



Australian Capital Territory

Road Transport Reform (Light Rail) Legislation Amendment Act 2017

A2017-21

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Australian Capital Territory

Road Transport Reform (Light Rail) Legislation Amendment Act 2017

A2017-21

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 2017*.

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 following legislation:

- [Road Transport \(Alcohol and Drugs\) Act 1977](#)
- [Road Transport \(Driver Licensing\) Regulation 2000](#)
- [Road Transport \(General\) Act 1999](#)
- [Road Transport \(Offences\) Regulation 2005](#)
- [Road Transport \(Public Passenger Services\) Act 2001](#)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#)
- [Road Transport \(Safety and Traffic Management\) Regulation 2000](#)
- [Road Transport \(Third-Party Insurance\) Act 2008](#)
- [Road Transport \(Third-Party Insurance\) Regulation 2008](#)
- [Road Transport \(Vehicle Registration\) Act 1999](#)
- [Road Transport \(Vehicle Registration\) Regulation 2000](#).

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

Part 2 Road Transport (Alcohol and Drugs) Act 1977

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

insert

- (v) a light rail vehicle; or

5 New section 4B (1) (m)

insert

- (m) the person is with a driver of a light rail vehicle and is—
- (i) instructing the driver how to drive a light rail vehicle; or
 - (ii) assessing the driver's suitability to drive a light rail vehicle.

6 Meaning of *driver trainer* Section 4BA

omit

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

substitute

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

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

insert

- (ab) a personal mobility device; or

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

before

vehicle

insert

motor

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

substitute

vehicle means—

- (a) a motor vehicle; or
- (b) a bicycle; or
- (c) a personal mobility device.

10 Dictionary, note 3

insert

- light rail vehicle
- personal mobility device

Part 3 Road Transport (Driver Licensing) Regulation 2000

11 New section 98A

insert

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

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

12 Dictionary, note 4

insert

- light rail vehicle

Part 4 Road Transport (General) Act 1999

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

insert

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

14 New section 10 (2)

after the note, insert

- (2) In this section:

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

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

after

registrable

insert

or rail

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

after

registrable

insert

or rail

17 Section 21A, definition of *online declaration*

after

authority

insert

under section 57 (Approval of website for online declarations)

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

insert

registrable or rail vehicle means—

- (a) a registrable vehicle; or
- (b) a light rail vehicle.

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

after

registrable

insert

or rail

20 Division 3.3 heading

substitute

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

**21 Meaning of *all reasonable steps*—div 3.3
Section 32 (1), definition of *all reasonable steps***

after

registrable

insert

or rail

**22 Responsible person's obligations
Section 33**

after

registrable

insert

or rail

23 New division 3.3AA heading

after section 33, insert

Division 3.3AA Withdrawal of infringement notices

24 New division 3.3AB heading

after section 38, insert

Division 3.3AB Effect of penalty payment etc

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

after

registrable

insert

or rail

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

omit

registered owner

substitute

registered operator

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

omit

registered owner

substitute

registered operator

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

omit

registered owner

substitute

registered operator

**29 Suspension for nonpayment of infringement notice penalties
Section 44 (1) (b)**

after

registrable

insert

or rail

**30 Presumption against responsible person
Section 53AA**

after

registrable

insert

or rail

**31 Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider
New section 58 (5)**

after the note, insert

(5) In this section:

heavy combination—see the *Heavy Vehicle National Law (ACT)*, section 5.

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

after

registrable vehicles

insert

or light rail vehicles

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

insert

- (5) This section does not apply to an individual who is—
- (a) employed by a rail transport operator; and
 - (b) exercising a function under the road transport legislation in the course of that employment.

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

substitute

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

35 Dictionary, new definitions

insert

light rail—

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

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

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

36 Dictionary, definition of *motor vehicle*

substitute

motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle, but does not include a personal mobility device.

37 Dictionary, new definitions

insert

personal mobility device means a vehicle that—

- (a) is designed to be self-balancing while a person travels in or on the vehicle; and
- (b) is propelled by an electric motor; and
- (c) has 2 wheels that operate on a single axis; and
- (d) has a platform anywhere between the 2 wheels for the person's feet; and
- (e) has handles mounted on an upright post.

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

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

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.

