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

**ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT
BILL 2017**

EXPLANATORY STATEMENT

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ROAD TRANSPORT REFORM (LIGHT RAIL) LEGISLATION AMENDMENT BILL 2017

Introduction

This explanatory statement relates to the Road Transport Reform (Light Rail) Legislation Amendment Bill 2017 (the Bill) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Bill and to help inform debate on it. It does not form part of the Bill and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview of the Bill

The Bill amends the road transport legislation to support the operation of light rail within the road environment of the ACT.

Light rail in Canberra will provide more transport options for Canberrans, as part of an integrated transport system. This Bill will help deliver a modern and sustainable transport system for Canberra.

Broadly, the amendments made to the road transport legislation by the Bill:

- (a) support the operation of light rail vehicles on ACT roads in accordance with the Australian Road Rules (ARRs), noting that the ARR apply to drivers of light rail vehicles;
- (b) require that a light rail driver hold a valid Australian full car driver licence, but does not require a separate light rail vehicle driver licence;
- (c) make the driver of a light rail vehicle subject to provisions about blood alcohol concentration limits for public vehicle drivers;
- (d) enable infringement notices for offences such as speeding to be served where the offence has been committed by the driver of a light rail vehicle;
- (e) clarify that light rail vehicles will not be subject to vehicle registration requirements;
- (f) provide that light rail vehicles will not be subject to vehicle seizure provisions;
- (g) exempt light rail vehicles from the requirements for vehicles to keep a safe lateral distance when passing bicycle riders. For the vast majority of its route light rail vehicles will run on isolated tracks not shared with bicycle riders. For the small sections of the route where these type of road users may interact (such as intersections) bicycle riders will be protected by the requirement in the ARR for the light rail vehicle to maintain a 'sufficient distance' from other road users;

- (h) provide that injuries arising from a collision with a light rail vehicle will come within the scope of the compulsory third party insurance (CTP) scheme, to ensure that personal injury arising from a traffic accident involving a light rail vehicle is treated in a consistent manner with accidents involving other types of vehicles; and
- (i) provide that existing provisions for personal indemnity for individuals acting in good faith performing a function under the road transport legislation will not apply to the light rail operator or its employees. This reflects that it is not appropriate that the Territory should indemnify the operator, as a private sector organisation, for the conduct of its employees, and reflects the contract agreed with the rail operator.

The Bill also makes an amendment to the *Criminal Code 2002* to make it an offence to take a light rail vehicle, a bus or heavy vehicle without consent. This amendment will ensure that people who unlawfully take heavy vehicles, buses or light rail vehicles face appropriate sanction.

Additionally, the Bill makes amendments to the *Road Transport (Alcohol and Drugs) Act 1977* to make it an offence for a segway rider to be under the influence of, or drinking, alcohol while using the segway. This amendment is part of reforms to the *Road Transport (Safety and Traffic Management) Regulation 2000* to enable the private use of segways on public land in the ACT.

The Bill also makes a number of consequential amendments to legislation other than the road transport legislation that is set out in Schedule 1. The amendments primarily standardise the definition of motor vehicle (as amended by the Bill to include a light rail vehicle) so as to be consistent across ACT legislation, clarify that references to the concept of ‘rail’ or ‘railways’ in other legislation extend to include light rail and clarify how a number of existing provisions, including offences, that apply in relation to motor vehicles or rail vehicles or rail operations, will apply in relation to light rail. These amendments are intended to achieve a consistent approach to the application of these laws in respect of light rail.

Human rights implications

It is not considered that any provision of this Bill limits an individual’s human rights. If an individual’s human rights were limited, any limitation would be reasonable and justified.

Section 28 of the *Human Rights Act 2004* (the HRA) provides that human rights are subject only to reasonable limits set by laws that can be demonstrably justified in a free and democratic society. Section 28 (2) of the HRA provides that in deciding whether a limit on a human right is reasonable, all relevant factors must be considered, including:

- (a) the nature of the right affected;
- (b) the importance of the purpose of the limitation;
- (c) the nature and extent of the limitation;
- (d) the relationship between the limitation and its purpose; and

- (e) any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.

The Bill primarily extends or modifies the application of the road transport legislation to light rail vehicles and drivers of light rail vehicles. A driver of a light rail vehicle will be subject to most of the same requirements as apply to drivers of other vehicles, including the need to be properly licensed, obey road rules and comply with restrictions on driving with a prescribed concentration of alcohol in the driver's blood or breath. Regulating the manner of use of light rail vehicles consistent with the existing road transport legislation will ensure the safety of all road users.

The Bill does not create any new offences, although it amends three existing offences: sections 24A (Driver etc intoxicated) and 25 (Consuming alcohol—driver or driver trainer) of the *Road Transport (Alcohol and Drugs) Act 1977* and section 318 of the *Criminal Code 2002* (Taking etc motor vehicle without consent).

Amendments to the *Road Transport (Alcohol and Drugs) Act 1977*

Section 24A of the *Road Transport (Alcohol and Drugs) Act 1977* (the Alcohol and Drugs Act) provides that a person must not drive or ride a vehicle or animal on a road, or be in charge of a vehicle or animal on a road, while under the influence of alcohol. The term vehicle is defined to include a bicycle or an animal-drawn vehicle. This Bill amends that offence to apply to riders of segways.

Section 25 of the Alcohol and Drugs Act provides that a person commits an offence if the person drives or rides a vehicle on a road or road related area, and consumes alcohol while driving or riding the vehicle. It is also an offence for a driver trainer to consume alcohol while in a motor vehicle on a road or road related area. Vehicle is defined to mean a bicycle or motor vehicle. This Bill amends the definition of vehicle to include a segway. The offence in section 25 is a strict liability offence, and also includes a presumption that a substance is alcohol if it is in a container that has a label or advertising material indicating that it contains alcohol.

The only change to these offences is amendment of the definition of vehicle so that riders of segways are subject to the offences.

Nature of the right affected

These amendments may engage the right to the presumption of innocence, particularly the strict liability offence in section 25 (section 33 (1), HRA) and the right to freedom of movement (section 13, HRA).

