

**PASSENGER TRANSPORT AMENDMENT (TICKETING AND PASSENGER  
CONDUCT) BILL 2012**  
PROOF 17 OCTOBER 2012

**Bill introduced on motion by Ms Gladys Berejiklian, read a first time and printed.  
Second Reading**

**Ms GLADYS BEREJIKLIAN** (Willoughby—Minister for Transport) [11.26 a.m.]: I move:  
That this bill be now read a second time.

The Government is committed to delivering a better transport system for the people of New South Wales and I am very pleased to introduce this legislation. We want to provide a system that people want to use. We need to ensure that we have the right legislative instruments to deliver efficient and effective public transport services. The purpose of the Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012 is essentially twofold: firstly, it will consolidate regulation-making powers to allow for future consistent passenger ticketing and conduct offences for all transport modes into the Passenger Transport Act 1990; and, secondly, it will enable the introduction of an integrated electronic ticketing system across the transport network.

I will outline the context and reason for this bill. As part of the implementation of a National Rail Safety Regulator and national rail safety law in early 2013, the Rail Safety Act 2008 will be repealed. The national rail safety law will not make provisions for operational issues related to ticketing, revenue protection and passenger conduct.

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To avoid the loss of these regulation-making powers, the bill will insert the power in the Passenger Transport Act 1990.

Currently, some of the legislation that governs passenger transport is inconsistent. This makes no sense when we are trying to create an integrated transport system. Two regulations govern ticketing, revenue protection and passenger conduct. They are the Rail Safety (Offences) Regulation 2008 for rail and the Passenger Transport Regulation 2007 for bus and ferry. These regulations broadly cover the same subject matter, but do not treat passenger conduct offences committed on the network in the same way. It will make it easier for public transport customers to understand their rights and responsibilities when travelling on the public transport network.

As members are aware, the Government is currently conducting a review of New South Wales passenger transport legislation to make sure we bring it into line with modern advances in public transport. The New South Wales passenger transport legislation discussion paper was released recently and gives customers and industry stakeholders an opportunity to comment on any proposed changes. Having all public transport regulation-making powers under a single piece of legislation will make any future changes easier to implement. This bill also allows for future amendments to regulations to provide consistency across all transport modes. Integration is key.

New South Wales has been promised an electronic ticketing system for about 14 years. The former Labor Government promised public transport customers they would have an electronic ticketing system by the Sydney Olympics in 2000. Regrettably, it did not happen then, nor did it happen in subsequent years. I am pleased to advise that, after only 18 months, this Government is delivering on our commitment to introduce electronic ticketing. This bill is important as it will enable the future consistent introduction of an electronic ticketing system, to be known as the Opal card, across all public transport modes.

As this is a first for New South Wales, it is necessary to define this new type of ticket in legislation. As the Government is trialling the Opal card on ferries from December 2012, it is necessary, first, to amend the legislation to define what an electronic ticketing system is, and, secondly, to amend the regulations to enable the Opal system to operate in parallel with current ticketing arrangements. Customers will experience a ticketing system—once Opal is fully implemented, which will take some years—that is simple, convenient and efficient. The Opal card will make travel on public transport easier and simpler for people living, working and visiting Sydney, the Hunter, the Illawarra and the Blue Mountains. This is a significant improvement and demonstrates the importance of this legislation.

Currently there are a number of significant differences between the powers of revenue protection officers operating on the bus and ferry network, and transit officers operating on the rail network. This bill will make the powers for authorised officers, such as revenue protection and transit officers, consistent. It is important to have consistency across all modes of transport, as well as integration, to make sure customers know exactly where they stand. A consistent approach to these roles will make it easier for passengers to understand their responsibilities, rights, and obligations as well as the roles and responsibilities of enforcement officers across the public transport network.

The power for an authorised officer to require a person to state his or her name and address will be transferred from the Rail Safety Act—and I explained the changes in relation to that Act—to the Passenger Transport Act. This applies in circumstances where a person is reasonably suspected of committing an offence against the Act or against the regulations in relation to graffiti offences. The retention of this power for authorised officers maintains their ability to enforce the current offences. Additionally, the power of an authorised officer to enter railway premises for the purposes of inspection, investigation or inquiry will be transferred from the Rail Safety Act to the Passenger Transport Act. The consistent application of authorised officers' powers will create more certainty for public transport customers and ensure regulations continue to play an effective role in deterring antisocial behaviour.

As members would be aware, in February 2012 the Premier, the Minister for Police and Emergency Services and I announced the establishment of the NSW Police Transport Command. The safety and security of transport customers is a priority for the Government, which is why we are increasing the number of police who patrol the public transport network.

The bill proposes that New South Wales police officers will automatically be authorised officers for the enforcement of regulations on public transport. This is very important indeed. This will remove any need for an instrument of appointment for New South Wales police officers to be appointed as authorised officers under the Passenger Transport Act, as is currently the case. This, and the consolidated regulations that will follow, support the operation of the dedicated Police Transport Command that will patrol trains, buses and ferries. Having an increased police presence on our public transport networks will ease the fears of commuters and also drive down crime on the network, which is so important. I know every member of this House regards safety on the public transport network as paramount.

The bill also proposes to transfer the provision for penalties for railway offences affecting safety from the Rail Safety Act into the Passenger Transport Act. I have explained already why that is necessary. Under the current Rail Safety (Offences) Regulation 2008 the maximum penalty for unauthorised use of certain railway equipment is 250 penalty units, which equates to a fine of \$27,500. This maximum penalty will be transferred to the Passenger Transport Act, and is applicable to the offence of unauthorised use of certain railway equipment—for example, someone interfering with equipment in a rail corridor that results in or contributes to a rail accident, a very serious offence indeed. If a person commits an offence that does not involve the unauthorised use of certain railway equipment, the existing maximum penalty of 50 penalty units, or \$5,500, under the Passenger Transport Act will continue to apply as the maximum penalty for passenger conduct offences.

Under this bill, the larger maximum penalty is applicable to that specific serious railway offence and only by a court, as I described. The maximum penalty amount recognises the serious safety risks that can result from certain forms of conduct on trains and railway property. The measures I have proposed today will amend the Passenger Transport Act to provide for consistent and integrated electronic ticketing, revenue protection and passenger conduct provisions on public transport in New South Wales. They send a clear message that the Government is getting on with the job of improving public transport. I commend the bill to the House. I hope Opposition will support the bill. I acknowledge the contribution made by the member for Lakemba in his role as shadow Minister for Roads and Ports. He is no longer in that role. He represented my counterpart in the other place in this Chamber, and I wish him well for the future.

**Debate adjourned on motion by Mr Michael Daley and set down as an order of the day for a later hour.**