



New South Wales

Passenger Transport Amendment (Ticketing and Passenger Conduct) Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Passenger Transport Act 1990*:

- (a) to transfer to that Act provisions relating to ticketing and conduct offences of persons on trains and other railway premises from the *Rail Safety Act 2008*, and
- (b) to include provisions enabling a “smartcard” ticketing system to be introduced on trains, buses and ferries, and
- (c) to make other amendments relevant to the enforcement of those provisions.

The *Rail Safety Act 2008* will be repealed in due course as part of the implementation of a national scheme dealing with rail safety which does not cover the matters that are to be transferred by this Bill.

The Bill also amends other legislation consequentially.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Passenger Transport Act 1990 No 39

Ticketing and conduct offences

Schedule 1 [16] and [17] amend section 63 of the Act to include in the regulation-making powers contained in that section matters relating to ticketing (including smartcard ticketing) and conduct offences in relation to trains and other railway premises.

Schedule 1 [2] amends section 3 of the Act to include definitions relevant to those regulation-making powers, such as a definition of *railway premises* based on the definition in the rail safety national law which includes (among other things) trains and rail infrastructure.

Schedule 1 [15] inserts proposed section 57 into the Act to provide that, if a court convicts a person of an offence against the regulations relating to railway premises or monorail premises and is satisfied that the conduct in question caused or could have caused appreciable danger or harm to persons, animals, premises or property, the court can impose a maximum penalty of 250 penalty units rather than the penalty provided by the regulations for the offence. This takes account of the fact that the maximum penalty that can currently be imposed for offences against the regulations under the Act is 50 penalty units whereas the maximum penalty that can currently be imposed for an offence against the regulations under the *Rail Safety Act 2008* is 250 penalty units.

Schedule 1 [3], [18] and [19] make consequential amendments.

Enforcement powers

Schedule 1 [1] amends the definition of *authorised officer* in section 3 (1) of the Act to include a police officer. Currently, an authorised officer has to be appointed by a transport regulator. **Schedule 1 [4], [8] and [11]–[13]** make consequential amendments.

Schedule 1 [5] substitutes section 46I of the Act to include, in the powers of an authorised officer to enter premises, a power to enter railway premises. A similar power is currently contained in section 85 of the *Rail Safety Act 2008*.

Schedule 1 [6], [7] and [9] amend sections 46R and 46W of the Act to make provision for the appointment of authorised officers in relation to rail passenger services and railway premises.

Schedule 1 [10] amends section 55 of the Act to include, in the power of an authorised officer to require a person to state his or her name and address in circumstances where the officer reasonably suspects that an offence against the Act or the regulations has been committed, a power to make such a requirement in relation to graffiti offences on railway premises. A similar power is currently

contained in section 104 of the *Rail Safety Act 2008*. **Schedule 1 [14]** makes a consequential amendment.

Savings and transitional provisions

Schedule 1 [20] amends Schedule 3 to the Act to enable regulations of a savings and transitional nature to be made consequent on the enactment of the proposed Act.

Schedule 1 [21] amends Schedule 3 to the Act to include a specific savings and transitional provision in relation to the *Rail Safety (Offences) Regulation 2008*.

Schedule 2 Amendment of other legislation

Schedule 2 amends the *Rail Safety Act 2008* to remove provisions that will now be covered by the provisions inserted in the *Passenger Transport Act 1990* by Schedule 1. The Schedule also makes a consequential amendment to the *Transport Administration Act 1988*.