A detailed human rights assessment of section 25 was undertaken when the offence was created in 2015 (see the Revised Explanatory Statement for the Road Transport Legislation Amendment Bill 2015). That assessment remains applicable for the amendment to the offence made by this Bill.

The importance of the purpose of the limitation

The application of these offences to riders of segways reflects the skill and attention required of these road users, and the potential for harm to other road users arising from impaired riding as a result of consuming alcohol. The amendments ensure that riders of segways are treated in a consistent manner to other road users such as bicycle riders or drivers of motor vehicles.

There is long-standing acceptance of the need to restrict driving or riding while a person is affected by alcohol. This is a matter of high importance to the community, given the known risks of death and injury associated with drink driving.

The nature and extent of the limitation

Any limitation is not extensive and would prevent a person from riding a segway on a public road while under the influence of alcohol, or from consuming alcohol while using a segway on a public road.

The relationship between the limitation and its purpose

The amendments ensure that a rider of a segway is treated consistently with other road users. For instance, riders of bicycles are also liable to the offence in section 25 if they ride a bicycle on a public road while under the influence of alcohol. Having regard to the speed at which segways can operate, the size and weight of segways and the skill level required to safely operate a segway, it is considered that riders of segways should be unimpaired when riding on a road or road related area, for their own safety and the safety of other road users.

Less restrictive means reasonably available to achieve this purpose

It is not considered that there are any less restrictive means available to achieve the purpose of this amendment.

To the extent that there is any limitation on rights this is reasonable and proportionate, noting the public interest benefits from reducing the risks associated with people riding segways while drinking or under the influence of alcohol.

Amendment to the *Criminal Code 2002*

The Bill also amends section 318 of the *Criminal Code 2002*. That section provides that a person commits an offence if the person dishonestly takes a motor vehicle belonging to someone else; and does not have consent to take the vehicle from a person to whom it belongs. Motor vehicle is currently defined to include a car, car derivative or motorbike, and does not extend to heavy vehicles or light rail vehicles.

This Bill aligns the definition of motor vehicle to the definition used in the road transport legislation, which is ‘a vehicle built to be propelled by a motor that forms part of the vehicle’ (Dictionary, *Road Transport (General) Act 1999*). This has the effect of extending the application of the offence to a person who dishonestly takes a heavy vehicle or a light rail vehicle.

The amendment brings the ACT into line with most other Australian jurisdictions, where the equivalent offence extends to all motor vehicles. The exception is Victoria where, instead, the

conduct would be covered within the offence of theft. The amendment reflects the potential harm caused by unlawful use of a heavy vehicle, bus or light rail vehicle.

It is not considered that this amendment has any human rights implications.

No civil indemnity for rail transport operator employees

The Bill excludes employees of a rail transport operator from the statutory indemnity in section 230 of the *Road Transport (General) Act 1999* and it is possible that this may discriminate on the basis of occupation and engage the right to recognition and equality before the law (section 8, HRA).

The importance of the purpose of the limitation

Excluding rail transport operator employees from this indemnity, which in practice has only been applied to Territory employees, recognises that it is an employer's responsibility to indemnify and insure their employees' acts or omissions, rather than the Territory.

The nature and extent of the limitation

Any limitation is not extensive as in practice any civil liability would attach to the employer – the rail transport operator – instead of the Territory. The limitation would only apply in relation to functions performed under the road transport legislation, and it is not expected that drivers would in the normal exercise of their duties exercise any functions under the road transport legislation.

The relationship between the limitation and its purpose

Any limitation seeks to reflect general employment law principles, whereby the employer bears civil liability for actions of its employees. It is consistent with standard business practice, and ensures that the Territory is not civilly liable for the actions of the employees of the rail transport operator, and the liability attaches to the entity with legal and administrative responsibility and oversight of that employee.

Less restrictive means reasonably available to achieve this purpose

It is not considered that there are any less restrictive means available to achieve the purpose of this amendment.

Climate Change Considerations

The climate change impacts of these amendments have been considered. The introduction of light rail provides the community with an additional mode of public passenger transport which is environmentally friendly due to low carbon emissions. The introduction of light rail will contribute to reduced reliance on private car use, easing traffic congestion and associated vehicle carbon emissions. In line with the Government's target of 100 per cent renewable electricity by 2020, the light rail will be powered by 100 per cent renewable electricity.

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of Act

This clause specifies the name of the Bill, once enacted, as the *Road Transport Reform (Light Rail) Legislation Amendment Act 2017*.

Clause 2 Commencement

This clause provides that the Bill will commence on the seventh day after its notification day.

Clause 3 Legislation amended

This clause names the legislation amended by this Bill. This Bill amends the:

- *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*, and the
- *Road Transport (Vehicle Registration) Regulation 2000*.

The Bill also makes a number of consequential amendments to other legislation. This legislation is set out in Schedule 1.

Part 2 Road Transport (Alcohol and Drugs) Act 1977

This part of the Bill makes amendments to the *Road Transport (Alcohol and Drugs) Act 1977* to ensure that drivers of light rail vehicles are subject to the same blood alcohol concentration requirements, while driving these public passenger vehicles, as already apply to existing public passenger vehicle drivers. Part 2 also applies two existing offences to riders of segways on roads or road related areas.

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

This clause amends the definition of special driver to include light rail drivers. Special drivers currently include drivers of public passenger vehicles. The amendment ensures that light rail drivers will be subject to the same requirement as other public passenger vehicle drivers (such as bus drivers) to have a zero blood alcohol concentration, when they are driving a light rail vehicle.

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

In addition to holding a full car licence, a driver of a light rail vehicle will be required to have training and instruction in operating a light rail vehicle. This clause inserts a new requirement for the instructor or assessor of a light rail vehicle driver to have a zero blood alcohol concentration while providing instruction to, or assessing, the driver. This is consistent with existing requirements for driver supervisors, assessors and instructors to have a zero blood alcohol concentration while they are accompanying a learner driver.

Clause 6 **Meaning of *driver trainer***
Section 4BA

The amendment to this section relates to the definition of *driver trainer* and is consequential on the changes made by clause 5.

