

**PASSENGER TRANSPORT AMENDMENT (TICKETING AND PASSENGER
CONDUCT) BILL 2012**

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Second Reading

The Hon. JOHN AJAKA (Parliamentary Secretary) [9.12 p.m.], on behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Government is committed to delivering a better transport system for the people of New South Wales.

We want to provide a system people want to use.

We need to ensure 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 twofold:

1. to 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
2. to enable the introduction of an integrated, electronic ticketing system across the transport network.

I would like to firstly 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of a National Rail Safety Regulator and National Rail Safety Law in early 2013, the Rail Safety Act 2008 will be repealed.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.

While the National Rail Safety Law will retain current New South Wales fatigue management requirements for train drivers and drug and alcohol testing requirements for rail safety workers.

It will not make provisions for rail operational issues related to ticketing, revenue protection and passenger conduct.

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 which governs passenger transport is inconsistent.

This makes no sense when we are trying to create an integrated transport system.

There are two regulations that govern ticketing, revenue protection and passenger conduct: 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 offenses 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 the House is aware, the Government is currently conducting a review of New South Wales passenger transport legislation.

The NSW Passenger Transport Legislation Discussion Paper was recently released 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 transport modes.

New South Wales has been promised an electronic ticketing system for over 14 years.

The previous Government promised public transport customers they would have an electronic ticketing system by the Sydney Olympics in 2000.

Regrettably, it did not happen then or 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, there is a need 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 to:

1. amend the legislation to define what an electronic ticketing system is, and
2. amend the regulations to enable the Opal system to operate in parallel with current ticketing arrangements.

Customers will experience a ticketing system 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.

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.

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/her name and address will be transferred from the Rail Safety 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 anti-social behaviour.

As the House would be aware, in February 2012 the Premier, Minister Gallacher and Minister Berejiklian announced the establishment of the NSW Police Transport Command.

The safety and security of transport customers is a priority for the New South Wales Government, which is why we are increasing the number of police who patrol the public transport network.

The bill proposes that NSW police officers will automatically be authorised officers for the enforcement of regulations on public transport.

This, and the consolidated regulations that will follow, support the operation of the dedicated Police Transport Command which 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.

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.

Under the current Rail Safety (Offences) Regulation 2008 the maximum penalty for unauthorised use of certain railway equipment is 250 penalty units or \$27,500.

This maximum penalty will be transferred to the Passenger Transport Act, but is only

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.

If a person commits an offence that doesn't 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 only applicable to that specific serious railway offence and only by a court.

The maximum penalty amount recognises the serious safety risks that can result from certain forms of conduct on trains and railway property.

The measures 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 improving public transport is a high priority for the Government.

I commend the bill to the House.