

2018

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT
BILL 2018**

**Amendments to be moved by the Minister for Justice, Consumer Affairs and Road
Safety**

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
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Minister for Justice, Consumer Affairs and Road Safety**

ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT BILL 2018

Introduction

This supplementary explanatory statement relates to amendments to the Road Transport Reform (Light Rail) Legislation Amendment Bill 2018 (the Bill) as presented to the Legislative Assembly.

The Bill

The purpose of the Bill is outlined in detail in the explanatory statement.

In summary, the Bill amends the road transport legislation to establish the regulatory framework for the operation of the light rail as a public passenger service.

Purpose of the amendments

The Bill establishes the criteria to be entitled to operate a light rail service in the ACT.

New section 27B currently requires that to operate a light rail service in the ACT, one must be accredited under the Rail Safety National Law and enter into a contract with the Territory to provide the light rail service.

Following further advice and consideration, minor and technical amendments are necessary to clarify the requirements to operate a light rail service in the ACT.

The amendments remove the requirement for a light rail service operator to hold a contract with the Territory in order to operate a light rail service and clarify that the accreditation required under the Rail Safety National Law is as a rail transport operator to operate a light rail service.

The requirement for a light rail service operator to hold a contract with the Territory was originally included because it aligned with the requirements for operating bus services in the Territory. This requirement is not necessary for a light rail service due to the accreditation process for a light rail service operator under the Rail Safety National Law. This process covers all the areas that the Territory would assess before permitting an operator to operate a light rail service in the Territory. It is an offence under the Rail Safety National Law to carry on railway operations without accreditation under that law.

In addition, the original proposed wording for section 27B did not accurately reflect the existing contractual arrangements with the light rail service operator, as defined in the Public Passenger Services legislation. The first stage of the light rail is being constructed and operated through a Public Private Partnership with Canberra Metro which has entered into two subcontracts – one for the build of the light rail infrastructure and one for the operation of passenger services.

An amendment is also required to the regulation-making power set out in new section 27D consequential upon the amendment to section 27B.

Human rights implications

The amendments are technical and do not have any human rights implications.

Clause notes

Amendment 1

Clause 5

Proposed new section 27B (1) and note

Page 3, line 16—

This amendment removes the requirement for a person to hold a contract with the Territory in order to be entitled to operate a light rail service.

This amendment also clarifies that to be entitled to operate a light rail service in the ACT, one must be accredited as a rail transport operator under the Rail Safety National Law to operate a light rail service.

Amendment 2

Clause 5

Proposed new section 27D (a) (ix)

Page 6, line 11—

This amendment removes the regulation-making power in relation to a light rail service operator's contract with the Territory to provide a light rail service and is consequential on the changes to proposed new section 27B in Amendment 1.