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

This clause amends section 24A of the Alcohol and Drugs Act, which makes it an offence for a person to drive or ride, or be in charge of, a vehicle or animal on a road or road related area while the person is under the influence of alcohol.

Clause 7 amends the definition of *vehicle*, for the purpose of section 24A, to include a segway. This change makes it an offence for a person to ride or be in charge of a segway on a road or road related area while under the influence of alcohol. This is consistent with the treatment of cyclists and riders of animals and acknowledges the skill and attention required to operate a segway and the potential for harm to a segway rider and other road users arising from impaired use of a segway as a result of alcohol intoxication.

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

This clause amends section 25 of the Alcohol and Drugs Act which makes it an offence for the driver or rider of a vehicle to consume alcohol while driving or riding the vehicle on a road or road related area. Clause 8 amends the reference in section 25 (2) (b) to *vehicle* to *motor vehicle* to address an inconsistency in the terminology used in section 25 (2) (a) and (b).

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

This clause amends section 25 of the Alcohol and Drugs Act which makes it an offence for the driver or rider of a vehicle to consume alcohol while driving or riding the vehicle on a road or road related area.

Clause 9 amends the definition of *vehicle*, for the purpose of section 25, to include a segway. This will make it an offence for a person to consume alcohol while riding a segway on a road or road related area. This is consistent with the treatment of cyclists and drivers of motor vehicles and acknowledges the skill and attention required to operate a segway and the

potential for harm to the segway rider or other road users arising from impaired use of a segway.

Clause 10 Dictionary, note 3

This clause amends note 3 to the dictionary to point to *light rail vehicle* and *segway* as terms defined in the *Road Transport (General) Act 1999*.

Part 3 Road Transport (Driver Licensing) Regulation 2000

This part of the Bill amends the *Road Transport (Driver Licensing) Regulation 2000* (the Driver Licensing Regulation) to clarify how driver licensing requirements apply to light rail vehicle drivers.

Clause 11 New section 98A

Section 31 (1) of the *Road Transport (Driver Licensing) Act 1999* provides that a person must not drive a motor vehicle unless they hold an Australian driver licence that authorises them to drive that kind of motor vehicle or is exempted by regulation from the requirement to hold an Australian driver licence.

Clause 11 inserts new section 98A in the Driver Licensing Regulation to provide that a light rail driver is not required to hold a driver licence that authorises the person to drive a light rail vehicle provided the light rail driver holds a full car licence. This ensures that the driver of a light rail vehicle has demonstrated the knowledge of road rules required to drive a vehicle in the road environment, in which light rail vehicles will operate.

In addition to holding a full car licence, as required by this provision, light rail drivers will be required to meet relevant requirements to operate light rail vehicles as determined by the Office of the National Rail Safety Regulator (the Regulator), in order for the ACT light rail operator to be accredited by the Regulator.

Clause 12 Dictionary, note 4

This clause amends note 4 to the dictionary to point to *light rail vehicle* as a term defined in the *Road Transport (General) Act 1999*.

Part 4 Road Transport (General) Act 1999

This part of the Bill amends the *Road Transport (General) Act 1999* (the General Act) to clarify that light rail vehicles are not registrable vehicles and to ensure that infringement notices for traffic offences committed by a light rail driver can be issued and managed.

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

This clause amends the definition of *responsible person* for a vehicle. The responsible person for a motor vehicle is, generally, the person in whose name a vehicle is registered. The amendment is to the effect that the responsible person for a light rail vehicle is the accredited rail transport operator for the light rail vehicle.

The concept of a responsible person for a vehicle is used in a number of road transport legislation provisions. These include provisions relating to the issue of infringements for traffic and parking offences, which require the issue of such infringements to the responsible person for a vehicle involved in the offence. The amendments in clauses 13 to 21 will enable infringements for certain offences, such as speeding, involving light rail vehicles to be issued to the light rail operator. The operator will be able to make a declaration to the road transport authority, nominating the driver of the vehicle at the time of the offence, so that appropriate action can be taken, consistent with the action that would be taken against the driver of any other motor vehicle for such an offence.

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

This clause is consequential on clause 13, and inserts a definition for the term *accredited rail transport operator*. That term refers to an accredited person within the meaning of the Rail Safety National Law (ACT).

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

This clause amends the definition of *illegal user declaration* to extend its coverage to both registrable and rail vehicles. An *illegal user declaration* is a declaration by a responsible person for a registrable or rail vehicle in relation to an infringement notice offence involving the vehicle stating that at the time of the offence, another person was in possession or control of the vehicle without the consent of the vehicle's owner.

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

This clause amends the definition of *known user declaration* to extend its coverage to both registrable and rail vehicles. A *known user declaration* is a declaration by a person in relation to an infringement notice offence involving a registrable or rail vehicle stating that the person was not in possession or control of the vehicle at the time of the offence and nominating an alternative person who was in control of the vehicle at the time of the alleged offence.

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

This clause amends the definition of *online declaration* to reference the section by which the road transport authority approves a website for online declarations (section 57). An *online declaration* is a declaration that is made using a website approved by the road transport authority.

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

This clause inserts a new definition of *registrable or rail vehicle* which includes a vehicle that must be registered (a registrable vehicle) and a light rail vehicle. Light rail vehicles are not registrable vehicles.

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

This clause amends the definition of *unknown user declaration* to extend its coverage to both registrable and rail vehicles. An *unknown user declaration* is a declaration by a person in relation to an infringement notice offence involving a rail or registrable vehicle stating that the person does not know the identity of the person in control of the vehicle at the time of the alleged offence.

Clause 20 **Division 3.3 heading**

This is a consequential amendment to the heading for division 3.3, reflecting that the division now applies to both registrable vehicles and light rail vehicles.

Clauses 21 and 22 **Obligations of a responsible person for a vehicle**

Clauses 21 and 22 amend provisions in division 3.3 relating to the obligations of a responsible person for a vehicle to assist in the identification of the driver or person in charge of the vehicle at the time of an alleged infringement notice offence involving the vehicle. These clauses add references to a light rail vehicle so provisions in division 3.3 apply to infringement notices issued to the responsible person for a registrable vehicle or a rail vehicle.

