July 2025

Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2025

Regulatory Impact Statement

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Executive summary

Context

The Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2015 (the Conduct Regulations) regulate the conduct of people in relation to public transport premises and vehicles to ensure that public transport is safe, fair, comfortable, convenient, accessible, and free from incidents that may cause disruption or harm.

The Conduct Regulations regulate a range of behaviours in relation to safety, integrity of equipment and property, amenity, accessibility and smooth functioning of the network.

The current Conduct Regulations are due to sunset on 22 December 2025. The Conduct Regulations were originally due to expire on 23 June 2025, but the operation of the Conduct Regulations were extended for six months on 17 June 2025 by virtue of the Subordinate Legislation (Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2015) Extension Regulations 2025.

The Department of Transport and Planning (the Department) has prepared this Regulatory Impact Statement (RIS) to inform public consultation on the proposed new Conduct Regulations.

Problem

Inappropriate conduct on public transport creates a range of harms that affect safety, infrastructure, accessibility and amenity. While some of these behaviours have direct safety consequences, other behaviours can lead to delays or disruptions to the network or can discourage people from using public transport and as a result miss out on its many benefits.

Unsafe behaviour can risk the safety of people, including those engaging in the behaviour as well as fellow passengers, staff or others. Unsafe behaviour on public transport includes:

- Interfering with doors (e.g. holding or forcing doors open) on public transport vehicles
- Dropping or throwing objects at or from public transport vehicles, or protruding body parts or objects from the vehicle
- Carrying dangerous items (e.g. combustible materials) while on public transport
- Crossing or being on train or tram tracks (as a driver, rider or pedestrian) in an unsafe way

Other behaviours can negatively impact on amenity, reducing the attractiveness of public transport as an option and denying people of its benefits. Behaviours which can impact on amenity include:

- Playing musical instruments or otherwise creating noise that disturbs other passengers
- Consuming strong-smelling food or carrying other item that disturb others
- Soiling seats or other furniture
- More serious behaviours such as offensive, threating, disorderly or riotous conduct.

Accessibility can also be impacted by the behaviour of people in and around public transport. Examples of negative behaviours which impact on accessibility include:

- Creating obstructions (which can impede access but also presents a safety risk)
- Inconsiderate use of seats (e.g. by placing a bag on a seat while on a busy tram)
- Inconsiderate use of priority seats and priority areas, which prevents these areas being used by the people who need them.

Safety, accessibility and amenity can all also be impacted by intentional interference and damage to equipment and infrastructure on public transport vehicles and premises. Examples of these negative behaviours include:

- Damaging or misusing public transport equipment
- Vandalism and graffiti on public transport vehicles and premises.

Some of the above behaviours are controlled by non-regulatory factors, such as physical infrastructure (e.g. CCTV, fencing and other barriers, vehicle design, removal of level crossings) and social norms about what is (and isn't) appropriate behaviour in public places. Some social norms can be reinforced through education and information campaigns. However, these non-regulatory controls have been assessed as being insufficient to fully control the behaviours and limit the harms described above, leaving a residual problem and supporting a case for government intervention via regulations.

Objectives

The objectives of the Conduct Regulations are to:

- maximise the safety of public transport;
- maximise the accessibility of public transport;
- minimise damage to equipment and property;
- maximise amenity and passenger comfort;
- minimise public transport network disruptions and delays;
- minimise restrictions on individuals; and minimise regulatory and other costs.

Options

This RIS identifies three feasible options to address the problems summarised above. These options were identified following analysis of available data relevant to the Conduct Regulations, targeted consultation with key stakeholders to understand their experiences of the regulations, and internal analysis of the Conduct Regulations to identify potential updates. These options are:

Option 1: Remake the existing Regulations without substantial changes (technical updates only)

Option 2: Remake the existing Regulations with amendments to increase safety and accessibility

Option 3: Remake the existing Regulations with amendments to increase safety and accessibility, plus further restrictions on electric transportation devices

Table E1 – Summary of identified options to address the problem

	Options		
Policy area	**Option 1:** **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
Application of certain safety rules to vehicles	Rules only apply to bicycles, wheeled recreational devices or wheeled toys.	Rules now apply to bicycles, e-scooters, e-bikes, wheeled recreational devices or wheeled toys.	Same as Option 2.

Policy area	Options		
	Option 1: **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
Rules for the carriage of electric transportation devices	The carriage, turning on, and charging of electric transportation devices is allowed.	The turning on and charging of electric transportation devices is prohibited. Commercial e-bikes and aftermarket conversion e-bikes cannot be carried on trains.	Same as Option 2, plus further restrictions on the carriage of electric transportation devices on public transport.
E-scooter carriage rules	No additional restrictions on e-scooter carriage.	E-scooters are only allowed onto buses, trams and the first door of the first carriage of metropolitan trains if they are folded.	E-scooters are only allowed onto buses and trams if folded * E-scooters not allowed on all trains and V/Line coaches.
Requirements to vacate seating and priority areas	People must vacate priority areas on request of a person in a wheelchair, and must vacate seats they are sitting in on request of a person with accessibility needs.	People must vacate priority areas if they are preventing a person in a wheelchair from occupying that area, and must vacate seats they are using on request of a person with accessibility needs.	Same as Option 2.
Soiling of furniture and feet on furniture	A single offence for feet on furniture with a maximum penalty of 5 PU and an infringeable amount of 1.5 PU.	A reduced infringeable amount of 0.5 PU for feet on furniture. A new offence for soiling of furniture with a maximum penalty of 5 PU and an infringeable amount of 1.5 PU.	Same as Option 2.

Policy area	Options		
	Option 1: **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
Rules about crossing tracks	Offence to cross tracks when a train or tram is approaching, warnings are operating; gates are closed, closing or opening; or the other side of the crossing is blocked. Offence to cross at a place not provided for crossing. Offence to stop between closed boom gates.	Same as Option 1, except: Pedestrians must finish crossing the tracks without delay. Pedestrians may cross the tracks where there is an independently operated pedestrian crossing and it is safe to do so.	Same as Option 2.
Definition of tram stop platform	"a tram stop that has a raised platform other than where the platform forms part of a road"	"the part of a tram stop that is raised other than where the raised area forms part of a road or shared path"	Same as Option 2.
Offence not to comply with the VFTC	It is an offence not to comply with the VFTC on a public transport vehicle. It is an offence to fail to comply with a request made by an AP(C) to comply with the VFTC on a public transport vehicle.	It is an offence to fail to comply with a request made by an AP(C) to comply with the VFTC on a public transport vehicle.	Same as Option 2.
Staff powers to request people to leave	AP(C)s may ask a person to leave public transport premises if: they are behaving in a violent, noisy, or offensive manner; or if they reasonably believe the person is so affected by alcohol or other substances that the person is likely to	Same as Option 1, except: Removal of the "person is so affected by alcohol or other substances that the person is likely to behave in an offensive manner" grounds for a request to leave.	Same as Option 2.

Policy area	Options		
	Option 1: **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
	behave in an offensive manner. AP(C)s and tram drivers may request a person leave a public transport vehicle for the same reasons as above and in addition: if the vehicle is full; the person does not move from a thoroughfare; the person attempts to board after being asked not to do so; or they reasonably believe the person's clothing or luggage is likely to soil or damage property. AP(C)s may ask a person to leave a public transport vehicle or premises if they reasonably believe that the person has failed to comply with certain ticketing Regulations or has committed an offence against the Act or Regulations.	Expansion of the grounds for a request to leave to include indecent, obscene, offensive or threatening language; as well as indecent, obscene, offensive, threatening, disorderly, riotous or violent behaviour.	

Options analysis

The RIS assesses the proposed options against the regulatory objectives listed above. However, while the base case is often assumed to be the absence of any regulation, the relative similarities of the three proposed options in this RIS would deliver very similar results if the impact analysis was to compare them against a base case of no regulations. To address this, the analysis in this RIS is conducted in two stages: Option 1 (remaking the existing Regulations) is broadly compared to the base case of allowing the Regulations to sunset, and then a more-detailed multi-criteria analysis (MCA) is used to compare both Option 2 and Option 3 to remaking the Existing Regulations (Option 1) as the 'reference case'. An MCA has been chosen for this analysis because of the relative difficulty in quantifying and attributing the impacts of the regulations. An

MCA involves assessing options relative to a baseline (in this RIS the 'reference case') using a set of weighted assessment criteria.

The MCA for this RIS used the following criteria, relative weightings, and explanations.

Table E2 – Descriptions and weightings of MCA criteria used to assess Options 2 and 3

Criteria	Weight	Description and justification for weighting
Benefits	**50%**	**Benefits are weighted evenly with costs to avoid biasing the results.**
Safety	20%	Maximising safety by minimising the risk and number of safety incidents (near misses, injuries and fatalities) is given the highest weighting as it is the most critical objective in the Regulations.
Accessibility	10%	Maximising accessibility by minimising obstacles or impediments to the access of passengers to public transport is given a moderate weighting as it is important to ensuring equitable provision of public transport services to the community. This criterion applies to the access of all people to public transport, but especially to those who have a higher need for public transport (e.g. those that cannot afford other transportation options) as well as those that have reduced mobility (e.g. people with a disability).
Amenity	10%	Maximising amenity by minimising disturbances to passenger comfort and convenience is also given a moderate weighting because it is important for passengers to have pleasant journeys and because this affects the desirability of taking public transport relative to other transport options.
Protection of property	5%	Maximising the protection of property by avoiding damage to infrastructure, vehicles and other property is given the equal lowest weighting because, while it is important, it is not the primary focus of the Regulations. Furthermore, because minimising impacts on safety and amenity will tend to also protect property, it is important not to double count the benefit of the options.
Efficient functioning of the public transport network	5%	Maximising the functioning of the public transport network by avoiding delays or other disruptions to service is given the equal lowest weighting because, while it is important, it is not the primary focus of the Regulations. Similar to the protection of property criterion, it is important not to double count the benefit of the options. Minimising impacts on safety and amenity will tend to also reduce impacts on the network so this criterion is given a low weighting.
Costs	**50%**	**Costs are weighted evenly with benefits to avoid biasing the results.**

Criteria	Weight	Description and justification for weighting
Restrictions on individuals	50%	Minimising restrictions on individuals is the primary additional impact of the regulatory options on the public. Generally, individuals experience a subjective loss when they are not permitted to behave in ways they would have otherwise preferred to behave.

MCA results

Analysis of Options 2 and 3 against Option 1 as the reference case provided the MCA results shown below.

Table E3 – summary of MCA assessment scores

Criteria	Weight	Option 1	Option 2	Option 3
Benefits	**50%**	**0**	**2.0**	**3.05**
Safety	20%	0	0.80	1.40
Accessibility	10%	0	0.50	0.70
Amenity	10%	0	0.30	0.40
Protection of property	5%	0	0.25	0.35
Network functioning	5%	0	0.15	0.20
Costs	**50%**	**0**	**-1.00**	**-2.00**
Restrictions on individuals	50%	0	-1.00	-2.00
Total	**100%**	**0**	**1.00**	**1.05**

Preferred option

The preferred option is Option 3 which is to remake the existing regulations with safety and accessibility changes and restrictions on electric transportations device.

After analysing the effect of the current Conduct Regulations during the preparation of this RIS, the Department considers that it remains desirable to have regulations in place to regulate the conduct of people in and around public transport in Victoria. Of the three options assessed in this RIS, both Options 2 and 3, which are based on remaking the current Conduct Regulations with graduated levels of changes (relatively minimal safety and accessibility changes in Option 2, these plus additional more restrictive changes for Option 3) were preferred to Option 1, which is the reference case of remaking the current Conduct Regulations with only technical drafting updates.

Option 3 is the preferred option with a total weighted MCA score of 1.05, compared with a score of 1.00 for Option 2. Proposed regulations have been drafted based on the preferred Option 3.

Summary of key changes to the Conduct Regulations in Option 3

The key changes in the proposed regulations (as compared to the current 2015 regulations) are to:

- Extend safety rules relating to bicycles, wheeled recreational devices or wheeled toys to also include e-scooters
- Prohibit the charging or turning on/operating of electric transportation devices, such as e-bikes and e-scooters, on public transport to reduce the risk of battery fires
- Prohibit the carriage of all electric transportation devices (e-bikes, e-scooters, e-skateboards, e-unicycles) on metropolitan and V/Line trains
- Prohibit the carriage of all electric transportation devices on V/Line coaches
- Introduce new rules for the carriage of e-scooters on buses and trams, which replicate the existing rules for bicycles.
- Improve accessibility by requiring people to vacate a priority area that is reserved for wheelchair users
- More appropriately reflect the harms caused by people having their feet on seats on public transport
- Update wording around the safe crossing tram and train tracks
- Update the definition of tram stop platform to improve clarity
- Clarify the rules around complying with the Victorian Fares and Ticketing Conditions
- Reflect recent changes around the regulation of public drunkenness by removing the power for an AP(C) to ask a person to leave public transport premises because they are considered so affected by alcohol or drugs that they are likely to behave in an offensive manner.

The proposed Regulations are available for consideration and comment on the Engage Victoria website at engage.vic.gov.au.

Implementation

As described in the summary above, it is proposed to remake the Conduct Regulations with relatively minor amendments to improve safety and accessibility.

The Department will consider any feedback received from public consultation on this RIS when updating the proposed regulations. Once updated, the final regulations will be made before the current regulations expire on 22 December 2025.

