 Using a heavy vehicle without registration label etc**
4 **Section 45 (3) (c)**

5 *omit*

6 registered owner

7 *substitute*

8 registered operator

9 **90 Vehicles to which sch 1 does not apply etc**
10 **Schedule 1, new section 1.6 (1) (aa)**

11 *insert*

12 (aa) a light rail vehicle; or

1 **Schedule 1 Consequential Amendments**

2 (see s 3)

3 **Part 1.1 Building and Construction**
4 **Industry (Security of Payment)**
5 **Act 2009**

6 **[1.1] Section 7 (1), definition of *construction work*,**
7 **paragraph (b)**

8 *omit*

9 railways

10 *substitute*

11 light rail and other railways

12 **[1.2] New section 7 (3)**

13 *insert*

14 (3) In this section:

15 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

16 **Part 1.2 Building and Construction**
17 **Industry Training Levy Act 1999**

18 **[1.3] Schedule 1, item 3**

19 *substitute*

20 3 The construction, alteration, repair, demolition or removal of light
21 rail or any other railway, or part of light rail or other railway, or of
22 any platform, signal or other structure connected with light rail or
23 other railway.

1 **[1.4] Dictionary, new definition of *light rail***

2 *insert*

3 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

4 **Part 1.3 Civil Law (Wrongs) Act 2002**

5 **[1.5] Dictionary, definition of *motor vehicle*, paragraph (a) (i),**
6 **new note**

7 *insert*

8 *Note* A light rail vehicle is a motor vehicle under the *Road*
9 *Transport (General) Act 1999*.

10 **[1.6] Dictionary, definition of *motor vehicle*, paragraph (a) (ii)**

11 *omit*

12 a vehicle

13 *substitute*

14 another vehicle

1 **Part 1.4 Crimes Act 1900**

2 **[1.7] Section 4, notes**

3 *substitute*

4 *Note 1* The dictionary at the end of this Act defines certain terms used in this
5 Act, and includes references (*signpost definitions*) to other terms
6 defined elsewhere in this Act.

7 For example, the signpost definition ‘*motor vehicle*—see the *Road*
8 *Transport (General) Act 1999*, dictionary.’ means that the term ‘motor
9 vehicle’ is defined in that dictionary and the definition applies to this
10 Act.

11 *Note 2* A definition in the dictionary (including a signpost definition) applies to
12 the entire Act unless the definition, or another provision of the Act,
13 provides otherwise or the contrary intention otherwise appears (see
14 [Legislation Act](#), s 155 and s 156 (1)).

15 **[1.8] Section 28A (4), definition of *railway***

16 *omit*

17 **[1.9] Section 28A (4), definition of *vehicle*, paragraph (b)**

18 *substitute*

19 (b) a light rail vehicle, train or tram;

20 **[1.10] Section 144**

21 *before*

22 railway engine

23 *insert*

24 light rail vehicle,

1 **[1.11] Section 145**

2 *before*

3 railway engine

4 *insert*

5 light rail vehicle,

6 **[1.12] Section 252F (4), definition of *motor vehicle***

7 *omit*

8 **[1.13] Dictionary, new definitions of *light rail*, *light rail vehicle***
9 **and *railway***

10 *insert*

11 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

12 *light rail vehicle*—see the *Road Transport (General) Act 1999*,
13 dictionary.

14 *railway* includes light rail.

15 **Part 1.5 Criminal Code 2002**

16 **[1.14] Section 318 (3)**

17 *omit*

18 **[1.15] Section 369 (4)**

19 *omit*

- 1 **[1.16] Dictionary, new definition of *motor vehicle***
2 *insert*
3 *motor vehicle*—see the *Road Transport (General) Act 1999*,
4 dictionary.

5 **Part 1.6 Dangerous Goods (Road**
6 **Transport) Act 2009**

- 7 **[1.17] Dictionary, new definition of *light rail***
8 *insert*
9 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

- 10 **[1.18] Dictionary, definition of *road infrastructure*,**
11 **paragraph (a) (v)**
12 *after*
13 railway
14 *insert*
15 (including light rail)

16 **Part 1.7 Environment Protection Act 1997**

- 17 **[1.19] Section 8 (1) (a)**
18 *substitute*
19 (a) a light rail vehicle or other train; or

1 **[1.20] Section 8 (3), new definition of *light rail vehicle***

2 *insert*

3 *light rail vehicle*—see the *Road Transport (General) Act 1999*,
4 dictionary

5 **Part 1.8 Environment Protection**
6 **Regulation 2005**

7 **[1.21] Division 2.1 heading, note 1, paragraph (a)**

8 *substitute*

9 (a) a light rail vehicle or other train; or

10 **[1.22] Part 3 heading, note 1, paragraph (a)**

11 *substitute*

12 (a) a light rail vehicle or other train; or

13 **[1.23] Schedule 2, section 2.2 (1), definition of *light rail***

14 *substitute*

15 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

16 **[1.24] Dictionary, definition of *light rail***

17 *substitute*

18 *light rail*, for schedule 2, part 2.3 (Noise conditions)—see the *Road*
19 *Transport (General) Act 1999*, dictionary.