Clause 23 **New division 3.3AA heading**

This clause inserts a new division heading into division 3.3 to separate sections relating to a responsible person's obligations with respect to infringement notices from those relating to withdrawal of infringement notices.

Clause 24 **New division 3.3AB heading**

This clause inserts a new division heading into division 3.3 to separate sections relating to a responsible person's obligations with respect to infringement notices and withdrawal of infringement notices from those relating to the effects of paying a penalty amount.

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

This clause amends section 39 of the General Act, relating to the effect paying a penalty amount has on liability, prosecution and conviction for an offence. This clause inserts a reference to a rail vehicle so the provision applies to infringement notices issued to the responsible person for a registrable vehicle or a rail vehicle.

Clauses 26 to 28 **References to *registered owner***

These clauses replace references to *registered owner* with the term *registered operator*, consistent with the practice adopted throughout the road transport legislation.

Clauses 29 and 30 References to *registrable vehicle*

These clauses insert references to *rail* vehicles in sections 44 and 53AA of the General Act to ensure these provisions, dealing with enforcement of infringement notices, apply to infringement notices for both registrable vehicles and rail vehicles.

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

This clause amends section 58 of the General Act which provides that a police officer or authorised person may require the provision of a driver's name, address and driver licence. It inserts a definition of *heavy combination* - a term used in the section - by reference to the definition of this term in the Heavy Vehicle National Law (ACT).

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

This clause amends section 72 which allows for the use, in court proceedings, of certificate and other documentary evidence about the use of registrable vehicles. The amendment inserts a reference to *light rail vehicles* to enable the admission of a document that relates to matters about the use of light rail vehicles on roads or road related areas.

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

Section 230 confers a civil indemnity on individuals for an act or omission done honestly and in good faith in the exercise of a function under the road transport legislation. Any civil liability instead attaches to the Territory. The section also confers indemnity from criminal liability for certain limited actions.

This clause provides that these indemnities do not apply to individuals employed by a rail transport operator when exercising a function under the road transport legislation in the course of their employment. Noting these individuals are not public servants but are employees of a rail transport operator, it is appropriate that any liability attaches to the rail transport operator, not the Territory.

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

This clause amends the definition of *all reasonable steps* and is consequential on the changes made by clause 21 and amends the signpost reference to the heading of division 3.3, which is amended by clause 20.

Clause 35 Dictionary, new definitions

This clause inserts definitions of *light rail* and *light rail vehicle* that will apply in all ACT road transport legislation.

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

This clause amends the definition of *motor vehicle* to specifically exclude a segway and is consequential on the changes made by clauses 7 and 9.

Clause 37 **Dictionary, new definitions**

This clause inserts new definitions: a definition of *rail transport operator* by reference to the definition in the *Rail Safety National Law (ACT)*; a new definition of *registrable or rail vehicle* by reference to the definition inserted by clause 18 into section 21A of the General Act; and a definition of *segway* which is consequential on the amendments made by clauses 7 and 9.

Clause 38 **Dictionary, definition of *vehicle***

This clause amends the definition of *vehicle*, for the purpose of the road transport legislation, to include a light rail vehicle. The definition of *vehicle* continues to exclude other vehicles used exclusively on railways or tramways. Other rail vehicles, such as heavy rail vehicles, are regulated under the National Rail Safety Law.

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

This part of the Bill amends the *Road Transport (Offences) Regulation 2005* (the Offences Regulation) to clarify the requirements for an infringement notice issued for an offence involving a light rail vehicle.

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

This clause amends section 4A which defines the term *identifying particulars* for certain infringement notice offences, to point to new section 4CA, inserted by clause 40, and which sets out the particulars to be included in an infringement notice for an offence involving a light rail vehicle.

Clause 40 **New section 4CA**

This clause inserts new section 4CA which sets out the particulars to be included in an infringement notice relating to an offence involving a light rail vehicle. The infringement notice must include the unique identification number that will be displayed on the light rail vehicle. Light rail vehicles will be clearly identified with a large number located in multiple locations, internally and externally.

Clause 41 **Section 12**

This clause remakes section 12 of the Offences Regulation into three new sections: sections 12, 12A and 12B. Section 12 currently provides for the service of infringement notices and prescribes how an infringement notice may be served.

New section 12 provides for service of infringement notices on a suspected offender where the identity of the person believed to have committed the offence is known.

New section 12A provides for service of an infringement notice where the offender is unknown and the offence involves a registrable vehicle or a rail vehicle. This clause applies the current service process for registrable vehicles to both registrable and rail vehicles.

New section 12B preserves existing presumptions about service of infringement notices under sections 12 and 12A where service was by electronic means.

Clauses 42 to 49 References to *registrable vehicle*

Part 2 of the Offences Regulation establishes procedures for issuing infringement notices and reminder notices to a responsible person for a registrable vehicle. As light rail vehicles will not need to be registered under the *Road Transport (Vehicle Registration) Act 1999*, they do not fall within the definition of registrable vehicle. These clauses add references to a *rail vehicle* to the relevant provisions in Part 2, so the provisions apply to infringement notices issued for offences involving a registrable vehicle or a light rail vehicle. These clauses also amend signpost references to the heading of division 3.3 of the General Act, amended by clause 20.

Clause 50 Dictionary, note 3

This clause amends note 3 to the dictionary to point to *light rail vehicle* and *registrable or rail vehicle* as terms defined in the *Road Transport (General) Act 1999*.

Clause 51 Dictionary, new definition of *corresponding law*

This clause inserts a definition of *corresponding law* and is consequential on the changes made by clause 41.

Clause 52 Dictionary, new definition of *identifying particulars*

This clause inserts a definition of *identifying particulars* and is consequential on the changes made by clauses 39 and 40.

Part 6 Road Transport (Public Passenger Services) Act 2001

This part of the Bill amends the *Road Transport (Public Passenger Services) Act 2001* (the Public Passenger Services Act) to clarify that a light rail vehicle is not a bus.