The Department will work to ensure that members of the public, and public transport staff (including authorised officers) are aware of the proposed changes before they take effect. No significant changes to current enforcement procedures are anticipated to be required for the updated regulations.

Evaluation

Evaluation plays an important role in good regulatory design. The Department regularly collects information relevant to these Conduct Regulations and will continue to do so. Ongoing evaluation of these regulations will compare changes in this data against the regulations' objectives. A full evaluation and review will be conducted before the updated regulations expire in 2035.

Consultation

The Department consulted with key stakeholders to understand their experiences and potential issues with the current Conduct Regulations. Stakeholders included public transport operators, peak bodies representing the interests of public transport passengers, and several Victorian Government departments and agencies.

1. Introduction

1.1. Public transport in Victoria

Public transport plays a vital role in shaping the liveability, accessibility, and sustainability of Victoria. As a key component of the state's transport system, public transport connects communities, supports economic growth, and reduces environmental impact. With a diverse network of trains, trams, buses, and regional coaches, Victoria's public transport system is designed to meet the needs of its urban and rural populations, ensuring everyone has access to essential services and opportunities.

The *Transport (Compliance and Miscellaneous) Act 1983* (TCMA) is primary legislation that regulates public transport in Victoria. The TCMA provides a framework for the regulation of public transport, including:

- establishing offences and corresponding penalties in relation to ticketing, and acceptable and safe conduct on public transport
- the accreditation of Authorised Officers (AOs) and specification of their powers, and
- provides for the making of regulations to further set requirements in relation to ticketing and acceptable and safe conduct.

Under the TCMA, the Minister for Public and Active Transport may make regulations that prohibit unsafe conduct and conduct that negatively impacts on the amenity of other public transport users. These regulations support the efficient operation of transport networks by helping to avoid safety incidents that cause disruption and by maximising the attractiveness of public transport to prospective users. This regulatory impact statement examines the merits of such regulations, noting that the current Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2015 will expire in June 2025.

1.2. Structure of this document

This RIS covers the following:

- Chapter 1 introduces public transport and the regulatory impact statement
- Chapter 2 provides background information including the legislative framework and relevant data and statistics relating to public transport services.
- Chapter 3 outlines the nature and extent of the problems related to safe and acceptable conduct on public transport.
- Chapter 4 describes the objectives of the regulations.
- Chapter 5 details the identification of options to address the problems set out in Chapter 4.
- Chapter 6 contains the assessment of the identified options.
- Chapter 7 highlights the preferred option and summarised the proposed changes to the proposed Regulations.
- Chapter 8 describes the implementation plan for the preferred option.
- Chapter 9 describes the evaluation strategy for the preferred option.
- Chapter 10 details the consultation that has occurred in preparation of this regulatory impact statement.

The Appendices provide additional information about local ports and the proposed changes to the Regulations.

1.3. How you can have your say

You are invited to make comments on the RIS and the proposed Regulations.

Submissions may present an analysis of alternative options and recommend changes to the proposed Regulations. Submissions are required to be made in writing and submitted on Engage Victoria [Conduct on Public Transport Regulations]. Submissions must be provided on or before 18 August 2025.

Please note that all submissions will be treated as public information unless you request otherwise. You should be aware that all submissions are subject to the *Freedom of Information Act 1982*. Personal information may be used to contact you regarding your submission and the outcomes of the consultation. Please clearly state in your submission if you do not wish for this to occur.

2. Background

2.1. Description of the PT network

The Victorian Government, and in particular, the Department of Transport and Planning (the "Department") has various roles in the provision of public transport services in Victoria. These roles include:

- planning and investing in road and rail infrastructure and vehicles;
- working with V/Line and private passenger transport companies to provide services;
- subsidising public transport services; and
- regulating the operation and use of the system through legislation including the *Transport (Compliance and Miscellaneous) Act 1983* (TCMA).

The TCMA:

- provides a framework for the regulation of public transport including the accreditation of Authorised Officers (AOs) and specification of their powers;
- defines offences and corresponding penalties for violations of transport laws and regulations; and
- provides for the making of regulations in relation to ticketing and acceptable conduct on public transport.

Under the TCMA, the Minister for Public and Active Transport may make regulations that prohibit unsafe conduct and conduct that negatively impacts on the amenity of other public transport users. These conduct regulations support the efficient operation of public transport networks by helping to avoid safety incidents that cause disruption and by maximising the attractiveness of public transport to prospective users.

The Department manages the delivery of train, tram and bus services though service level agreements and contracts with V/Line, Metro Trains Melbourne (MTM), Yarra Trams (YT) and several bus companies. V/Line, MTM and YT employ AOs to enforce the conduct regulations.

2.1.1. The public transport network

Victoria's public transport network comprises a diverse mix of metropolitan and regional services, served by trains, trams, and buses. The network is comprised of:

- 998 kilometres of metropolitan rail track with 222 stations on 16 lines running 269 trains[1];
- 245 kilometres of double track tramways with 1,700 stops on 24 routes running 500 trams[2];
- 3,556 kilometres of V/Line rail track with 98 stations on 13 routes running 300 trains[3]; and
- Approximately 400 regular bus routes servicing metropolitan Melbourne and local bus networks in more than 50 regional towns and cities[4]

2.1.2. Level crossing removals

When the regulations were last made, in 2015, there were approximately 1,847 level crossings in Victoria of which 175 were on metropolitan Melbourne rail lines. Since then, the Level Crossing Removal Project has

[1] https://www.metrotrains.com.au/corporate/what-we-do/

[2] https://yarratrams.com.au/facts-figures

https://www.ptv.vic.gov.au/assets/PTV-default-site/Maps-and-Timetables-PDFs/Maps/Network-maps/Tram_Network_Map_October-2023.pdf

[3] https://corporate.vline.com.au/getattachment/a041659e-36d6-46b9-83b6-0ba83f03c7fb/Annual-Report-2022-23

https://en.wikipedia.org/wiki/List_of_V/Line_railway_stations

[4] https://www.vic.gov.au/metro-and-regional-buses

removed 84 level crossings, with a further 24 to be removed by 2030. This will result in five metropolitan train lines completely free of level crossings by 2030:[5]

- Cranbourne/Packenham (2025)
- Lilydale (2025)
- Sunbury (2026)
- Frankston (2029)
- Werribee (excluding Altona Loop) (2030)

2.1.3. Patronage

The COVID-19 pandemic had a significant and persistent effect on patterns of movement and public transport patronage. This is partly attributable to increases in working from home and related decreases in public transport usage on weekdays (see Figure 1 below). While weekend trips have recovered to about 95% of pre-pandemic levels, weekdays trips remain at about 75% of pre-pandemic levels. This is particularly true of metropolitan trains and trams[6]. By contrast, trips on V/Line services have exceeded pre-pandemic levels. This may be due, in part, to the introduction of the regional fare cap on 31 March 2023.

Despite the effect of the pandemic on public transport patronage, the public transport network supported almost half a billion trips in the 2023-24 financial year (FY24), with the trend in patronage continuing to increase. It is estimated that on a typical weekday, people in Melbourne and Geelong spend an aggregate of a million hours (about 124 years) on public transport.[7]

Table 0-1: FY24 Victorian Public Transport Patronage by Transport mode and location (millions of boardings)

		Mode				
		Train	**Tram**	**Bus (excl. coach)**	**Coach**	**Total**
Location	**Metropolitan**	182.5	154.8	114.9	N/A	452.2
	Regional	22.5	N/A	13.3	1.3	37.1
	Total	205.0	154.8	128.2	1.3	489.3

Patronage in FY24 was 29% lower than in Financial Year 2018-19 (FY19). The effect differed across modes and between metro and regional areas[8]:

Table 0-2: Percentage change in patronage by mode and location between FY 2018-19 and FY 2023-24

		Mode			
		Train	**Tram**	**Bus (excl. coach)**	**Coach**
Location	**Metropolitan**	-25%	-25%	-6%	N/A
	Regional	+10%	N/A	2%	-3%

[5] https://bigbuild.vic.gov.au/projects/level-crossing-removal-project

[6] https://discover.data.vic.gov.au/dataset/monthly-average-patronage-by-day-type-and-by-mode

[7] https://public.tableau.com/app/profile/vista/viz/VISTA-TripsDraft/Trips-methodoftravel

[8] https://discover.data.vic.gov.au/dataset/monthly-public-transport-patronage-by-mode

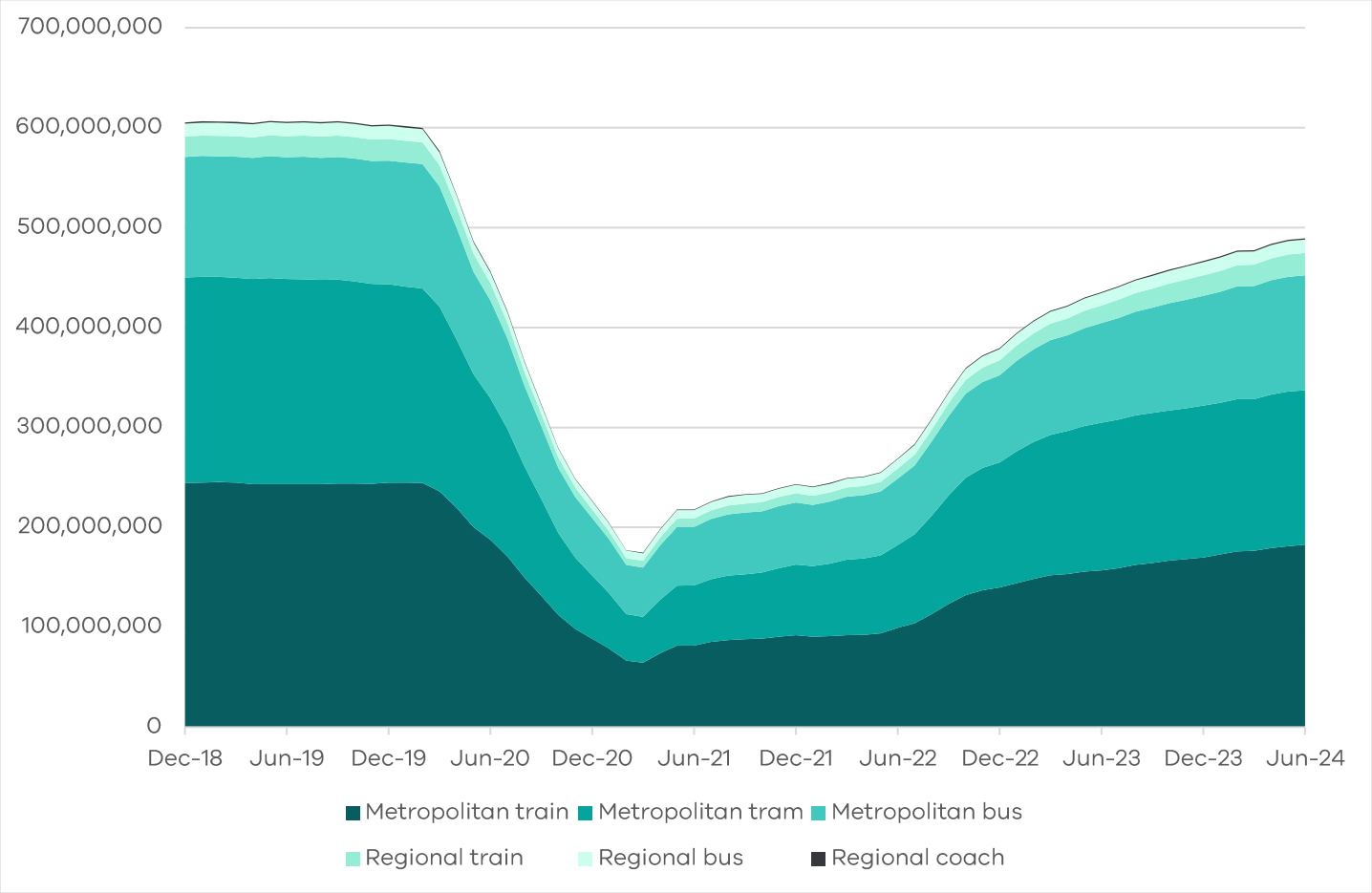

Figure 1: Rolling 12-month stacked patronage by mode and location

2.2. Drivers of usage and benefits

2.2.1. Benefits of public transport

Public transport is an essential part of the physical, economic and social fabric of Victoria and has significant benefits. The key benefits of public transport are:

- **Mobility and equity** – for people who cannot or do not want to use private means of travel (e.g. children, seniors, low-income households, people who are intoxicated).
- **Access and connectivity** – to employment, education, retail, recreation, and social networks.
- **Capacity** – high-capacity transport that would be expensive or impossible through private transport, such as weekday CBD commutes and major events.
- **Agglomeration** – supporting higher-density residential and commercial environments that provide agglomeration benefits, with major stations and stops serving as a hub for local communities and economies.
- **Efficiency** – providing a more economically and energy-efficient transport option per user, especially during periods of high usage.
- **Reduced carbon emissions** – providing a lower-emission alternative to private transport options.
- **Reduced congestion** – on roads by providing an alternative mode of transport.

2.2.2. Drivers of usage and satisfaction

To realise the broad range of benefits noted above, people must be willing to use public transport. This usage depends on individual perceptions of the convenience, frequency, safety, price, cleanliness, and amenity of travelling on public transport as well as private alternatives to public transport (e.g. walking, cycling, or driving a private vehicle).