Part 5 Road Transport (Offences) Regulation 2005

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

insert

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

40 New section 4CA

insert

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

- (1) In this part:
- identifying particulars*, for a light rail vehicle involved in an infringement notice offence, means the unique identification number displayed on the light rail vehicle by the rail transport operator for the light rail vehicle.
- (2) For a camera-detected offence, subsection (1) does not apply if it is not possible to decide those particulars from the image taken by the 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

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

Examples—electronic means

- email address
- mobile telephone number

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

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).

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

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

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

- (2) An infringement notice may be served on a responsible person for the registrable or rail vehicle—
- (a) if the vehicle is a registrable vehicle and it is reasonably practicable to access the vehicle—by securely placing or attaching the notice, addressed to the responsible person (without further description), on or to the vehicle in a prominent position; or

- (b) in any other case—by sending the notice to the responsible person—
- (i) by prepaid post addressed to the person, at—
- (A) the person’s home address or business address; or
- (B) if the person 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
- (B) the responsible person has given the authorised person an electronic address at which service may be effected by the electronic means.

Examples—electronic means

- email address
- mobile telephone number

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

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).

- (3) A person commits an offence if—
- (a) an infringement notice is placed on or attached to a vehicle; and

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

Maximum penalty: 20 penalty units.

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

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

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

(3) In this section:

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

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

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

after

registrable

insert

or rail

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

after

registrable

insert

or rail

44 Section 14A (2) (h)

after

registrable

insert

or rail

45 Section 14A (2) (l)

omit

registrable vehicle

substitute

registrable or rail vehicle

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

omit

registrable vehicles—responsible person’s liability

substitute

registrable and rail vehicles

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

after

registrable

insert

or rail

48 Section 14B (2) (d)

omit

registrable vehicle

substitute

registrable or rail vehicle

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

omit

registrable vehicles—responsible person’s liability

substitute

registrable and rail vehicles

50 Dictionary, note 3

insert

- light rail vehicle
- registrable or rail vehicle

51 Dictionary, new definition of *corresponding law*

insert

corresponding law—see the [Road Transport \(Vehicle Registration\) Act 1999](#), dictionary.

52 Dictionary, new definition of *identifying particulars*

insert

identifying particulars, for part 2 (Infringement notices)—

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

Part 6 Road Transport (Public Passenger Services) Act 2001

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

substitute

- (b) does not include—
- (i) a limousine; or
 - (ii) a light rail vehicle.

- (4) 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 prosecution has been started; 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
 - (iii) the identifying particulars prescribed by regulation under the *Road Transport (General) Act 1999* for the vehicle; and
- Note* The short descriptions and identifying particulars are prescribed in the *Road Transport (Offences) Regulation 2005*.
- (b) if the vehicle is not a light rail vehicle—tell the person that the vehicle may be subject to impounding or, if appropriate, forfeiture under section 10B.

- (5) In this section:

registered interest, in relation to a motor vehicle, means an interest in the vehicle that is registered under the *Personal Property 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

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

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

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

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

omit

division 3.2 (Infringement and reminder notices)

substitute

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

58 **Dictionary, note 3**

insert

- light rail vehicle

Part 8 Road Transport (Safety and Traffic Management) Regulation 2000

59 Division 2.2.1 heading, note 2

insert

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

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

insert

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

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

insert

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

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

insert

(f) a light rail vehicle.

63 New section 41 (7)

insert

(7) In this section:

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

- (a) 2 rigid sections, each of which has wheels; and
- (b) the rear section pivoted on, and part of the rear section (other than a pole, drawbar or similar device, or an accessory of the motor vehicle) superimposed on, the front section.

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

substitute

heavy vehicle—

- (a) means a vehicle (whether loaded or unloaded) that—
 - (i) is longer than 7.5m; and
 - (ii) has a GVM over 4.5t; and
 - (iii) is used for commercial purposes; but
- (b) does not include a light rail vehicle.