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

Section 10A of the Public Passenger Services Act defines *bus* to mean a motor vehicle that seats over nine adults, but does not include a limousine. This clause amends this section to clarify that this definition does not extend to a light rail vehicle, and the provisions of that Act applying to buses, therefore, do not apply to light rail vehicles.

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

This part of the Bill amends provisions of the *Road Transport (Safety and Traffic Management) Act 1999* (Safety and Traffic Management Act) relating to notification of prosecutions for certain vehicle offences.

Clause 54 **New section 8A**

This clause amends and relocates section 10D (1) which sets out the requirements for notification to the registered operator of a vehicle and other interested people about commencement of a prosecution for certain motor vehicle offences. The amended section is relocated as new section 8A in division 2.1 (Speeding and other dangerous driving offences).

Clause 55 **New section 10AAA**

The Safety and Traffic Management Act provides for the seizure, impounding and forfeiture of vehicles used to commit certain offences. This clause inserts new section 10AAA which provides that the seizure, impounding and forfeiture provisions do not apply to light rail vehicles.

Clause 56 **Section 10D**

This clause remakes current section 10D (2) into its own stand alone provision. This clause relates to notices required to be given by the chief police officer when seizing and impounding vehicles that have been used to commit certain offences. This section will not apply to light rail vehicles.

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

This clause amends a reference to the heading of division 3.3 of the General Act and is consequential on the changes made by clause 20.

Clause 58 **Dictionary, note 3**

This clause amends note 3 to the dictionary to point to *light rail vehicle* as a term defined in the *Road Transport (General) Act 1999*.

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

This part of the Bill amends the *Road Transport (Safety and Traffic Management) Regulation 2000* (Safety and Traffic Management Regulation) to clarify the definition of light rail vehicle and exclude the driver of a light rail vehicle from the provision requiring the driver of a motor vehicle to keep a specified lateral distance when overtaking a bicycle rider.

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

This clause amends the table in note 2 to include a reference to the Australian Road Rule provision for which provision is made in division 2.2.1. This amendment is consequential on clause 60.

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

This clause amends the definition of *bus* for the purposes of the application of the Australian Road Rules to specifically exclude a light rail vehicle.

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

Section 38A of the Safety and Traffic Management Regulation requires a driver of a motor vehicle to keep a safe lateral distance when passing a bicycle rider. The provision specifies that this is at least a metre in areas where the speed limit is not more than 60 km per hour and at least one and a half metres where the speed limit is 60 km per hour or more.

Section 38B allows a motor vehicle driver passing a bicycle rider to make certain manoeuvres, where safe, to achieve the safe lateral passing distance.

The safe lateral passing distance requirement was introduced in 2015 to support reducing the number of rear end and side swipe crashes involving bicycle riders.

Cyclists wishing to ride on-road are required to use an on-road cycle lane unless this is not practicable. It is not anticipated that cyclists using existing cycle lanes would be within 1.5 metres of any passing light rail vehicle.

However, should a cyclist travel in a vehicle lane close to a light rail vehicle, the driver of the light rail vehicle will lack the ability to move the vehicle sideways to provide a safe lateral distance from the cyclist. For this reason, clause 61 amends section 38A so that it does not apply to a light rail vehicle driver.

Drivers of light rail vehicles will, however, be subject to the Australian Road Rules which require them to keep ‘sufficient distance’ to avoid having a collision with a vehicle or obstructing the path of a vehicle, including a bicycle.

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

This clause excludes light rail vehicles from the requirements relating to towing of vehicles by an articulated vehicle. A *light rail vehicle* is not an *articulated vehicle* for the purpose of the road transport legislation. A light rail vehicle is designed so that the motor is spread throughout each carriage and the driver area forms part of the front carriage.

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

This clause moves the definition of *articulated vehicle* from the dictionary in line with current drafting practice. This term is only used in this section. This clause also excludes light rail vehicles from the definition of *articulated vehicle*.

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

This clause amends the definition of *heavy vehicle* in section 82, which relates to heavy vehicle parking laws, to specifically exclude a light rail vehicle. This amendment ensures that a light rail vehicle is not treated as a heavy vehicle for the purpose of heavy vehicle parking laws.

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

This clause removes the definition of *tracked vehicle* which is now located in the *Road Transport (General) Act 1999*, dictionary.

Clause 66 **Dictionary, note 4**

This clause amends note 4 to the dictionary to point to *light rail vehicle* as a term defined in the *Road Transport (General) Act 1999*.

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

This amendment is consequential upon the changes made by clause 63.

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

This part of the Bill makes amendments to the *Road Transport (Third-Party Insurance) Act 2008* (the TPI Act) to provide that a light rail vehicle comes within the scope of the compulsory third party (CTP) insurance scheme to ensure that personal injury arising from a traffic accident involving a light rail vehicle is treated in a consistent manner with accidents involving other types of vehicles.

Clause 68 **What is insured under a CTP Policy?**
New section 19 (ba)

This clause includes a light right vehicle as a vehicle that can be insured under a CTP policy. It is an offence under the TPI Act (section 17) to use a vehicle on a road or road related area unless there is a CTP insurance policy in place for the vehicle.

Clause 69 **Section 19 (c)**

This amendment is consequential on the changes made by clause 68.

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

This clause amends the definition of *CTP insurer* and is consequential on the changes made by clauses 71 and 72.

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

The amendments to sections 28 and 29 headings are consequential on changes made by clauses 72 and 74 and separate out the processes for initial registration of a CTP policy and subsequent renewals of CTP policies for registered vehicles. The amendment to the heading to section 30 is to stipulate that it relates to motor vehicles with trader's plates, and is consequential on the changes made by clause 73.

Clause 72 **New section 30A**

This clause creates a new section 30A that sets out the process for how CTP insurance for light rail vehicles will be selected and the period for which the CTP insurance will apply.

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

This clause amends the heading to section 31 to stipulate that it relates to registered motor vehicles, and is consequential on the amendments made by clause 74.

This clause amends the heading to section 34 to the effect that it relates to when a CTP policy comes into effect for trader's plates. It is consequential on the amendments made by clause 74.