Work and employment locations as well as demographic factors affect public transport use:

- People living closer to Melbourne CBD, closer to train stations and in higher density areas are more likely to use public transport;
- People who work in the CBD or other high job density areas are more likely to use public transport to get to work;
- Teenagers and young adults are more likely to use public transport, especially if they are students;
- Women are more likely to use public transport to get to work;
- Parents of younger children are less likely to use public transport; and
- Public transport usage is highest amongst both the most socioeconomically advantaged and most socioeconomically disadvantaged.

While some factors are under the direct control of the Government and transport operators (i.e. prices, layout and quality of infrastructure, vehicle design, and service frequency); other factors depend on the behaviour of other users of public transport (e.g. safety, delays caused by unsafe behaviour, cleanliness and amenity).

Customer experience insights highlight eight key drivers that influence satisfaction on the public transport network:

1. **On board experience**
   Cleanliness and maintenance have the largest impact on the overall satisfaction of the onboard experience. Customers expect comfortable, well-lit and clean services. While patronage has not yet returned to pre-pandemic levels, the availability of seating and crowding – particularly during peak periods and on longer trips – continue to influence customer perceptions.

2. **Information**
   Customers rely on accurate, real-time information to plan and navigate their journeys effectively. While information is available in various formats, there is a growing preference for digital tools that provide seamless, end-to-end trip planning and real time updates on disruptions and changes.

3. **Staff**
   Staff presence plays a critical role in enhancing the customer experience. Staff are not only a key source of assistance and information but also contribute to customer perceptions of safety. Accessible, knowledgeable, and visible staff improve confidence in the network.

4. **Running of services**
   Reliable, punctual, and well-timed services are fundamental to a positive customer experience. Customers want a service that is on time, reliable and operates at a time and day that is convenient to them.

5. **Stations and stops**
   The cleanliness and upkeep of stations and stops significantly influence customer satisfaction. An increase in graffiti and vandalism presents challenges to maintaining welcoming spaces. Stations and stops also serve as critical touchpoints for up-to-date service information and provide a safe environment for passengers waiting for transport.

6. **Personal safety**
   Perceptions of personal safety vary by time of day and demographic factors, with women expressing greater concerns after dark. Customer feedback highlights an increase in dissatisfaction related to antisocial passenger behaviour, which affects the overall sense of safety and comfort while traveling.

7. **Interchange**
   Most customers use multiple modes of transport to complete their journeys, making a seamless and efficient interchange experience essential. Customers value well-coordinated services that minimise wait times, clear information for navigating transfers, and facilities such as car parks and bike storage that support smooth connections.

8. **Ticketing**
   Customers expect a ticketing system that is simple, accessible, and easy to manage. There is a clear shift towards digital payment options that provide greater flexibility, convenience, and control over travel expenses.

2.3. Legislative and Regulatory Structure

2.3.1. Transport (Compliance and Miscellaneous) Act 1983

The *Transport Integration Act 2010* (TIA) establishes the overarching framework for transport legislation in Victoria. The *Transport (Compliance and Miscellaneous) Act 1983* (TCMA) provides specific regulatory powers and enforcement mechanisms in relation to public transport. The TCMA:

- provides a framework for the regulation of public transport including the accreditation of Authorised Officers (AOs) and specification of their powers
- defines offences and corresponding penalties for violations of transport laws and regulations
- provides for the making of regulations in relation to ticketing and acceptable conduct on public transport, and
- provides for the making of the Victorian Fares and Ticketing Conditions (VFTC), which is the document that sets out the fares and conditions of travel on the public transport network in Victoria.

The TCMA sets out specific offences including:

- mounting or travelling in a place not intended for travel (e.g. the exterior of a public transport vehicle)
- the application of a brake or emergency device without reasonable excuse
- operating public transport equipment without permission
- stopping or attempting to stop a public transport vehicle without reasonable excuse
- placing things on tracks
- unsafely taking animals across tracks, and
- over dimensional vehicles crossing tracks without permission.[9]

The TCMA provides broad powers to specify offences in Regulations under sections 56, 249B and 256 to supplement the offences defined in legislation. These requirements are contained in the Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2015 (the Conduct Regulations).

[9] As over dimensional vehicles may cause damage to tracks and other infrastructure due to their weight and size, such vehicles require a permit before crossing tracks.

2.3.1.1. Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations

The Conduct Regulations regulate the conduct of people in public transport premises, such as stations and stops, and vehicles to ensure public transport is safe, fair, comfortable, convenient, accessible, and to avoid damage to property. The Conduct Regulations are summarised in Table below.

Table 0-3: Summary of the Transport (Compliance and Miscellaneous) (Conduct on Public Transport) Regulations 2015

Parts, Divisions and explanations	Regulations
Part 1—Preliminary	
This Part deals with the machinery of the Regulations.	Objectives Authorising provisions Commencement Revocations Definitions Liability for offences
Part 2—Conduct affecting safety	
Division 1—General conduct offences **This Division deals with creating obstructions; endangering people; and entering, travelling or riding public transport in an unsafe manner.**	Conveying or bringing things likely to injure or endanger Protruding part of body or object Throwing or dropping things Creating obstructions Carriage of bicycles Riding bicycles etc. on public transport vehicles Driving, riding or parking a vehicle on public transport premises Unauthorised entering and leaving vehicles and premises Travelling in, or mounting of, places not intended for travel
Division 2—Interfering with equipment or property offences **This Division deals with interfering or damaging equipment and property.**	Interference with gates and doors Operating bus or equipment Applying brake or emergency device on bus Prescribed equipment Damage to property Fires on public transport vehicles and public transport premises
Division 3—Crossing railway and tramway tracks offences	Crossing railway tracks or designated tramway tracks by pedestrians Driving or riding across railway or designated tramway tracks Stopping or standing on crossings between boom gates

Parts, Divisions and explanations	Regulations
This Division deals with unsafely crossing railway or designated tramway tracks.	Entering a pit between platforms or entering onto railway or tramway tracks
Division 4—Face coverings	Wearing a face covering on public transport if required by a pandemic order
Part 3—Conduct affecting amenity	
This Part deals with behaviour that damages public transport property including graffiti and burning, as well as behaviour that disturbs or inconveniences others such as occupying additional seats, anti-social behaviour, making loud noises, smoking, and transporting animals.	Indecent, obscene, etc. language and behaviour Committing a nuisance or conveying things likely to annoy etc. Musical instruments on public transport vehicles or premises Sound equipment on public transport vehicles or premises Selling and busking etc. on public transport vehicles or premises Drinking liquor or possessing an open container of liquor on public transport vehicles or premises Smoking on public transport vehicles or premises Littering on public transport vehicles or premises Spitting Feet on seats or other furniture Placing luggage as directed Graffiti Scratching or burning Animals on public transport vehicles or premises Animals on seats Animals not to stray
Part 4—Seating on public transport vehicles	
This Part deals with behaviour that inconveniences other passengers by occupying priority or reserved seats or not vacating seats for those who need them.	Definition—Part 4 Person must vacate designated special needs seat for person with special needs Person must vacate seat for person with special needs Person must vacate area designated for persons in a wheelchair Occupying unreserved seats Unauthorised travel and seating

Parts, Divisions and explanations	Regulations
[Note: Part 5—Parking at designated park and ride facilities expired on 30 June 2017 at the conclusion of the trial restricting the use of some park and ride facilities to commuters only.]	
Part 6—Miscellaneous	
This Part deals with powers of authorised persons	Prosecution or infringement for more than one offence Request to leave vehicle or premises
Schedule 2—Prescribed equipment **[Note: Schedule 2 prescribes equipment for the purposes of s. 222B(1) of the TCMA.]**	

2.3.1.2. Victorian Fares and Ticketing Conditions

The TCMA also authorises the Head, Transport for Victoria (a statutory office which has an object to coordinate, provide, operate and maintain the public transport system and the road system) to determine conditions for the entitlement to use public transport services. This determination is made through the making of the Victorian Fares and Ticketing Conditions (VFTC). The VFTC is a legislative instrument that takes precedence over any other conditions relating to an entitlement to use public transport except for conditions under the TCMA or Regulations made under the TCMA. The VFTC is primarily concerned with ticketing, setting conditions for:

- the validity of tickets
- concessions and free travel
- myki and non-myki tickets
- group and other travel authorities
- ticket replacements, refunds and reimbursements
- fares, and
- train and tram zones.

In addition, the VFTC sets conditions which relate to the conduct of customers which are more specific than those in the Conduct Regulations including:

- allowable mobility aid dimensions and features
- rules for assistance animals, and
- the carriage of bicycles, other vehicles, animals, luggage, and other bulky objects.

Furthermore, the VFTC requires compliance with the Conduct Regulations as well as the Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017 (Ticketing Regulations) as a condition of travel.

2.3.2. Other legislation or regulations

The Conduct Regulations has interfaces with other legislation, as summarised in Table below. In general, the Conduct Regulations adopt definitions from other legislation or regulations for consistency, and replicate offences under other legislation so that the offences can be enforced by authorised officers and other authorised transport workers. The Conduct Regulations are also enforced using infringement notices, and the processes for infringements are governed by the *Infringements Act 2006*.

Table 0-4: Summary of interactions with other legislation or regulations

Legislation	How it relates to the Regulations
Transport (Safety Schemes Compliance and Enforcement) Act 2014	Adopts definition of "bus premises".
Road Safety Act 1986	Adopts definition of "motor vehicle".
Road Management Act 2004	Adopts definition of "infrastructure manager".
Environment Protection Act 1970	Adopts definition of "litter".
Public Health and Wellbeing Act 2008	Replicates offences relating to pandemic orders made under the *Public Health and Wellbeing Act 2008*. Adopts definition of "pandemic order".
Victoria Police Act 2013	Adopts definition of "protective services officer".
Liquor Control Reform Act 1998.	Adopts definition of "liquor".
Tobacco Act 1987	Replicates offences in the *Tobacco Act 1987* relating to smoking in or near certain premises, as well as offences occupiers and owners of vehicles and premises relating to not displaying no smoking signs. Adopts definition of "acceptable no smoking sign", "e-cigarette", "tobacco product".
Disability Discrimination Act 1992 (Commonwealth)	Adopts definition of "assistance animal".
Road Rules 2017	Adopts definition of "bicycle", "park", "stop", "wheelchair", "wheeled recreational device", "wheeled toy", "parking control sign", and "traffic control device".
Crimes Act 1958	Replicates some offences under these Acts to allow authorised officers and other authorised personnel to enforce those offences (e.g. offensive behaviour, property damage, graffiti, and reckless endangerment).
Summary Offences Act 1966	
Graffiti Prevention Act 2007	
Infringements Act 2006	Governs the process for issuing and serving infringement notices for offences.

2.4. Roles and responsibilities – Compliance monitoring and enforcement

There are a number of government and non-government entities with roles and responsibilities relevant to the Conduct Regulations.

Entity	Roles and responsibilities relevant to these regulations
Department of Transport and Planning	- Responsible for reviewing the Conduct Regulations and recommending any changes - Appoints Authorised Officers to enforce these (and other) Regulations. Authorised Officers are Authorised Persons (Conduct) and can enforce these Regulations.

Entity	Roles and responsibilities relevant to these regulations
	- Oversight over regulatory operations - Conducts enforcement activities (infringements, prosecutions etc) related to non-compliance with the Regulations
Metro Trains Melbourne	- Employs Authorised Officers, and other staff who are Authorised Persons (Conduct) e.g. train drivers, station staff - First point of response for conduct incidents, and for rectifying some harms (e.g. graffiti, damage to equipment)
Yarra Trams	- Employs Authorised Officers, and other staff who are Authorised Persons (Conduct) e.g. tram drivers - First point of response for conduct incidents, and for rectifying some harms (e.g. graffiti, damage to equipment)
V/Line	- Employs Authorised Officers, and other staff who are Authorised Persons (Conduct) e.g. train drivers, station staff - First point of response for conduct incidents, and for rectifying some harms (e.g. graffiti, damage to equipment)
Police and Protective Services Officers	- Police and PSOs are Authorised Persons (Conduct) and can enforce these Regulations. - Police will often be called on to deal with more serious situations (such as assault) that are outside the scope of these regulations.

3. Nature and extent of the problem

Unsafe and inappropriate conduct on public transport creates a range of harms that affect safety, infrastructure, accessibility, and amenity. These harms range from immediate impacts to individuals using public transport to broader effects on the public transport network.

This chapter of the RIS characterises the nature and extent of the problems and risks associated with unsafe and unacceptable conduct on public transport.

The first section identifies the unsafe and inappropriate behaviour that leads to harms. The second section then describes what would happen in the context of no Conduct Regulations. The next section then looks at the case for government intervention.

The final section of this chapter examines some broader problems and matters that are present with the current Conduct Regulations.

3.1. Inappropriate behaviour on public transport that leads to harms

This section outlines a range of inappropriate and undesirable behaviours in and around public transport, and the harms caused by these behaviours. These behaviours will be broadly grouped along the following categories of harms that those behaviours result in.

- Reduction in safety for individuals and other passengers from unsafe behaviours
- Reduction in amenity from a range of behaviours
- Reduction in accessibility through behaviours relating to the use of space
- Reduction in safety, amenity, and accessibility as a result of deliberate property damage

In the sections that follow, data will be provided on the number of infringement notices issued to persons for offences against the current Conduct Regulations.