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

omit

66 Dictionary, note 4

insert

- light rail vehicle

67 Dictionary, definition of *articulated vehicle*

omit

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

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

insert

(ba) a light rail vehicle;

69 Section 19 (c)

omit

paragraph (a) or (b)

substitute

paragraphs (a) to (ba)

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

substitute

(a) for an insured motor vehicle that—

- (i) is a registered motor vehicle—the insurer selected as the CTP insurer for the motor vehicle under—
 - (A) section 28 (Selecting for registered vehicle—first registration); or
 - (B) section 29 (Selecting for registered vehicle—renewal of registration); or
- (ii) has a valid trader’s plate attached—the insurer selected under section 30 (Selecting for motor vehicle with trader’s plate) as the CTP insurer for a motor vehicle to which the trader’s plate may be attached; or

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

71 Sections 28, 29 and 30 headings

substitute

28 Selecting for registered vehicle—first registration

29 Selecting for registered vehicle—renewal of registration

30 Selecting for motor vehicle with trader’s plate

72 New section 30A

in part 2.3, insert

30A Selecting for light rail vehicle

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

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

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

- (2) In this section:

insurance period, for a light rail vehicle, means—

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

73 Sections 31 and 34A headings

substitute

31 When CTP policy takes effect—registered motor vehicles

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

74 New sections 34C and 34D

in part 2.4, insert

34C When CTP policy takes effect—light rail vehicles

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

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

34D CTP policy in effect while insurer on risk—light rail vehicles

- (1) A CTP policy for a light rail vehicle is in force for the period for which the CTP insurer is on risk under this section.
- (2) The CTP insurer of the light rail vehicle is on risk for the insurance period for the light rail vehicle.
- (3) The CTP insurer ceases to be on risk if the CTP policy is cancelled.

Note Cancellation of CTP policies is dealt with in s 36B.

- (4) In this section:

insurance period—see section 30A (2).

75 New section 36B

in part 2.5, insert

36B CTP policy cancellation—light rail vehicles

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

Note A rail transport operator's accreditation may be cancelled or surrendered under the [Rail Safety National Law \(ACT\)](#), s 73 or s 75.

- (2) In this section:

accreditation, of a rail transport operator, means accreditation by the Office of the National Rail Safety Regulator under the [Rail Safety National Law \(ACT\)](#).

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

substitute

- (1) This section applies if personal injury is caused by a motor accident involving—
- (a) an uninsured motor vehicle that is not a light rail vehicle; or
 - (b) an unidentified motor vehicle.

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

77 New section 174A

insert

174A Nominal defendant may recover costs from rail transport operator

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

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

- (2) The nominal defendant may recover as a debt from the rail transport operator for the light rail vehicle any costs reasonably incurred by the nominal defendant for a motor accident claim for the personal injury.
- (3) The nominal defendant may bring a proceeding for recovery of costs under this section before the costs have been actually paid in full and, in that case, a judgment for recovery of costs may provide that, as far as the costs have not been actually paid, the right to recover the costs is contingent on payment.

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

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

78 Dictionary, note 3

insert

- light rail vehicle

79 Dictionary, new definition of *rail transport operator*

insert

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

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

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

substitute

- (c) is issued with a trader's plate for less than 1 year; or
- (d) enters into a CTP policy for a light rail vehicle for less than 1 year.

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

- (a) registering a vehicle (see [Act](#), s 28); and
- (b) renewing the registration of a vehicle (see [Act](#), s 29); and
- (c) applying for a trader's plate (see [Act](#), s 30); and
- (d) intending to use a light rail vehicle (see [Act](#), s 30A).

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

insert

- (f) a light rail vehicle.

82 Schedule 1, section 1.1, definition of *passenger vehicle*, new paragraph (k)

insert

- (k) a light rail vehicle.

83 Schedule 1, part 1.2, new items 57 and 58*insert*

57	26	light rail vehicle		not entitled
58	26	light rail vehicle		entitled

84 Dictionary, note 3*insert*

- motor accident
- motor accident claim

85 Dictionary, note 4*insert*

- light rail vehicle
- vehicle

Part 11 Road Transport (Vehicle Registration) Act 1999

86 Dictionary, note 3

insert

- light rail vehicle

87 Dictionary, definition of *heavy vehicle*

substitute

heavy vehicle—

- (a) means a motor vehicle or trailer with a GVM more than 4.5t; but
- (b) does not include a light rail vehicle.