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

This clause creates new section 34C that sets out when a CTP insurance policy for a light rail vehicle will come into effect. New section 34D provides that the CTP insurer for a light rail vehicle is on risk for the insurance period for the light rail vehicle, and that the CTP insurer ceases to be on risk if the CTP policy is cancelled.

Clause 75 **New section 36B**

This clause creates new section 36B that sets out the effect of changes to the accreditation status of the light rail operator under the Rail National Safety Law on its CTP policy. It provides that a CTP policy for a light rail vehicle is cancelled if the operator's accreditation is cancelled or surrendered.

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

Clause 76 amends section 174 which sets out when the nominal defendant may recover costs from a responsible person for a vehicle or from a driver. The amendment is consequential on the changes made by the Bill which make separate provision for CTP insurance and coverage for light rail vehicles, including clause 77 which inserts new section 174A.

Clause 77 **New section 174A**

This clause inserts new section 174A providing that the nominal defendant may recover certain costs from a rail transport operator. It is to the effect that the light rail operator must pay to the nominal defendant any costs reasonably incurred by the nominal defendant in relation to personal injury caused by the light rail operator's uninsured light rail vehicle.

Clause 78 **Dictionary, note 3**

This clause amends note 3 to the dictionary to point to *light rail vehicle* and *registrable or rail vehicle* as terms defined in the *Road Transport (General) Act 1999*.

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

This clause inserts a definition of *rail transport operator* by reference to the Rail Safety National Law (ACT).

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

This part of the Bill makes amendments to the *Road Transport (Third-Party Insurance) Regulation 2008* (the TPI Regulation), consistent with the changes made in Part 9, to bring light rail vehicles within the scope of the compulsory third party (CTP) insurance scheme.

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

This clause amends section 11 which is about working out the CTP premium payable for a policy for less than one year. The amendment extends the application of section 11 to CTP policies for light rail vehicles.

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

This clause amends Schedule 1, section 1.1, which includes definitions for the Schedule. It amends the definition of *bus* to exclude a light rail vehicle.

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

This clause amends Schedule 1, section 1.1, which includes definitions for the Schedule. It amends the definition of *passenger vehicle* to exclude a light rail vehicle. For the purposes of the CTP scheme a light rail vehicle will not be a passenger vehicle. Separate provisions have been inserted regarding the requirements for a CTP policy for light rail vehicles.

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

This clause amends Schedule 1, Part 1.2 which sets out a table of CTP premium classes. The amendment inserts a light rail vehicle as a new type of vehicle for which there is a premium class.

Clause 84 **Dictionary, note 3**

This clause amends note 3 to the dictionary to point to *motor accident* and *motor accident claim* as terms defined in the *Road Transport (Third-Party Insurance) Act 2008*.

Clause 85 **Dictionary, note 4**

This clause amends note 4 to the dictionary to point to *light rail vehicle* and *vehicle* as terms defined in the *Road Transport (General) Act 1999*.

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

This part of the Bill amends definitions in the *Road Transport (Vehicle Registration) Act 1999* (the Vehicle Registration Act) to clarify that a light rail vehicle is not required to be registered.

Clause 86 **Dictionary, note 3**

This clause amends note 3 to the dictionary to point to *light rail vehicle* as a term defined in the *Road Transport (General) Act 1999*.

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

This clause amends the definition of *heavy vehicle* to exclude a light rail vehicle. This amendment ensures that a light rail vehicle is not treated as a heavy vehicle.

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

This clause amends the definition of *registrable vehicle* to exclude light rail vehicles, as light rail vehicles will not need to be registered under the Vehicle Registration Act.

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

This part of the Bill amends the *Road Transport (Vehicle Registration) Regulation 2000* consistent with the amendments made by Part 11 to the effect that a light rail vehicle is not required to be registered.

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

This clause amends section 45 which requires the display of a registration label on a heavy vehicle. It replaces the references to *registered owner* with the term *registered operator*, consistent with the practice adopted throughout the road transport legislation.

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

This clause amends Schedule 1 which sets out technical requirements and standards for vehicles used on roads and road related areas. It inserts a new section 1.6 (1) (aa) to include light vehicle vehicles as vehicles to which these standards do not apply. The technical standards with which light rail vehicles will be required to comply will be those determined by the National Rail Safety Regulator.

Schedule 1 **Consequential Amendments**

Schedule 1 to the Bill makes consequential amendments to the following legislation:

- *Building and Construction Industry (Security of Payment) Act 2009*
- *Building and Construction Industry Training Levy Act 1999*
- *Civil Law (Wrongs) Act 2002*
- *Crimes Act 1900*
- *Criminal Code 2002*
- *Dangerous Goods (Road Transport) Act 2009*
- *Environment Protection Act 1997*
- *Environment Protection Regulation 2005*
- *Legislation Act 2001*
- *Limitation Act 1985*
- *Litter Act 2004*
- *Long Service Leave (Portable Schemes) Act 2009*
- *Planning and Development Act 2007*
- *Sale of Motor Vehicles Act 1977*
- *Spent Convictions Act 2000*
- *Uncollected Goods Act 1996*
- *Work Health and Safety Regulation 2011*

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

This Part of Schedule 1 amends a number of definitions in the *Building and Construction Industry (Security of Payment) Act 2009*, which is an act to ensure that a person who carries out construction work under certain types of contracts is able to receive or recover progress payments for the work.

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

This section amends the definition of *construction work* to clarify that a reference to construction work on railways includes construction work on light rail.

Section 1.2 **New section 7 (3)**

This amendment is consequential on amendment 1.1 and inserts a definition of *light rail* by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Part 1.2 Building and Construction Industry Training Levy Act 1999

This Part of Schedule 1 amends definitions in the *Building and Construction Industry Training Levy Act 1999* which provides for a training levy to be paid in respect of certain building work.

Section 1.3 Schedule 1, item 3

This section amends the definition of *work* in Schedule 1 to clarify that a reference to work on railways includes work on light rail.