Authorised officers are granted powers to issue reports of non-compliance to persons for contravening the Conduct Regulations, which are then referred to the Department of Transport and Planning. Upon review of the details of a report of non-compliance, the Department may issue an infringement notice to the person.

Where available, relevant incident data and complaints data recorded and classified by the Department of Transport and Planning and public transport operators have been included to provide additional context as to the extent of the problems identified.

While the data provided is indicative of the frequency by which persons engage with certain behaviours on public transport, the data likely underestimates the actual number of instances of the behaviour occurring.

In relation to infringements, not all offences are detected due to the limited resources in employing authorised officer to detect non-compliance with the Conduct Regulations. Offences detected also reflect operational decisions about where to focus the enforcement efforts of authorised officers.

Additionally, incident data and complaints data are dependent on the level at which public transport operators and the general public are able to observe or report certain incidents and/or behaviour.

3.1.1. Unsafe behaviour

Unsafe behaviour is behaviour that threatens the safety of people including the individual engaging in the behaviour as well as passengers, staff, or others. This behaviour may be reckless or intentional.

3.1.1.1. Reckless behaviour

Interfering with doors (e.g., holding doors open, forcing doors) creates immediate safety risks, such as crushed fingers and can cause delays by preventing the public transport vehicle from proceeding on its journey.

Unsafe use of recreational devices on public transport vehicles (e.g., riding bicycles or skateboarding on a train) creates risks of injury for the individual and others if the person falls, or collides with someone else. This can also cause inconvenience for other public transport users as they may have to avoid the rider.

Table shows the number of infringements issued from 2017 to 2024 in relation to reckless unsafe behaviour described above.

Table 0-5: Infringements issued for reckless unsafe behaviour

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Interference with gates and doors	266	236	158	47	131	280	359	401	**1,878**
Riding bicycles etc. on public transport vehicles	15	9	2	1	5	8	18	13	**71**

Source: Department of Transport and Planning

As shown in Table , there was a total of 1,878 infringement notices issued in relation to interference with gates and doors. In addition, the number of infringements issued for riding a bicycle, wheeled recreational device or wheel toy was 71 over the same period. While the number of infringements issued for riding bicycles etc. on public transport vehicles is relatively lower than the number of infringements issued in relation to interference with gates and doors, Table highlights that this type of conduct still regularly occurs on the public transport vehicles.

Table show the number of incidents classified as forcing or holding public transport vehicle doors on metropolitan trains and trams for the period from 2018 to 2024.

Table 0-6: Incidents classified as forcing or holding public transport vehicle doors on metropolitan trains and trams

	2018	2019	2020	2021	2022	2023	2024	Total
Metro Train	21	19	6	10	6	21	10	**93**
Tram	0	12	11	20	26	11	20	**100**
Total	**21**	**31**	**17**	**30**	**32**	**32**	**30**	**193**

Source: Department of Transport and Planning

As shown in Table , there were a total of 193 incidents recorded by public transport operators in relation to forcing or holding a public transport vehicle door on metropolitan train and trains, with the total number of incidents generally evenly distributed across the years, ranging from 17 to 32 incidents recorded per year.

3.1.1.2. Intentional behaviour

There are a range of intentional behaviours that can cause harm to passengers of public transport. Carrying dangerous items (e.g. combustible materials or explosives) creates risks to the individual and to others on or near public transport.

Protruding body parts or objects from vehicles or platforms create immediate safety risks to the individual and to others due to the speed of the vehicle and the proximity to other objects (e.g. tunnels, poles, other vehicles).

Throwing or dropping objects (e.g. rocks) at or from vehicles creates direct safety risks to people and property. These risks can be severe (e.g. an object dropped onto a bus or tram which damages the windshield and leads to a crash.

Traveling in unauthorised locations (e.g., on the outside of a public transport vehicle) creates severe safety risks to the individual involved and can cause the driver to be distracted.

Entering or leaving a public transport vehicles or premises in an unauthorised or unsafe manner can have serious consequences. This includes the risks of injury when leaving a vehicle that is still in motion or when attempting to leave a vehicle that has not stopped at a suitable location for persons to disembark.

Table shows the number of infringements issued from 2017 to 2024 in relation to intentional unsafe behaviours described above.

Table 0-7: Infringements issued for intentional behaviour

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Conveying or bringing things likely to injure or endanger	6	4	3	0	4	1	6	3	**27**
Protruding part of body or object	0	1	1	0	0	1	0	0	**3**
Throwing or dropping things	0	0	1	0	0	0	0	1	**2**
Travelling or mounting places not intended for travel	1	1	1	0	0	0	0	0	**3**
Unauthorised entering and leaving vehicles and premises	185	167	145	60	142	276	306	286	**1,567**

Source: Department of Transport and Planning

As shown in Table , it is clear that unauthorised entering and leaving vehicles and premises continues to make up the majority of intentional unsafe behaviour engaged by persons on public transport, with a total of 1,567 infringements issued over the period from 2017 to 2024. Infringements for conveying or bringing things likely to injure or endanger onto a public transport vehicle or premises was issued 27 time over the same period. The number of infringements issued for protruding part of body or object (three infringements), throwing or dropping things (two infringements), and travelling or mounting placed not intended for travel (three infringements) were relatively low over the period from 2017 to 2024.

Table shows the number of incidents classified as object thrown at transport vehicle by transport mode for the period from 2018 to 2024.

Table 0-8: Incidents classified as object thrown at public transport vehicle by transport mode

	2018	2019	2020	2021	2022	2023	2024	Total
Bus	14	2	15	73	54	42	17	**217**
Metro Train	32	33	22	44	42	33	46	**252**
V/Line	54	39	35	23	14	52	43	**260**
Tram	0	49	43	75	62	71	54	**354**
Total	**100**	**123**	**115**	**215**	**172**	**198**	**160**	**1,083**

Source: Department of Transport and Planning

As shown in Table , there were 1,083 recorded incidents relating to an object thrown at a public transport vehicle. The incident data shows that engaging in conduct of throwing objects at public transport vehicles is more widespread than what is suggested by the infringements data. This highlights the difficulty for authorised officer and public transport operators to identify where an object has been thrown from and by whom, particularly if a public transport vehicle is in motion.

Table shows the number of incidents classified as coupler riding and train surfing on metropolitan trains for the period from 2018 to 2024.

Table 0-9: Incidents classified as coupler riding and train surfing on metropolitan trains

	2018	2019	2020	2021	2022	2023	2024	Total
Coupler riding	**111**	**79**	**52**	**92**	**112**	**130**	**384**	**960**
Fatality	0	0	0	0	0	0	1	**1**
Serious injury	0	0	0	0	0	0	0	**0**
Train surfing	**2**	**8**	**3**	**6**	**4**	**3**	**7**	**33**
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	0	0	0	0	0	0	0	**0**

Source: Department of Transport and Planning

As shown in Table , there was a total of 960 recorded incidents of coupler riding and 33 recorded incidents of train surfing on metropolitan trains for the period from 2018 to 2024. One fatality was recorded in 2024 for coupler riding.

In addition to the direct risks to the individual and others, the behaviours described above can lead to secondary impacts. For example, the driver may have to stop the vehicle as a consequence of the behaviour, or the behaviour may cause an emergency incident which lead to delays for other commuters and potentially for drivers on the road if the incident occurs on a road. Furthermore, these behaviours could lead to vehicle or other property damage, requiring repairs; which could lead to further delays as vehicles are taken out of service.

Failure to wear required personal protective equipment such as face coverings during a pandemic increases public health risks and reduces the perception of the safety of public transport for other users. On the other hand, the inconvenience of wearing a mask may deter people from taking trips on public transport. During the COVID-19 pandemic, a total of 78 infringement were issued in 2022 for failure to wear a face covering when required.

3.1.1.3. Using private vehicles outside of designated areas

Using private vehicles or devices in unauthorised areas, or contrary to signage and direction by unauthorised persons can create safety risks and cause accessibility issues. For example, riding bicycles or skateboards on train platforms can cause safety issues, increasing the likelihood of endangering or injuring themselves and other public transport users; similarly, parking in areas not designated for parking may reduce the accessibility of transport infrastructure for other users or cause unsafe obstructions.

Table shows the number of infringements issued from 2017 to 2024 in relation to driving, riding or parking a vehicle or wheeled recreational device on public transport premises.

Table 0-10: Infringements issued for driving, riding or parking a vehicle or wheeled recreational device on public transport premises

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Driving, riding or parking a vehicle on public transport premises	1	18	16	6	14	42	29	13	**139**

Source: Department of Transport and Planning

As shown in Table , there was a total of 139 infringement issued for the use of vehicles and wheeled recreational devices outside designated areas for the period from 2017 to 2024.

3.1.1.4. Interaction with tracks

Unauthorised vehicle crossings at level crossings create severe safety risks, as trains and trams are very heavy and often travel at high speeds with the expectation that the tracks will be clear. Trains and trams have significant momentum and kinetic energy and cannot slow down or stop quickly. Collisions with road vehicles can therefore do significant damage to the vehicle and can kill or injure its occupants. The collision can also cause damage to the train or tram and can cause it to decelerate rapidly or to derail, which can lead to significant injuries and even fatalities. A level crossing collision will likely also lead to an emergency response and can cause significant knock-on delays across the network and the broader transport system if the train or tram track as well as the road cannot be used for a period of time.

Unsafe track crossings by pedestrians also presents immediate risks. Pedestrians struck by a train or tram on a level crossing are likely to either be killed or to sustain severe injuries. The resulting emergency response can also lead to delays on the network.

Accessing the tracks when not authorised to do so (e.g. entering the tracks or the pit between platforms) creates severe safety risks and causes service disruptions in the same way as unsafe pedestrian track crossings. Furthermore, if a person is known to be on the tracks, services through those tracks will be suspended for the duration of the trespassing, necessitating an emergency response to remove the person from the tracks and potential network-wide delays while the emergency operation is ongoing.

Table shows the number of infringements issued for crossing tracks and level crossings for the period from 2017 to 2024.

Table 0-11: Infringements issued for crossing tracks and level crossings

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Crossing tracks by pedestrians	515	400	267	60	38	68	45	56	**1,449**
Driving or riding across tracks	0	0	0	1	0	1	0	0	**2**
Stopping or standing on crossings between boom gates	12	8	3	0	2	2	1	0	**28**
Entering a pit between platforms or entering onto tracks	20	23	17	15	10	28	21	30	**164**

Source: Department of Transport and Planning

As shown in Table , there was 1,479 infringements issued to drivers, riders and pedestrians in relation to crossing tracks in an unsafe manner over the period from 2017 to 2024. However, the number of infringements issued for crossing tracks in an unsafe manner has decreased from 515 infringements issued in 2017 to 56 infringements issued in 2024. This is likely due to the Level Crossing Removal Project, that has seen the removal of 84 level crossing to date, subsequently reducing the number of level crossings that can be accessed by vehicles and pedestrians. Infringements issued for entering a pit between platforms or entering onto tracks has not seen the same decline in infringements, with 30 infringements issued in 2024 compared to 20 infringements issued in 2017 (a total of 164 infringements were issued over the period for this conduct).

Incident data provides additional context around the consequences associated with the public's interaction with railways tracks and crossings.

Table shows the number and outcomes for incidents classified as metropolitan train collisions with persons at level crossings, railway stations and other places, for the period from 2018 to 2024.

Table 0-12: Incidents classified as metropolitan train collisions and near misses with persons

	2018	2019	2020	2021	2022	2023	2024	Total
At level crossing	**1**	**2**	**1**	**0**	**2**	**0**	**1**	**7**
Fatality	0	1	0	0	0	0	0	**1**
Serious injury	0	0	0	0	0	0	0	**0**
Near miss	0	0	1	0	2	0	1	**4**
At railway station	**12**	**9**	**5**	**6**	**5**	**4**	**12**	**53**
Fatality	0	0	0	0	0	0	1	**1**
Serious injury	1	2	1	1	0	1	2	**8**
Near miss	0	1	0	1	0	0	0	**2**
At place other than railway station or level crossing	**3**	**17**	**7**	**7**	**11**	**8**	**10**	**63**
Fatality	0	1	0	0	0	0	1	**2**
Serious injury	0	1	0	0	0	0	0	**1**
Near miss	2	14	7	4	10	8	9	**54**

Source: Department of Transport and Planning

Table shows that, during the period from 2018 to 2024, a total of seven incidents of train collisions and near misses with persons at levels crossings was recorded, with one collision leading to a fatality. Over half of these seven incidents were near misses (four near misses out of seven incidents). At railway stations, a total of 53 incidents of train collisions and near misses with persons was recorded, with one collision leading to a fatality and eight collisions leading to serious injury. At places other than a railway station or level crossing (e.g. in a section of train track), a total of 63 incidents of train collisions and near misses with persons were recorded, with two collisions leading to a fatality and one collision leading to a serious injury.

Also shown in Table is that most metropolitan train collisions and near misses with persons occurred at railways stations or places other than a railway station or level crossing over the period from 2018 to 2024. Note, however, that the majority of incidents recorded in relation to train collisions with persons at places other than a railway station or level crossing were near misses (54 near misses out of 63 incidents recorded). In contrast, there were only two near misses out of 53 incidents recorded in relation to train collisions with persons at a railway station.