1 **Part 1.9** **Legislation Act 2001**

2 **[1.25] Dictionary, part 1, new definition of *Rail Safety National***
3 ***Law (ACT)***

4 *insert*

5 *Rail Safety National Law (ACT)* means the provisions applying in
6 the ACT because of the *Rail Safety National Law (ACT) Act 2014*,
7 section 6 (Application of Rail Safety National Law).

8 **Part 1.10** **Limitation Act 1985**

9 **[1.26] Section 30A (8), definition of *motor vehicle*, paragraph (a),**
10 **new note**

11 *insert*

12 *Note* A light rail vehicle is a motor vehicle under the *Road Transport*
13 *(General) Act 1999*.

14 **[1.27] Section 30A (8), definition of *motor vehicle*, paragraph (b)**

15 *omit*

16 a vehicle

17 *substitute*

18 any other vehicle

1 **Part 1.11** **Litter Act 2004**

2 **[1.28] Section 13 (2)**

3 *substitute*

4 (2) Subsection (1) does not apply if the leaflet is placed in or on a motor
5 vehicle (other than a light rail vehicle) and—

6 (a) is placed in accordance with a territory law; or

7 (b) contains a message that is—

8 (i) of a personal nature; and

9 (ii) directed only to the owner, or the driver or rider, of the
10 motor vehicle.

11 **[1.29] Section 13 (4)**

12 *substitute*

13 (4) Subsection (3) does not apply if the leaflet is placed—

14 (a) in or on a motor vehicle (other than a light rail vehicle); and

15 (b) in accordance with a territory law.

16 **[1.30] Section 13 (6), new definition of *light rail vehicle***

17 *insert*

18 *light rail vehicle*—see the *Road Transport (General) Act 1999*,
19 dictionary.

1 **Part 1.12 Long Service Leave (Portable**
2 **Schemes) Act 2009**

3 **[1.31] Schedule 1, section 1.1 (1) (a) (ii)**

4 *omit*

5 railways

6 *substitute*

7 light rail and other railways

8 **[1.32] Schedule 1, new section 1.1 (3)**

9 *insert*

10 (3) In this section:

11 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

12 **Part 1.13 Planning and Development**
13 **Act 2007**

14 **[1.33] Dictionary, definition of *light rail***

15 *substitute*

16 *light rail*—see the *Road Transport (General) Act 1999*, dictionary.

1 **Part 1.14** **Sale of Motor Vehicles Act 1977**

2 **[1.34] Dictionary, new definition of *light rail vehicle***

3 *insert*

4 *light rail vehicle*—see the *Road Transport (General) Act 1999*,
5 dictionary.

6 **[1.35] Dictionary, definition of *motor vehicle***

7 *omit*

8 any vehicle used on a railway

9 *substitute*

10 a light rail vehicle or any other vehicle used on a railway

11 **Part 1.15** **Spent Convictions Act 2000**

12 **[1.36] Section 14 (1), definition of *motor vehicle***

13 *substitute*

14 *motor vehicle*—see the *Road Transport (General) Act 1999*,
15 dictionary.

16 **Part 1.16** **Uncollected Goods Act 1996**

17 **[1.37] Dictionary, new definition of *light rail vehicle***

18 *insert*

19 *light rail vehicle*—see the *Road Transport (General) Act 1999*,
20 dictionary.

- 1 **[1.38] Dictionary, definition of *vehicle***
- 2 *substitute*
- 3 ***vehicle***—
- 4 (a) means any means of conveyance which runs on wheels,
5 including a light rail vehicle; but
- 6 (b) does not include—
- 7 (i) a wheelchair; or
- 8 (ii) a vehicle (other than a light rail vehicle) that is used on a
9 railway.

10 **Part 1.17 Work Health and Safety**
11 **Regulation 2011**

12 **[1.39] Section 291, definition of *high risk construction work*,**
13 **paragraph (n)**

14 *after*

15 railway

16 *insert*

17 (including light rail)

18 **[1.40] New section 291 (2)**

19 *insert*

20 (2) In this section:

21 ***light rail***—see the *Road Transport (General) Act 1999*, dictionary.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 8 June 2017.

2 Notification

Notified under the [Legislation Act](#) on 2017.

3 Republications of amended laws

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

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