Section 1.4 Dictionary, new definition of *light rail*

This amendment inserts a definition of *light rail* in the dictionary by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Part 1.3 Civil Law (Wrongs) Act 2002

This Part of Schedule 1 makes amendments to definitions in the *Civil Law (Wrongs) Act 2002*, which includes provisions protecting certain people, such as good Samaritans and volunteers from liability in certain circumstances. A number of provisions limit the protection of the Act where the liability falls within the ambit of the CTP motor vehicle insurance scheme.

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

This amendment inserts a note in the definition of *motor vehicle* and is consequential on a *light rail vehicle* being defined as a *motor vehicle* under the *Road Transport (General) Act 1999*, dictionary.

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

This section amends the definition of *motor vehicle* and is consequential on a *light rail vehicle* being defined as a *motor vehicle* under the *Road Transport (General) Act 1999*.

Part 1.4 Crimes Act 1900

This Part of Schedule 1 amends provisions of the *Crimes Act 1900* to ensure that offences relating to railways and rail apply to light rail and definitions in the *Crimes Act 1900* are consistent with those in the road transport legislation.

Section 1.7 Section 4, notes

This amendment updates note 1 in section 4 of the Act, consequentially on amendments to the definition of *motor vehicle* in the *Road Transport (General) Act 1999*.

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

This amendment omits the definition of *railway* for the purpose of the offence of throwing objects at vehicles (section 28A of the Act). A definition of *railway* is inserted in the dictionary for the Act by amendment 1.13.

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

This section amends the definition of *vehicle* for the purpose of the offence of throwing objects at vehicles (section 28A of the Act) to extend this offence to light rail vehicles.

Section 1.10 **Section 144**

This section amends section 144 which provides for offences in relation to obstructing, damaging or destroying a railway engine by interfering with railway infrastructure. The amendment extends the offence provisions to light rail.

Section 1.11 **Section 145**

This section amends section 145 which provides for the offence of causing obstruction to the operation of a railway engine. The amendment extends the offence so that it applies in relation to light rail vehicles.

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

This amendment omits the definition of *motor vehicle* from section 252F (4) in accordance with current drafting practice. This term is defined in the dictionary by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 36.

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

This amendment inserts definitions, in the dictionary of the Crimes Act, of *light rail* and *light rail vehicle* by a signpost to the definitions in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35 and inserts a definition of *railway* which includes light rail.

Part 1.5 **Criminal Code 2002**

This Part of Schedule 1 amends definitions of motor vehicle in the *Criminal Code 2002* to ensure that the provisions in relation to the offence of taking a motor vehicle without consent are extended to light rail vehicles, heavy vehicles and buses.

Section 1.14 **Section 318 (3)**

This amendment removes definitions of a number of terms, including *motor vehicle*, from section 318 which provides the offence of taking a motor vehicle without consent. Amendment 1.16 inserts a new definition of *motor vehicle* by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, amended by clause 36.

Motor vehicle as currently defined for the purpose of section 318 includes a car, car derivative or motorbike, and does not extend to heavy vehicles or light rail vehicles. This amendment aligns the definition of motor vehicle to the definition used in the road transport legislation, which is ‘a vehicle built to be propelled by a motor that forms part of the vehicle’ (Dictionary, *Road Transport (General) Act 1999*).

This ensures that the offence of taking a motor vehicle without consent applies to a person who unlawfully uses these vehicles without the consent of the owner (commonly referred to as joyriding). The potential for harm caused by a person taking these vehicles is significant.

Section 1.15 Section 369 (4)

This section amends section 369, which provides for a court to impose a driver licence cancellation on a person found guilty of motor vehicle theft or taking a motor vehicle without consent. It removes the definition of *motor vehicle* as, in line with current drafting practice, this definition has been relocated to the dictionary.

Section 1.16 Dictionary, new definition of *motor vehicle*

This amendment inserts in the dictionary a new definition of *motor vehicle*, by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 36.

Part 1.6 Dangerous Goods (Road Transport) Act 2009

This Part of Schedule 1 amends definitions in the *Dangerous Goods (Road Transport) Act 2009*, which regulates the transport of dangerous goods by motor vehicles.

Section 1.17 Dictionary, new definition of *light rail*

This amendment inserts a definition, in the dictionary for the Act, of *light rail* by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

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

This section amends the definition of *road infrastructure* to include light rail equipment which ensures that the provisions in relation to transport of dangerous goods and compensation orders for damage to road infrastructure apply to the light rail and light rail equipment. The effect is that a person who commits an offence under this Act which damages road infrastructure, including light rail, may be subject to a roads compensation order requiring them to pay the Territory the cost of repairing any damage.

Part 1.7 Environment Protection Act 1997

This Part of Schedule 1 amends provisions in the *Environment Protection Act 1997*, which regulates noise and pollutant emissions, to clarify that the existing exemption provisions for trains apply to light rail vehicles.

Section 1.19 **Section 8 (1) (a)**

This section amends section 8 of the *Environment Protection Act 1997* which sets out which people and things the Act doesn't apply to. Trains are already exempt from the application of the Act in relation to noise or pollution emissions. The amendment adds a light rail vehicle to this exemption to treat these types of vehicles consistently.

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

This amendment inserts a definition in section 8 of *light rail vehicle* by a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Part 1.8 **Environment Protection Regulation 2005**

This Part of Schedule 1 amends definitions in the *Environment Protection Regulation 2005*, which regulates noise and pollutant emissions, to extend the exemption provisions for trains to light rail vehicles.

Section 1.21 **Division 2.1 heading, note 1, paragraph (a)**

This section amends the note to the heading to Division 2.1 of the *Environment Protection Regulation 2005*, to reflect the amendment to section 8 of the *Environment Protection Act 1997* to include a light rail vehicle as a thing to which pollution emission provisions do not apply.

Section 1.22 **Part 3 heading, note 1, paragraph (a)**

This section amends the note to the heading to Part 3 of the *Environment Protection Regulation 2005*, to reflect the amendment to section 8 of the *Environment Protection Act 1997* to include a light rail vehicle as a thing to which noise emission provisions do not apply.

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

This section amends the definition of *light rail* in Schedule 2 to signpost to the definition of *light rail* in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Section 1.24 **Dictionary, definition of light rail**

This section amends the definition in the dictionary of *light rail* consequential on amendments 1.21, 1.22 and 1.23.