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

substitute

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

Part 12 Road Transport (Vehicle Registration) Regulation 2000

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

omit

registered owner

substitute

registered operator

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

insert

(aa) a light rail vehicle; or

Schedule 1 Consequential Amendments

(see s 3)

Part 1.1 Building and Construction Industry (Security of Payment) Act 2009

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

omit

railways

substitute

light rail and other railways

[1.2] New section 7 (3)

insert

(3) In this section:

light rail—see the [Road Transport \(General\) Act 1999](#), dictionary.

Part 1.2 Building and Construction Industry Training Levy Act 1999

[1.3] Schedule 1, item 3

substitute

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

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

insert

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

Part 1.3 Civil Law (Wrongs) Act 2002

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

insert

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

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

omit

a vehicle

substitute

another vehicle

Part 1.4 Crimes Act 1900

[1.7] Section 4, notes

substitute

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

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

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

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

omit

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

substitute

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

[1.10] Section 144

before

railway engine

insert

light rail vehicle,

[1.11] Section 145

before

railway engine

insert

light rail vehicle,

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

omit

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

insert

light rail—see the [Road Transport \(General\) Act 1999](#), dictionary.

light rail vehicle—see the [Road Transport \(General\) Act 1999](#), dictionary.

railway includes light rail.

Part 1.5 Criminal Code 2002

[1.14] Section 318 (3)

omit

[1.15] Section 369 (4)

omit

[1.16] Dictionary, new definition of *motor vehicle*

insert

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

Part 1.6 Dangerous Goods (Road Transport) Act 2009

[1.17] Dictionary, new definition of *light rail*

insert

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

[1.18] Dictionary, definition of *road infrastructure*, paragraph (a) (v)

after

railway

insert

(including light rail)

Part 1.7 Environment Protection Act 1997

[1.19] Section 8 (1) (a)

substitute

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

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

insert

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

Part 1.8 Environment Protection Regulation 2005

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

substitute

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

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

substitute

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

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

substitute

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

[1.24] Dictionary, definition of *light rail*

substitute

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

Part 1.9 Legislation Act 2001

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

insert

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

Part 1.10 Limitation Act 1985

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

insert

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

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

omit

a vehicle

substitute

any other vehicle

Part 1.11 Litter Act 2004

[1.28] Section 13 (2)

substitute

- (2) Subsection (1) does not apply if the leaflet is placed in or on a motor vehicle (other than a light rail vehicle) and—
- (a) is placed in accordance with a territory law; or
 - (b) contains a message that is—
 - (i) of a personal nature; and
 - (ii) directed only to the owner, or the driver or rider, of the motor vehicle.

[1.29] Section 13 (4)

substitute

- (4) Subsection (3) does not apply if the leaflet is placed—
- (a) in or on a motor vehicle (other than a light rail vehicle); and
 - (b) in accordance with a territory law.

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

insert

light rail vehicle—see the [Road Transport \(General\) Act 1999](#), dictionary.

Part 1.12 Long Service Leave (Portable Schemes) Act 2009

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

omit

railways

substitute

light rail and other railways

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

insert

(3) In this section:

light rail—see the [Road Transport \(General\) Act 1999](#), dictionary.

Part 1.13 Planning and Development Act 2007

[1.33] Dictionary, definition of *light rail*

substitute

light rail—see the [Road Transport \(General\) Act 1999](#), dictionary.

Part 1.14 Sale of Motor Vehicles Act 1977

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

insert

light rail vehicle—see the [Road Transport \(General\) Act 1999](#), dictionary.

[1.35] Dictionary, definition of *motor vehicle*

omit

any vehicle used on a railway

substitute

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

Part 1.15 Spent Convictions Act 2000

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

substitute

motor vehicle—see the [Road Transport \(General\) Act 1999](#), dictionary.

Part 1.16 Uncollected Goods Act 1996

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

insert

light rail vehicle—see the [Road Transport \(General\) Act 1999](#), dictionary.

[1.38] Dictionary, definition of *vehicle*

substitute

vehicle—

- (a) means any means of conveyance which runs on wheels, including a light rail vehicle; but
- (b) does not include—
 - (i) a wheelchair; or
 - (ii) a vehicle (other than a light rail vehicle) that is used on a railway.

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

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

after

railway

insert

(including light rail)

[1.40] New section 291 (2)

insert

- (2) In this section:

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 8 August 2017.

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 2017, which was passed by the Legislative Assembly on 1 August 2017.

Clerk of the Legislative Assembly

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