Table shows the number and outcomes for incidents classified as metropolitan train collisions with vehicles at level crossings, railway stations and other places, for the period from 2018 to 2024.

Table 0-13: Incidents classified as metropolitan train collisions and near misses with vehicles

	2018	2019	2020	2021	2022	2023	2024	Total
At level crossing	**69**	**29**	**24**	**30**	**16**	**32**	**30**	**230**
Fatality	0	0	0	0	0	0	1	**1**
Serious injury	1	0	0	0	0	0	0	**1**
Near miss	64	21	22	26	13	26	27	**199**
At railway station	**0**	**0**	**0**	**0**	**1**	**0**	**2**	**3**

	2018	2019	2020	2021	2022	2023	2024	Total
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	0	0	0	0	0	0	0	**0**
Near miss	0	0	0	0	0	0	2	**2**
At place other than railway station or level crossing	**9**	**4**	**6**	**12**	**7**	**4**	**5**	**47**
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	0	0	0	0	1	0	0	**1**
Near miss	8	3	4	8	5	3	4	**35**

Source: Department of Transport and Planning

As shown in Table , during the period from 2018 to 2024, the majority of incidents recorded in relation to train collisions and near misses with vehicles occurred at level crossings, and reflects the fact that the transport network for vehicles and trains overlaps at level crossings. A total of 230 incidents of train collisions and near misses with vehicles at level crossings were recorded, with one collision leading to a fatality and one collision leading to a serious injury. The majority of the 230 incidents recorded, however, were near misses (199 near misses out of 230 incidents recorded).

Additionally, Table shows that, at railway stations, there was a total of three incidents recorded of train collisions and near misses with vehicles, with no fatalities or serious injuries recorded. At places other than a railway station or level crossing, a total of 47 incidents of train collisions and near misses with vehicles were recorded, with one collision leading to a serious injury. Note that about 75 per of the incidents recorded relating to train collisions with vehicles at places other than a railway station or level crossing were near misses (35 near misses out of 47 incidents recorded).

3.1.2. Behaviour that reduces the amenity of public transport

Various anti-social behaviours can interfere with other user's comfort and enjoyment of public transport, ranging from minor nuisances or annoyances to more serious violations that directly threaten the safety of other users.

Examples of behaviour that reduces the comfort of other public transport users include:

- playing musical instruments, playing music or otherwise creating excessive noise that disturbs other users,
- annoying other people or committing a nuisance,
- selling goods or services, busking, or soliciting money or goods from others,
- consuming strong-smelling food or carriage of other items that annoy or disturb others, and
- soiling furniture with muddy shoes, food and drink or other items.

Examples of behaviours that are more serious and potentially threaten the safety of other users include offensive, threatening, disorderly or riotous conduct. Smoking in or near public transport vehicles and premises exposes other people to smoke, and therefore creates a health hazard for those people, while this may be minor in a particular instance, this behaviour cumulatively increases the burden of disease.

Some behaviours may, depending on specific circumstances, cause either relatively minor or significant consequences for the amenity of other users. For example, bringing an animal onto public transport may cause a relatively minor loss of amenity for some users, or could result in serious injury, for example if an unrestrained and un-muzzled dog attacked another person. Similarly, litter may cause a minor loss of amenity (e.g. a discarded food wrapper) or may cause a safety hazard if the litter is dangerous or causes a slip or trip

hazard. Spitting on public transport vehicles or premises reduces amenity for other users, while spitting at another person is a more serious harm as it violates the person's expectation of bodily integrity and respect for the individual.

Behaviours such as littering or not cleaning up after an animals can create additional requirements for cleaning and may reduce the capacity of the system if vehicles must be taken out of service for unscheduled cleaning.

Table shows the number of infringements for some of the example behaviours, as described above, that reduce amenity for the period from 2017 to 2024.

Table 0-14: Infringements issued for behaviour that reduces amenity

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Animals on vehicles/premises	1	1	4	0	0	5	1	3	**15**
Indecent, obscene, etc. language and behaviour	497	494	433	143	217	354	358	340	**2,836**
Littering	48	44	52	20	21	41	54	59	**339**
Placing luggage as directed	0	0	0	1	0	0	0	0	**1**
Playing musical instrument or operating sound equipment	3	4	5	1	0	4	3	1	**21**
Selling and busking	12	1	0	0	2	4	3	0	**22**
Smoking	535	365	265	84	166	328	344	264	**2,351**
Spitting	10	12	15	4	2	12	2	6	**63**

Source: Department of Transport and Planning

As shown in Table , the majority of infringements issued over the period from 2017 to 2024 were for behaviours related to the use of indecent, obscene etc. language and behaviour, with 2,836 infringements issued. This is followed by smoking (2,351 infringements) and littering (339 infringements) over the same period. Less common infringements issued for behaviours that reduce amenity include spitting (63 infringements), selling and busking (22 infringements), playing musical instrument or operating sound equipment (21 Infringements), bringing animals on public transport vehicles or premises (15 infringements), and failing to place luggage as directed (one infringement).

Incident data shows behaviour that is more serious and potentially threatening to the safety of other users include assault and unruly behaviour.

Table shows the number of incidents classified as assault involving staff and/or passengers by transport mode for the period from 2018 to 2024.

Table 0-15: Incidents classified as assault involving staff and/or passenger by transport mode

	2018	2019	2020	2021	2022	2023	2024	Total
Bus	**32**	**20**	**33**	**240**	**296**	**397**	**373**	**1,391**
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	2	3	5	5	6	6	11	**38**
Metro Train	**459**	**689**	**576**	**618**	**890**	**939**	**1,049**	**5,220**

	2018	2019	2020	2021	2022	2023	2024	Total
Fatality	0	0	1	0	0	0	0	**1**
Serious injury	3	6	6	3	11	7	13	**49**
V/Line Train	**724**	**676**	**492**	**639**	**766**	**830**	**896**	**5,023**
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	4	7	6	13	11	17	21	**79**
Tram	**0**	**383**	**525**	**663**	**688**	**583**	**925**	**3,767**
Fatality	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Serious injury	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Total	**1,215**	**1,768**	**1,626**	**2,160**	**2,640**	**2,749**	**3,243**	**15,401**

Source: Department of Transport and Planning

From the available data shown in Table , there was a total of 15,401 incidents of assault recorded across the public transport network, with 166 incidents leading to serious injury and one incident leading to a fatality. Details of whether a fatality or serious injury occurred were not recorded across the tram network.

Table shows *the number of incidents classified as unruly behaviour by transport mode for the period from 2018 to 2024.*

Table 0-16: Incidents classified as unruly behaviour by transport mode

	2018	2019	2020	2021	2022	2023	2024	Total
Bus	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Fatality	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Serious injury	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Metro Train	**870**	**950**	**989**	**1,066**	**1,327**	**1,395**	**1,546**	**8,143**
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	1	4	4	2	3	2	3	**19**
V/Line Train	**463**	**377**	**313**	**450**	**681**	**853**	**1,007**	**4,144**
Fatality	0	0	0	0	0	0	0	**0**
Serious injury	0	0	0	0	2	2	0	**4**
Tram	**0**	**1,533**	**1,542**	**1,925**	**1,760**	**2,067**	**2,435**	**11,262**
Fatality	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Serious injury	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Total	**1,333**	**2,860**	**2,844**	**3,441**	**3,768**	**4,315**	**4,988**	**23,549**

Source: Department of Transport and Planning

From the available data shown in Table , there was a total of 23,549 incidents of unruly behaviour recorded for metropolitan trains, V/Line and trams, with 23 incidents leading to serious injury and no incidents leading to a fatality. Details of whether a fatality or serious injury occurred were not recorded across the tram network. No incident data in relation to unruly behaviour was recorded across the bus network.

The Department of Transport and Planning also records complaints in relation public transport matters. In particular, complaint records show there were approximately 1,300 complaints made in relation to smoking and vaping across the public transport network (bus, train and tram) over a 10-year period from 2015 to 2024. Complaints records also show there were approximately 90 complaints made in relation to the use of music on the public transport network over the same 10-year period.

3.1.3. Behaviour that reduces the accessibility of public transport

3.1.3.1. Creating obstructions

Creating obstructions affects accessibility, as it affects the ability of other people, especially people with reduced mobility to access public transport effectively. Creating obstructions can also cause immediate safety risks (e.g. a tripping hazard) or can exacerbate risks during emergencies if they stop or slow people from exiting a dangerous area or situation, or impede access by emergency services.

Table shows the number of infringements issued for behaviours that create obstructions, for the period from 2017 to 2024.

Table 0-17: Infringements issued for creating obstructions

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Carriage of bicycle in first door of train	4	2	3	0	1	1	3	2	**16**
Creating obstructions	0	2	0	0	0	3	0	0	**5**

Source: Department of Transport and Planning

As shown in Table , there were a total of 16 infringements issued for carrying a bicycle in the first door of the first carriage of a train, and five infringements issued for creating an obstruction (on any public transport vehicle or premises), for the period from 2017 to 2024.

3.1.3.2. Inconsiderate use of seats and priority areas

Seats are provided on public transport for users; however, priority is given to users with additional mobility needs. If passengers use additional seats (e.g. by placing their feet on an adjacent seat or spreading belongings such as backpacks across seats) this prevents others from sitting in those additional seats. This reduces other users' access to public transport, especially those with reduced mobility. This behaviour is particularly problematic during peak periods, when the system is operating at or near capacity.

Sitting or otherwise using priority seating areas when these are required by users with reduced mobility directly reduces the accessibility of public transport for the most vulnerable users. It also creates safety risks for them, as they may not be able to safely sit elsewhere (e.g. wheelchair users may not be able to safely use the seating provided for other users, and elderly people may not be sufficiently mobile to access other seating before the vehicle begins to move).

Table 0-18 shows the number of infringements issued for behaviours that affect seating amenity on public transport vehicles, for the period from 2017 to 2024.

Table 0-18: Infringements issued for seating

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Animals on seats	1	0	0	0	1	1	1	1	**5**
Feet on seats or other furniture	10,548	8,523	6,465	1,940	4,545	6,429	7,097	5,267	**50,814**
Occupying unreserved seat	0	1	0	0	0	0	0	1	**2**

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Unauthorised travel and seating	1	0	0	0	3	9	35	26	**74**

Source: Department of Transport and Planning

As shown in Table 0-18, there was a significant number of infringements issued for feet on seats, with 50,814 infringements issued for this behaviour over the period from 2017 to 2024. During the same period, there were 74 infringements issued for unauthorised travel and seating, whereby a person occupies a seat or compartment on a public transport vehicle in contravention of any conditions of travel. Less common infringements issued relate to placing an animal on seat in a way that it prevents another person from using a seat (five infringements) or otherwise occupying an unreserved seat (e.g. placing a bag on an unoccupied seat) (two infringements).

3.1.3.3. Use of intoxicating substances

The use of intoxicating substances including alcohol and other legal or illegal substances on public transport can create direct risks to the user of the substance (e.g. overdose). Consumption of intoxicating substances can also lead to reduced inhibitions, or distorted perceptions of reality and reasonable behaviour, which can increase the likelihood that the person will engage in any of the harmful behaviours discussed above (e.g. indecent behaviour, unsafely entering and exiting vehicles, littering, damage and vandalism).

Table 0-19 shows the number of infringements issued for drinking liquor or possessing an open container of liquor for the period from 2017 to 2024.

Table 0-19: Infringements issued for liquor

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Drinking liquor or possessing open container of liquor	621	483	377	137	242	413	525	332	**3,130**

Source: Department of Transport and Planning

As shown in Table 0-19, a total of 3,130 infringements were issued for drinking liquor or possessing an open container of liquor on public transport vehicles or premises for the period from 2017 to 2024.

3.1.4. Interference and damage of infrastructure and equipment

3.1.4.1. Misuse of equipment

The misuse of equipment creates multiple risks. For example, unauthorised operation of public transport vehicles by members of the public pose immediate safety risks as members of the public will generally not have the specialist skills to operate large and complex public transport vehicles. The unauthorised operation of vehicles by members of the public is likely to lead to a risk of injuries or fatalities to people onboard and outside of the vehicle, as well as risk of damage to the vehicle itself or to surrounding infrastructure and property (e.g. a bus could hit another car, or a train could derail). This can in turn lead to emergency responses and repairs, which in turn cause delays and reductions in system capacity while emergency services access the incident or while vehicles and infrastructure is repaired.

Similarly, the inappropriate use of emergency brakes can cause a public transport vehicle to rapidly decelerate, risking injuries or even fatalities for people onboard. Furthermore, this may lead to damage to the vehicle, as well as follow-on emergency responses. In the most benign cases, inappropriate emergency brake use will lead to delays for customers.

Table shows the number of infringements issued for operating bus or equipment in or on the bus for the period from 2017 to 2024.

Table 0-20: Infringements issued for operating bus or equipment

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Operating bus or equipment	0	1	1	0	0	0	0	1	**3**

Source: Department of Transport and Planning

There was a relatively low number of infringements issued for operating bus or equipment in or on a bus, with Table showing only three infringements issued for the period from 2017 to 2024.

3.1.4.2. Equipment damage and interference

Damage to or interference with public transport equipment compromises the functionality and safety of the public transport system. Damaging certain safety-critical infrastructure or equipment (e.g. rail signals, doors, vehicle brakes, emergency call buttons) can lead to severe risks to safety if these systems fail. Furthermore, this damage can be expensive and time-consuming to repair, leading to vehicles or sections of tracks being out of service and thus causing delays.