Part 1.9 **Legislation Act 2001**

This Part of Schedule 1 amends definitions in the *Legislation Act 2001*, which regulates the accessibility of legislation in the ACT and assists users of legislation to understand and use legislation.

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

This amendment inserts a definition of *Rail Safety National Law (ACT)* into the *Legislation Act 2001*. The Rail Safety National Law is national rail safety legislation, overseen by a single national rail safety regulator. The light rail operator will be subject to the Rail Safety National Law.

Part 1.10 Limitation Act 1985

This Part of Schedule 1 amends definitions in the *Limitation Act 1985*, which sets the periods in which civil proceedings must be commenced in the ACT.

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

This amendment inserts a note to the definition of *motor vehicle* in section 30A, dealing with how the *Limitation Act 1985* applies to children who suffer personal injuries (including from a motor vehicle accident) giving rise to a claim for damages. It signposts that a *light rail vehicle* is defined as a *motor vehicle* under the *Road Transport (General) Act 1999*, dictionary, amended by clause 36.

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

This section amends the definition of *motor vehicle* in section 30A and is consequential on a *light rail vehicle* being defined as a *motor vehicle* under the *Road Transport (General) Act 1999*.

Part 1.11 Litter Act 2004

This Part of Schedule 1 of the Bill amends provisions in the *Litter Act 2004*, which regulates the depositing of litter or material that may become litter and facilitates the removal of litter.

Section 1.28 Section 13 (2)

Section 1.29 Section 13 (4)

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

These sections amend section 13 of the *Litter Act 2004*, which makes it an offence for a person to place an unsolicited leaflet in or on a motor vehicle at a public place and for a person to commission the placement of leaflets on motor vehicles. Sections 13 (2) and (3) are to the effect that the offences don't apply if the leaflet is placed on the vehicle in accordance with a Territory law or is a message of a personal nature and directed only to the owner or driver or rider of the motor vehicle.

The amendments are to the effect that the exceptions to the offences in section 13 do not apply in relation to light rail vehicles. This reflects the safety risks associated with people seeking to place messages on the outside of a light rail vehicle, as well as the need to avoid damage to the inside of a light rail vehicle resulting from the posting of advertising leaflets.

Part 1.12 Long Service Leave (Portable Schemes) Act 2009

This Part of Schedule 1 amends definitions in the *Long Service Leave (Portable Schemes) Act 2009*, which regulates the portability of long service leave entitlements in certain industries, which includes the building and construction industry. This amendment ensures that construction of the light rail is treated in the same manner as construction of railways.

Section 1.31 Schedule 1, section 1.1 (1) (a) (ii)

This section amends the definition of *building and construction industry* in Schedule 1 of the *Long Service Leave (Portable Schemes) Act 2009* to clarify that the existing reference to building and constructing railways includes building and constructing light rail.

Section 1.32 Schedule 1, new section 1.1 (3)

This amendment inserts a signpost to the definition of *light rail* in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Part 1.13 Planning and Development Act 2007

This Part of Schedule 1 amends definitions in the *Planning and Development Act 2007*, which regulates planning and development in the ACT.

Section 1.33 Dictionary, definition of *light rail*

This amendment removes the definition of *light rail* in this Act and replaces it with a signpost to the definition in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Part 1.14 Sale of Motor Vehicles Act 1977

This Part of Schedule 1 of the Bill amends definitions in the dictionary of the *Sale of Motor Vehicles Act 1977*, an act regulating the sale of motor vehicles and licensing of motor vehicle dealers. The amendments are to the effect that the act does not apply in relation to the sale of light rail vehicles.

Section 1.34 Dictionary, new definition of *light rail vehicle*

This amendment inserts a definition of *light rail vehicle* by a signpost to the definition of *light rail vehicle* in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Section 1.35 Dictionary, definition of *motor vehicle*

This section amends the dictionary definition of *motor vehicle* to specifically include a reference to a light rail vehicle as a vehicle to which the definition does not apply.

Part 1.15 Spent Convictions Act 2000

This Part of Schedule 1 amends definitions in the *Spent Convictions Act 2000*, which regulates the disclosure of information about a person's conviction for certain offences where the person completes a period of crime-free behaviour. This amendment ensures that the

manner in which traffic offences are dealt with extends to traffic offences committed by a light rail driver.

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

This section amends section 14 of the *Spent Convictions Act 2000*, which sets out how traffic offences are dealt with under that Act. The amendment omits the definition of *motor vehicle* in this Act and inserts a signpost to the definition of *motor vehicle* in the *Road Transport (General) Act 1999*, dictionary, amended by clause 36.

Part 1.16 Uncollected Goods Act 1996

This Part of Schedule 1 amends definition provisions in the *Uncollected Goods Act 1996* to bring goods left, lost or abandoned on a light rail vehicle within the scope of the Act.

Section 1.37 Dictionary, new definition of *light rail vehicle*

This amendment inserts a definition of *light rail vehicle* by a signpost to the definition of *light rail vehicle* in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.

Section 1.38 Dictionary, definition of *vehicle*

This section amends the definition of *vehicle* to include a light rail vehicle. This ensures that an authorised person has the power to deal with lost property left inside a light rail vehicle or at a light rail stop in accordance with the provisions of this Act.

Part 1.17 Work Health and Safety Regulation 2011

This Part of Schedule 1 amends provisions in the *Work Health and Safety Regulation 2011* to bring construction of the light rail within the scope of the regulation.

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

This section amends section 291 of the *Work Health and Safety Regulation 2011* to extend the definition of *high risk construction work* to include construction work that is carried out on, in or adjacent to light rail. Currently the definition refers to construction work that is carried out on, in or adjacent to, among other things, a railway. This amendment ensures that the existing requirements under the Regulation relating to high risk construction work apply to construction work on, in or adjacent to light rail.

Section 1.40 New section 291 (2)

This amendment inserts a definition of *light rail* by a signpost to the definition of *light rail* in the *Road Transport (General) Act 1999*, dictionary, inserted by clause 35.