Offences relating to interference with gates and doors is a common occurrence on the public transport network and also relates to reckless unsafe behaviour. As mentioned in Section 3.1.1, there was a total of 1,878 infringements issued in relation to this offence.

Even if damage does not cause immediate safety incidents and is not immediately detected, it may nonetheless introduce a greater risk of failure of that equipment when placed under stress or strain. The equipment failure could happen later, due to a build-up of physical stresses in the equipment itself or due to stress on the system overall (e.g. high loads, or signal failures), and could initiate a cascading failure (e.g. issues with damaged or tampered signals could force large parts of the rail network to stop operating, leading to overcrowding on trams, buses and other transport systems, which may in turn be delayed). An incident could also exacerbate an existing failure cascade (continuing the example above, if a tram is more heavily loaded than it would otherwise be due to issues on the rail network, this may place additional mechanical strain on a piece of equipment that has been damaged, which forces the tram to stop).

Damaging other, functional elements of the system such as lifts, ticket barriers, lighting and seats can reduce the ability of the public transport system to deliver services as expected and can lead to a loss of accessibility for commuters and reductions in capacity and timeliness of services.

3.1.4.3. Property damage

Deliberate damage to property by vandalism and graffiti degrades the amenity of public transport, reducing the comfort and enjoyment of public transport for other users. This loss of amenity can reduce people's willingness to use public transport, thereby reducing the benefits of public transport use and contributing to additional road use and the harms related to additional road use. Further, vandalism and graffiti lead to costly and time-consuming repairs and cleaning, further increasing costs and potentially reducing capacity on the network, depending on the severity of the damage.

Causing fires on public transport vehicles or premises can lead to burns or smoke inhalation and can lead to property damage, emergency responses as well as repairs and cleaning; all of which can further contribute to delays and system disruptions.

Table 0-21 shows the number of infringements issued that relate to damaging property, including specific types of damage, such as fires, graffiti, and scratching or burning

Table 0-21: Infringements issued for property damage

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Damage to property	0	1	3	0	1	0	2	0	**7**
Fires	4	6	5	0	1	3	2	2	**23**

	2017	2018	2019	2020	2021	2022	2023	2024	Total
Graffiti	5	4	1	1	2	1	4	11	**29**
Scratching or burning	0	0	0	0	0	0	0	1	**1**

Source: Department of Transport and Planning

As shown in Table 0-21, offences relating to graffiti (29 infringements) followed by fire (23 infringements) were the most common infringements issued in relation to property damage for the period from 2017 to 2024. There were seven infringements issued for the conduct of relating for property damage, which covers destruction, damage or defacement of property. Only one infringement was issued for scratching or burning over the same period.

As evidence of property damage are often found after the fact, incident data can provide a more complete picture of the actual frequency of property damage occurring on the public transport network, particularly in relation to graffiti.

Table shows the number of incidents recorded in relation to graffiti by transport mode for the period 2018 to 2024.

Table 0-22: Incidents classified as graffiti by transport mode

	2018	2019	2020	2021	2022	2023	2024	Total
Bus	n/a	n/a	n/a	n/a	n/a	n/a	n/a	**n/a**
Metro Train	273	253	427	579	619	870	1,039	**4,060**
V/Line Train	588	477	322	240	455	435	582	**3,099**
Tram	0	904	912	843	678	455	573	**4,365**
Total	**861**	**1,634**	**1,661**	**1,662**	**1,752**	**1,760**	**2,194**	**11,524**

Source: Department of Transport and Planning

As shown in Table , there were 11,524 incidents recorded in relation to graffiti across the train and tram network over the period from 2018 to 2024. The difference in the number of infringements issued compared with the number of incidents recorded for graffiti-related property damage demonstrates the difficulty in capturing persons engaging in the conduct for graffiti-related property damage – evidence of graffiti is typically found after the person has left the vehicle or premises. No incident data in relation to graffiti was recorded across the bus network.

In addition to infringements and incidents, the Department of Transport and Planning also records complaints in the relation to graffiti and vandalism. Over a 10-year period from 2015 to 2024, there were approximately 4,500 complaints relating to graffiti and vandalism across the public transport network (bus, trains and trams).

3.2. The residual problem if the Conduct Regulations expired

The base case is what would occur if the existing Regulations were allowed to expire without replacement. The base case includes all other controls and systems that manage inappropriate conduct relating to public transport. Specifically, the base case includes the operation of the TCMA and VFTC, and transport system operations that do not depend on the Conduct Regulations (e.g. signalling, ticketing, and routine maintenance). Furthermore, there are existing physical and technical controls as well as social and personal incentives to behave appropriately on or around public transport.

In the base case, there would be 'residual problems' that are not adequately dealt with by technical controls (including infrastructure, vehicle design and surveillance systems); social norms and individual incentives

(including wilful inappropriate behaviours); operational systems (including normal and emergency system operations and monitoring and enforcement activities); and existing regulatory controls (i.e. existing legislation and regulation). These residual problems are explored in more detail below.

3.2.1. Physical Infrastructure

Physical infrastructure such as station design, fencing and track crossing barriers prevent or reduce inappropriate conduct. These systems create passive protection through their physical presence (e.g. fencing preventing access to tracks, and CCTV cameras deterring vandalism). However, these systems have significant capital and maintenance costs and take significant time to build and upgrade. This means that the process of improving physical infrastructure will take a significant investment and period of time.

Nevertheless, there have been improvements to physical infrastructure completed over time and, therefore, there have been improvements in reducing or eliminating hazards. For example, the removal of level crossings have largely eliminated the risk of a collision occurring when a person crosses railway tracks. At the same time, the infrastructure upgrades undertaken as part of a level crossing removal often makes it much more difficult to enter onto the tracks or damage equipment, especially when the rail line is elevated. Furthermore, Metro Tunnel stations, which are due to open in 2025, will have platform access doors that remove the risk of individuals entering onto the tracks from the platforms.

Improved public transport vehicle and rolling stock design also contributes to improving safety outcomes. For example, the High Capacity Metro Trains (HCMT) and X'Trapolis 2.0 train carriages are designed to enable people to walk through the train between carriages without needing to access the exterior of the train and are designed to make it difficult to ride on the outside of the train. Modern trains, trams and buses are also air-conditioned for comfort and do not have windows that open. These improvements mean that it is much more difficult for people to engage in unsafe behaviours such as protruding body parts and riding on the exterior of the vehicle.

Although infrastructure improvements and new vehicle designs have greatly improved public transport safety over time, there are situations where these measures are insufficient to fully control unsafe or otherwise inappropriate behaviours. For example, despite the use of fencing along much of the rail network, a committed individual could still enter onto the tracks by climbing over fencing or cutting a hole in fencing. Furthermore, there are places where it is currently infeasible to fully fence off railway tracks (e.g. on platforms, or in rural areas). Similarly, although vehicles are designed to not have operable windows and to be difficult to mount (e.g. by having a smooth exterior), it is still possible to break a window and protrude an object or to climb on top of a public transport vehicle. In general, infrastructure and vehicle design is not able to perfectly remove risks or opportunities for unsafe and inappropriate behaviour.

Physical infrastructure may have a limited role in reducing the incidence of behaviours that affect amenity. Some examples of offences currently contained in the Conduct Regulations include smoking, playing loud music, behaving indecently, and not controlling an animal. Similarly, physical infrastructure may be ineffective in reducing conduct that affects the accessibility of public transport. Examples include. occupying additional seats, refusing to move from priority seating on request of a person with additional mobility needs. For this type of behaviour, the Department considers that other interventions may be more appropriate to address these issues.

Upgrades to infrastructure and vehicle design are expensive and, therefore, the capacity to improve safety outcomes and amenity for passengers of public transport is constrained by the resources and timelines available to improve the design of the public transport network. So, there will always be room for future improvements to further decrease risks, and by the same token, always some amount of residual risk regardless of how well-designed the network is.

3.2.2. Social norms and individual incentives

There are established social norms about appropriate behaviour in public places and appropriate behaviour on public transport. The vast majority of public transport users adhere to the established social norms and would continue to do so without any additional incentive required. These norms include being considerate and courteous of other public transport users, including assisting others if they have additional needs. These social norms help regulate behaviour through shared expectations of appropriate conduct, which create a 'peer pressure' effect and create a risk for those considering behaving inappropriately that other members of the public will enforce these norms.

Some social norms that reinforce good conduct on public transport are:

- Being polite and considerate of public transport staff and other passengers,
- Offering a seat to users with additional needs,
- Not taking up additional space beyond what you reasonably require or creating obstructions,
- Not creating a nuisance or annoying other users with loud or offensive behaviours including playing loud music,
- Not littering on, spitting on, soiling or otherwise damaging public transport vehicles or premises,
- Not bringing unrestrained animals on public transport (unless it is a support animal), and
- Not smoking or drinking alcohol on public transport.

Aside from social norms, individuals also have strong incentives to not behave in a manner that is dangerous to themselves and may also have personal incentives to maintain their reputation or self-image. The strength of these incentives varies from person to person and over time for an individual.

Sometimes public transport users are motivated by self-interest, for example a desire for speed, convenience or personal comfort. These users may engage in behaviours such as holding automatic doors open, taking up multiple seats, littering, or listening to loud music even though these behaviours are risky, or cause delays and discomfort for other users. In general, these sorts of motivations and behaviours lead to relatively minor individual impacts, although they can sometimes cause severe harm (e.g. serious injuries). These sorts of behaviours can compound to cumulatively cause a significant degradation in the public transport network's performance and amenity for users. This behaviour can become self-reinforcing over time if it leads to a breakdown of norms as public transport users witness others not adhering to social norms.

Some individuals decide to act in ways that are not in their long-term self-interest, for example engaging in risky behaviour. For example, some people are motivated by a desire to engage in risky behaviour or 'thrill-seek', despite the risks it poses to themselves and others. These individuals may engage in risky behaviours such as "train surfing" or attaching themselves with a bicycle, skateboard or other vehicle or to the back of a tram or bus. These behaviours pose significant risk to the individual involved including serious injury or death, and force drivers of public transport, as well as others to act to avoid the risk (e.g. a public transport driver stopping the public transport vehicle or a private individual driving defensively to avoid injuring the risk-taking individual). If serious injury or death were to result from the behaviour this would trigger an emergency response from both emergency services and public transport operators. Family and friends of the risk-taking individual as well as the driver of the public transport vehicle or other witnesses may experience shock, grief and trauma as a result of the incident. These impacts may, in turn, ripple outwards to other members of the community; with significant and widespread harm ultimately caused by a risky-behaviour intended to achieve short-term exhilaration.

Certain individuals at certain times may be especially prone to engage in risky behaviour due to problems with executive function and prudent weighing of potential long-term and short-term impacts. This is especially true of:

- young people, as their capacity for high-stakes and long-term decision-making has not yet fully matured;

- intoxicated people, as their perception, decision-making, inhibitions, reaction-times and other cognitive processes can be impaired by the intoxicating substance; and
- people experiencing mental illness, as their judgement and other mental faculties may be impacted by their illness.

The Department notes that not all users follow established social norms on public transport and there can be individual incentives (for example encouragement or approval from peers) to engage in unsafe or antisocial behaviour. Furthermore, social norms can be weak or break down in certain situations. Therefore, some users of public transport require other incentives or deterrents to ensure that they do not act in an anti-social or dangerous manner. For this reason, governments have used regulatory interventions to ensure that users engage in safe and appropriate conduct.

3.2.3. Other regulatory controls

Other laws, that relate to conduct of individuals, would continue to operate in the base case. These laws are also a mechanism to deter inappropriate behaviours on public transport. The relevant laws and associated offences are described in Table 23 below. The Department considers that these laws, in isolation, are insufficient because:

- these laws do not target specific behaviours on public transport and therefore leave gaps, and
- these laws cannot be efficiently enforced by public transport staff, AOs or bus drivers.

Table 0-23: Relevant legislation and associated offences

Act	Relevant offences applying in the base case
Transport (Compliance and Miscellaneous) Act 1983	Mounting or travelling in a place not intended for travel on a public transport vehicle; inappropriate application of brake or emergency device on a public transport vehicle; operating public transport equipment without permission; stopping or attempting to stop a public transport vehicle; overdimensional vehicles crossing tracks without a permit; placing things on tracks; animals on tracks
Crimes Act 1958	Offences against the person (e.g. assault); theft and robbery; damage to property (including arson); interfering with railways; sabotage of a public transport facility; dangerous use of explosives; driving offences (e.g. dangerous driving causing death or serious injury); and failure to control a dangerous, menacing or restricted breed dog.
Summary Offences Act 1966	Trespass; bill-posting and defacing property; lighting fires in the open that result in property damage or endangering others; engaging in obscene, offensive, indecent, threatening, riotous, or threatening behaviour; and assaulting and obstructing emergency workers
Graffiti Prevention Act 2007	Marking graffiti.
Road Safety Act 1986	Driving safely around level crossings; crossing railways safely as a pedestrian; protruding objects and body parts from a vehicle; giving way, not obstructing, and keeping clear of trams and buses.

Act	Relevant offences applying in the base case
Tobacco Act 1987	Smoking in or near certain premises; and occupiers and owners of places displaying no smoking signs.
Public Health and Wellbeing Act 2008	Wearing a face mask on public transport when required by a pandemic order.
Environment Protection Act 1970	Obligation to minimise risks of harm to human health and the environment from pollution or waste, as far as reasonably practicable.

In cases where the offences in the Regulations replicate or largely replicate offences under other legislation, the primary effect of making these offences under the Regulations is to allow authorised personnel to enforce these rules. The Conduct Regulations also serve as a place to consolidate rules applying to public transport for convenience and ease of understanding for the public and authorised personnel. Some offences in the Conduct Regulations are in addition to existing offences in the base case, for example:

- rules for the carriage of bicycles on public transport;
- rules for vehicles on public transport premises;
- specifying equipment that must not be interfered with for the purposes of the Act;
- specific prohibitions relating to interfering with or operating public transport equipment (e.g. interfering with the operation of automatic doors);
- conduct which harms the amenity of other public transport users such as committing a nuisance, creating loud noises, selling and busking, spitting, bringing of animals without suitable containment or control; and
- conduct which affects the accessibility of public transport for others (e.g. using additional seats, not vacating priority areas for others with mobility needs, and occupying a reserved space).

In the base case, these behaviours would not be offences, and therefore people would be able to engage in these behaviours without any risk of official sanction.

In other cases, the Conduct Regulations extend the application of the same or similar offences under existing legislation, for example:

- prohibiting riding on the exterior of public transport vehicles and from protruding body parts and objects from public transport vehicles, in addition to existing rules prohibiting riding on the exterior of road vehicles and from protruding body parts and objects from road vehicles, and
- prohibiting smoking in or near public transport vehicles and premises, which is in addition to *Tobacco Act 1987* offences which prohibit smoking in other, similar places where the public can gather (e.g. shopping centres and sporting venues).

In these situations, the base case may involve some partial ability to enforce penalties against these behaviours.

In other cases, the Conduct Regulations make it clear that certain behaviour which is likely to constitute an offence under one or more other Acts or Regulations is an offence in relation to public transport. For example:

- conveying or bringing things likely to endanger others will generally be an offence under the Crimes Act 1958 or Summary Offences Act 1966
- throwing or dropping things from or at a vehicle or public transport premises is likely to constitute littering, property damage, endangering others, or assault;
- interfering with public transport equipment would often involve damage to property, interfering with or sabotaging railways;

– entering onto the tracks would generally involve trespassing on railway infrastructure or violating the Road Rules;

In these situations, the conduct is likely to already be illegal, but the Regulations provide a clear statement of the rules and their application to public transport, providing clarity and potentially avoiding minor gaps for certain specific behaviours that may not be fully covered by other legislation.

3.2.4. Operational systems

Operational systems play a role in influencing conduct and behaviour on public transport. These systems include emergency response systems, surveillance and monitoring systems, and staff presence on public transport and stations and other premises.

Emergency response systems incorporate multiple layers of technology for detection, communication, and response capabilities (e.g. emergency buttons, staff communication systems and automated alerts). These systems are designed to maintain safety during incidents. These systems are reactive, so while they may be able to mitigate the negative impacts of an incident after it has started, these systems are unable to prevent incidents from occurring.

CCTV surveillance systems help deter, detect and record unsafe and inappropriate conduct. Such surveillance and monitoring systems may have limited efficacy if cameras are not deployed widely across the public transport network. Surveillance and monitoring systems require significant infrastructure investment and ongoing maintenance and monitoring. To achieve their intended purpose, surveillance and monitoring systems must be complemented by the ability of authorised personnel to stop inappropriate behaviours and to enforce rules. However, CCTV footage can be an important source of evidence of unsafe and inappropriate behaviour on public transport and premises.

In combination with the surveillance and monitoring systems mentioned above, police and PSOs as well as AOs, station staff, conductors, and bus drivers monitor for inappropriate conduct. The presence of staff provides a disincentive to engage in inappropriate conduct, and staff can respond to inappropriate conduct when it arises.

However, the presence of security or operational staff is limited by resource constraints which limit coverage. It is not possible to have staff always present at all parts of the network. Furthermore, without offences prescribed in the Conduct Regulations, public transport staff would not be able to enforce compliance, and police and PSOs would be limited to enforcing against behaviour which is illegal under legislation and regulations other than the Conduct Regulations.

Operational systems such as routine system operations, repair and maintenance procedures, emergency response systems and security systems all support the safe, effective and efficient operation of the public transport network. However, relying on these systems in the absence of regulations is less effective and more costly (for example, allowing vandalism, graffiti and littering and then incurring the higher costs of more frequent cleaning and maintenance).

Although many of these systems would continue to operate in the base case, the ability to use security and operational systems to respond to inappropriate behaviour would be greatly reduced, as some inappropriate behaviours would be permitted, and because public transport staff would have no power to respond directly to the behaviours. While more serious offences would be prohibited under other legislation and would warrant police attention, many other less individually serious but more common offences would be unlikely to receive police attention. Without the regulations in place, public transport staff (including AOs) would not have powers to deal with these behaviours. This lack of enforcement would lead to a lessening of deterrence and likely an increase in inappropriate behaviours over time.

3.3. Case for government intervention

There are benefits to the community of public transport. These benefits, as well as community safety can be compromised by inappropriate conduct of individuals on or around public transport. The previous sections of this chapter examined the evidence of detrimental harms and the residual problem that would occur if there were no Conduct Regulations. If the residual problem of inappropriate conduct creates risks and harms that the Government is best placed to manage, then this supports the case for government intervention.

3.3.1. Public transport has broad benefits for Victoria

By its nature, public transport has important, unique elements that mean that the private market is likely to undersupply it without government intervention; which are explored below.

There are significant positive externalities associated with public transport; that is, while public transport has private benefits for individuals that use public transport, it also has significant benefits that flow to the broader community. Public transport is generally:

- a safer way of travelling a given distance than in a private vehicle on the road
- more energy-efficient at moving people a certain distance than non-active private transport
- less carbon-emitting than non-active private transport
- more space efficient at moving people than non-active private transport (i.e. uses less land for a certain throughput capacity)
- effective at reducing road congestion by moving people out of private vehicles,
- supportive of agglomeration benefits by allowing high density residential and commercial areas, and
- supportive of mobility for people who do not have the desire or means to use private transport options, and provides access to employment, education, recreation and socialisation

While public transport requires significant investment in infrastructure and operations, the cost of transporting an extra user is very low. Furthermore, there are network effects associated with a public transport network; that is, as the network expands or becomes more dense it becomes more useful, which drives further uptake of public transport. This means that short-term or small investments in public transport may not be worthwhile, while long-term, high-cost investments are worthwhile. The significant cost, risk and time horizon involved in public transport planning, investment and operation means that it would be unlikely that a private provider would provide the optimal amount of public transport provision without government support.

Public transport is only partially rivalrous; that is, if public transport is not approaching the capacity of the seats available, one person's use of a public transport seat does not prevent another person from also using public transport. As public transport approaches capacity it becomes increasingly rivalrous (at first for seats, and ultimately for standing space).

Public transport is in principle excludable (i.e. people can be prevented from accessing public transport without paying a fare), however the government can choose not to make public transport excludable (for example, the Melbourne CBD free tram zone).

So, public transport has significant positive externalities for the community, is only partially rivalrous and excludable, and involves significant, long-term investments that rely on network effects. These factors indicate that government is in the best position to provide public transport, and to protect its benefits from the behaviour of a small number of individuals.

3.3.2. People often lack full information about the potential consequences of their actions

People using public transport and others who may interact with it (e.g. drivers) do not have full information about the risks and potential consequences of their behaviour. This means that people may make decisions

they would otherwise not make if they had access to full information about the potential impacts of their behaviour. Individuals may lack information about potential hazards and the risks of their behaviour.

People may also be unaware of the detrimental impact of their behaviour on the comfort and amenity of other public transport users. For example, someone may enjoy listening to loud music and not be disturbed by others playing loud music; this person may not be aware or cognisant of the fact that others find this behaviour disturbing and may engage in the behaviour in the absence of the regulations and signage about the prohibition on loud music and noises.

3.3.3. Inappropriate conduct has significant detrimental affects on the wider community

Inappropriate conduct can undermine the public benefits noted above, by reducing the quality, accessibility and amenity of public transport. Inappropriate behaviour can impose significant externalities on other people and the broader community by contributing to decreased safety, accessibility and amenity as well as system delays and increased costs to operate the network. However, the individuals who cause these harms may not experience the harm themselves, so individual private incentives are not always aligned with the broader community. This means that it may be in the public interest for the government to prohibit behaviours and enforce that prohibition to better align individual incentives and therefore achieve a better outcome for society overall.

3.3.4. Conclusion: the Conduct Regulations should be remade

Government intervention to regulate conduct on public transport is justified, as:

- public transport has broad public benefits;
- its characteristics mean that it would be undersupplied by the private market;
- individuals have the ability to compromise the benefits of public transport and to create negative externalities;
- individuals whose behaviours may affect public transport lack complete information about the consequences of their actions;
- relying on other mechanisms (e.g. infrastructure improvements and public education campaigns) is more costly and is incomplete; and
- conversely, regulations can make other interventions more efficient (e.g. reinforcing social norms, allowing for operational enforcement by staff).

There is a clear case for government intervention regulating the conduct of people on and around public transport. Furthermore, there is broad support from stakeholders including public transport users, public transport operators, and the broader public for regulating the conduct of people on public transport in general, and for the existing Conduct Regulations in particular.

Therefore, the existing Regulations will be taken as a baseline of the appropriate government intervention, and opportunities for improving upon this baseline will be explored below.

3.4. Problems under existing Regulations

In reviewing the Conduct Regulations, the Department has noted that there are a range of matters in the Regulations that could be improved. The following sections outline these issues.

3.4.1. Existing regulations apply offences to bicycles but not to other vehicles

The existing regulations (r. 12) include an offence for riding a "bicycle, wheeled recreational device or wheeled toy" on a public transport vehicle. Similarly, the existing regulations (r.15) make it an offence to attach themselves or a "bicycle, wheeled recreational device or wheeled toy" to the exterior of a bus.

This creates a regulatory gap where bicycles are treated differently from other vehicles (e.g. e-scooters, hoverboards etc.). This means that riding a vehicle that is not a bicycle on public transport is not explicitly prohibited. Similarly, this means that attaching a vehicle that is not a bicycle to a bus is not explicitly prohibited.

This behaviour may be an offence under other regulations such as mounting a bus (r.15(3)), damaging property (r.20), committing a nuisance (r.27). This behaviour may also be an offence under r.268 of the Road Rules, which prohibits people from travelling in or on a part of a motor vehicle not "designed primarily for the carriage of passengers or goods".

Nonetheless, this creates a potential regulatory gap which could complicate the provision of information and the enforcement of the regulations.

3.4.2. Risk of battery fires on public transport

Batteries pose a fire hazard, with the level of risk dependent on the battery chemistry, manufacturing quality, and whether the battery has been damaged or degraded by improper use. This subchapter will focus specifically on lithium ion (Li-ion) batteries due to their ubiquity in items likely to be brought onto public transport such as smartphones, laptops, toys and electric transportation devices such as e-bikes and e-scooters.

Li-ion batteries may combust if a thermal runaway initiates. A thermal runaway is where stored electrochemical energy is released as heat, leading to further release of electrochemical energy as heat, ultimately resulting in combustion, fire, smoke and potentially explosions.[10]

A thermal runaway is more likely if the battery is low quality (e.g. has a poor battery management system), is modified by a user to perform outside of specifications (e.g. increased voltage or connected in series or parallel), damaged (e.g. crushed or punctured), stored improperly (e.g. exposed to moisture or high heat) or used incorrectly (e.g. overcharged).[11]

Li-ion battery fires are difficult to extinguish because:

- the thermal runaway process means that the battery generates its own heat and oxygen to sustain the fire, unlike other burning substances;
- they are prone to re-ignition, and the source of the combustion can be deep within the battery;
- they can have elements of class A fires (battery enclosure or surrounding materials), class B fires (volatile off-gasses and liquids), and class C fires (energised equipment);
- they can release flammable gasses and 'jet-like' flames leading to further fire or explosion risk, especially in enclosed spaces; and
- they can continue to burn for a long time.

Li-ion battery fires release toxic gases that can cause further injuries when inhaled.[12]

Of 673 total Li-ion battery fire incidents recorded in the NSW Safety of Alternative and Renewable Energy Technologies (SARET) database from 1 January 2022 to 30 June 2024 only 10 were battery electric vehicle (BEV) or hybrid vehicle fires; likely due to the higher manufacturing standards for BEV and hybrid vehicles. On the other hand, 280 of the incidents were small portable devices (e.g. powerpacks, power tools and mobile phones) and 142 of the incidents were micromobility devices (e.g. e-bikes and e-scooters).[13]

[10] https://onlinelibrary.wiley.com/doi/10.1111/ans.19218

[11] https://www.parliament.nsw.gov.au/ladocs/submissions/83057/Submission%2019%20-%20NSW%20Government.pdf

[12] https://pmc.ncbi.nlm.nih.gov/articles/PMC8534310/

[13] https://www.fire.nsw.gov.au/gallery/resources/SARET/FRNSW%20LiB%20fire%20data%20Jan-Jun%202024.pdf

The October 2024 NSW SARET Report indicates that of the 78 micromobility fires with data on their status at the time of the fire, that 48 (61.5%) were charging, 3 (4%) were recently off-charger and 27 (34.5%) were not charging. Fire Rescue Victoria have advised DTP that around 40 per cent of Li-ion battery fires happen when the battery is charging. The London Fire Brigade reported that of 73 e-bike fires in the first six months of 2023, 41 per cent are believed to have been on charge,[14] and of 102 e-scooter fire incidents in the UK (to 2023), 55 per cent were reported as on charge at the time of the incident.[15] The UK Office of Product Safety and Standards notes simply that charging Li-ion batteries is likely to be a significant contributor to thermal incidents.[16]

The NSW SARET report further indicates that at least 25% involved high-capacity batteries (over 2kWhs) and 28% had batteries that had been tampered with, repaired or replaced. The report calls attention to e-bikes used by delivery riders, which often involve replacement batteries with higher capacity or charging equipment used to accelerate charging, both of which result in higher fire risks. Similarly, the United Kingdom Government notes that while e-bikes "from established brands purchased from reputable retailers as a complete system" present a low fire risk, e-bikes used by gig economy delivery riders represent a particularly high-risk user group due to widespread use of owner-modified e-bikes.[17]

E-bikes built using aftermarket conversion kits present an additional and increased fire risk compared to Original Equipment Manufacturer (OEM)-made e-bikes, and available data shows that they are significantly more likely to experience a thermal runaway event than factory-built e-bikes[18]. This can be due to the frequent use of oversized and unregulated batteries, and high-powered motors putting strain on what are often low-quality components, and poor installation practices. E-bike conversions also often rely on aftermarket batteries and chargers that are not specifically designed to work safely with the bike's electrical system.

DTP's analysis of e-bike fires recorded in NSW and Victoria (where data is available and bikes confidently identifiable) reveal that most e-bike fires occurred on converted e-bikes and/or bikes using non-standard batteries or components, rather than OEM e-bikes with original batteries, including two e-bike fires in public transport areas in Melbourne and Sydney in 2025.

The UK Office for Product Safety and Standards (UK OPSS) found that modified e-bikes face a higher risk of spontaneous ignition compared to non-modified e-bikes, and analysing data from the London Fire Brigade (from 2017 to 2023), it found that over 75 per cent of e-bike fire incidents (where the type could be identified) involved conversion kits rather than OEM models.[19] UK OPSS testing demonstrated that batteries from conversion kits are more susceptible to thermal runaway, especially when subjected to misuse, such as using an unsuitable charger.[20]

A small number of incidents have been reported globally on public transport including:

- an e-scooter fire on a London train in 2021[21];

[14] https://www.london-fire.gov.uk/news/2023/august/new-record-high-of-e-bike-and-e-scooter-fires-in-london/

[15] https://assets.publishing.service.gov.uk/media/67a1e68dad556423b636c9c0/plev-battery-safety-report-amended.pdf (p. 27)

[16] https://www.gov.uk/government/publications/personal-light-electric-vehicle-plev-battery-safety-research/plev-battery-safety-research-executive-summary-and-conclusions

[17] https://www.gov.uk/government/publications/e-cycle-and-e-scooter-batteries-managing-fire-risk-for-premises/e-cycle-and-e-scooter-batteries-managing-fire-risk-for-premises

[18] https://www.gov.uk/government/publications/personal-light-electric-vehicle-plev-battery-safety-research/plev-battery-safety-research-executive-summary-and-conclusions

[19] Ibid.

[20] Ibid.

[21] https://www.standard.co.uk/news/london/e-scooters-banned-tube-underground-parsons-green-fire-b969837.html

- an e-scooter fire on a Barcelona train in 2022[22];
- an e-bike fire on the Toronto subway in 2023[23];
- an e-scooter explosion on a Madrid train in 2023[24];
- a battery fire on a bus in Nanjing in 2023[25];
- an e-bike fire on a London train platform in 2024[26];
- a smoking e-scooter on a Dubai train in 2024[27]
- an e-bike fire on a Melbourne train in 2025[28], and
- an e-bike fire in a Sydney train station elevator in 2025.

The existing regulations prohibit "conveying or bringing things likely to injure or endanger" (r.7) and explicitly lists "an explosive device" and "petrol contained in a fuel tank". The existing regulations do not explicitly regulate the carriage of batteries on public transport, however if there are clear signs of a degraded or failing battery, then it could be considered likely to injure or endanger. Clear signs of a degraded or failing battery include: emission of unusually high heat, strong smells, leaking fluids, unusual sounds (such as popping or hissing); changes in the shape (e.g. swelling) or colour of the battery; or performance degradation such as not fully charging or taking longer to charge than normal.[29] Nonetheless, it is possible for a Li-ion battery to combust without displaying early warning signs, or with only minimal warning.

The analysis above indicates that the highest risk batteries are those with higher capacities, and electric transportation devices such as e-bikes and e-scooters are the most likely devices with larger batteries to be brought onto public transport. The risk increases if the batteries are damaged or degraded, and the highest risk times are when the battery is being charged or discharged (used). Large unregulated batteries often used by commercial delivery e-bikes are another significant risk factor. Aftermarket e-bike conversions further increase fire risk due to the frequent use of oversized batteries, high-powered motors, poor installation practices and low-quality components.

3.4.3. Lack of e-scooter carriage rules

E-scooters are new devices, and the community is still adjusting to them. Following a trial of e-scooters from December 2021 through to October 2024, the Government permanently legalised e-scooter use while introducing safety regulations to govern their use.

E-scooters can cause obstructions or inconvenience to other passengers on public transport, but unlike bicycles, do not currently have specific regulations to manage their carriage on public transport. The VFTC permits the carriage of e-scooters provided the "comfort, access and safety of other customers is not affected". Bicycles are required to be foldable to be brought onto buses and trams and onto the first door of the first carriage of metropolitan trains.

Most e-scooters can fold and latch, and in this position are relatively compact and less likely to obstruct or inconvenience other customers. However, a small number of e-scooters cannot be folded, and these e-

[22] https://www.elnacional.cat/en/news/electric-scooters-facing-ban-barcelona-public-transport-fire-train_937461_102.html

[23] https://toronto.citynews.ca/2024/01/01/ttc-sheppard-yonge-subway-train-fire-ebike-lithium-ion-batteries/

[24] https://www.metromadrid.es/en/press-release/2023-10-27/the-community-of-madrid-will-prevent-electric-scooters-from-accessing-public-transport-to-ensure-the-safety-of-users

[25] https://www.newsflare.com/video/584932/bus-fire-caused-by-lithium-battery-leaves-2-dead-in-china

[26] https://www.london-fire.gov.uk/incidents/2024/march/sutton-railway-station-e-bike-fire/

[27] https://www.khaleejtimes.com/life-and-living/public-transport-in-uae/dubai-metro-announces-delay-as-smoke-detected-on-onpassive-station

[28] https://x.com/7NewsMelbourne/status/1900821561009111490

[29] https://www.frv.vic.gov.au/sites/default/files/2023-11/Battery-Safety-for-Consumers.pdf

https://nfcc.org.uk/our-services/campaigns/charge-safe/

scooters are more likely to obstruct or inconvenience other customers, in a similar manner to bicycles that cannot be folded.

3.4.4. Need to request priority seats

The existing regulations require a person without accessibility needs to:

- vacate priority seating for a person with accessibility needs (r.43);
- vacate other seating for a person with accessibility needs if priority seating is unavailable (r.44); and
- vacate priority areas for a person in a wheelchair (r.45).

While regulation 45 broadly refers to a person "occupying an area", both regulations 43 and 44 more narrowly refer to a person "sitting in a seat". This creates a regulatory gap where someone may be using or occupying a seat without sitting in it (e.g. by placing their bag on a seat) and not explicitly required by the regulations to make the seat available on the request of a person with accessibility needs.

There has been public discussion about the need to request priority seating[30] and whether passengers should be expected to proactively offer their seats to people with accessibility needs.

On the one hand, it can be awkward to request seats from others and may lead to the expectation that the requesting person prove that they are eligible for the seat. Requiring others to vacate those seats for a person with accessibility needs may reduce the potential for these types of awkward interactions, and may allow those with accessibility needs to sit in situations where they would not have otherwise requested a seat.

On the other hand, if there is a positive obligation to vacate seats for people with accessibility needs without the need for a request, this raises several issues:

- in the case where there are multiple people without accessibility needs sitting, how to determine which person or group of people are obliged to vacate;
- difficulty of knowing whether someone has accessibility needs, such as when the person has an invisible disability or is not visibly pregnant;
- the potential awkwardness of offering a seat to someone who does not want to be offered a seat, such as an older person who is fit and is happy to stand; and
- difficulty with demonstrating an offence has occurred, for example if the person was not aware that a person with accessibility needs boarded the public transport vehicle.

All of these interactions occur in a social environment, where different people have different information as well as different norms about appropriate behaviour. Therefore, there is a balance of factors that need to be taken into account when formulating rules for who has priority access to seating.

These issues are more straightforward in the case of people in wheelchairs, where it is clear to others that they have a specific accessibility need and require a particular space on a public transport vehicle, as they are unlikely to be able to use the general purpose seating on the vehicle.

[30] https://www.heraldsun.com.au/leader/inner-east/want-to-live-dangerously-catch-a-melbourne-train-while-youre-pregnant/news-story/e5d58ff5d7a30287aa2d614b7c56fd1b

https://www.heraldsun.com.au/leader/inner-east/commuters-should-give-up-priority-seats-for-needy-without-being-asked-says-expert/news-story/1b908d45d1b5aa7a8961d3560238988d

https://www.mamamia.com.au/pregnant-on-the-bus-dilemma/

https://substack.com/home/post/p-151149001

3.4.5. Offence for feet on seats, but no offence for soiling seats

The existing regulations (r.35) prohibit the placing of feet on seats, furniture or any other place not designed for the placing of feet, with a maximum penalty of 5 PU, and an infringement penalty of 1.5 PU. The existing regulations also provide AP(C)s and tram drivers the power to ask a person to leave a public transport vehicle if the AP(C) or tram driver reasonably believes that the person's clothing or luggage is likely to soil or damage the property of the operator or other people's property.

The primary harms associated with placing feet on seats or other furniture are:

- occupying additional seats and preventing others from using them (as discussed above in 5.6.5);
- soiling the seat or furniture, which in turn can:
    - prevent others from using the seat or furniture;
    - decrease the hygiene, comfort and amenity of other passengers; and
    - create additional cleaning and maintenance costs for operators;
- be perceived by other passengers as rude or uncivil.

Occupying additional seats can be dealt with as a separate issue, as there are many ways to occupy additional seats.

Similarly, there are many ways of soiling or damaging the seats or furniture other than placing feet on them, such as spilling food or drink or placing dirty items on the seats. The regulation allowing AP(C)s and tram drivers to ask passengers to leave public transport vehicles exists to address this issue. On the other hand, placing feet on seats may not necessarily soil the seats, for example if the person places a towel down on the seat before placing their feet on the seat.

There are other specific regulations which may be used in some circumstances where someone has soiled or damaged seats or furniture including r.20 (damaging property), r.27 (committing a nuisance or conveying things likely to annoy), r.32 (smoking), r.33 (littering), r.34 (spitting), r.37 (graffiti), and r.39(3) (removing material from animals, such as excrement). However, there is no general offence for soiling furniture, unless r.33 (littering) is interpreted more broadly than is commonly understood and to include for example mud left by dirty belongings.

Some people perceive placing feet on seats or other furniture to be rude or uncivil, apart from any other harms. That is, some people perceive the placing of feet on seats as inherently wrong, even if no one is prevented from sitting and the seat is not soiled, for example if someone were to place a towel down on the seat under their feet. Many people would nonetheless be willing to accept that people who have injuries or medical conditions that mean that putting their feet up provides considerable relief, should be allowed to do so.

In the case where someone places their feet on seats without preventing someone else from sitting and without soiling the seat, it could be argued that the penalty (between 1.5 PU to 5 PU) is disproportionate to the harms.

The behaviour of having feet on seats is clearly visible and it is therefore straightforward for AOs to issue a RONC for the behaviour, whereas it is more difficult for an AO to demonstrate that a person soiled a seat, if the soiling happened prior to their arrival. This means that there is an argument from practicality for retaining the offence, even if it only indirectly causes the key harm or soiling the seat, due to the higher degree or enforceability.

3.4.6. Unintended consequences of track crossing rules

Several minor issues were identified with the structure and wording of level crossing offences in the existing Regulations (r. 22-24).

The existing regulations:

- require that crossing tracks only occur at places provided for crossing tracks (r.22 for pedestrians and r.23 for vehicles);
- prohibit attempting to cross in certain situations such as when a train is approaching, warning lights are flashing, gates are closing, or the road or path beyond the crossing is blocked (r.22 and r.23); and
- prohibit stopping between boom gates (r.24).

While the intent of the regulations is clear, there are potential unintended consequences of the existing wording, which for the most part, do not exist in the equivalent Road Rules, in particular:

- Stopping on tracks is only prohibited between boom gates, whereas the Road Rules require drivers to "leave the level crossing as soon as the driver can do so safely" and requires pedestrians to "finish crossing without delay" if warning lights start flashing or a train is approaching etc.
- What "stopping" means for pedestrians is not clear (for example, whether momentarily stopping is "stopping" for the purpose of the regulations), whereas the Road Rules requires pedestrians to finish crossing "without delay", which may be better targeted.
- "Crossing" tracks is used in the Conduct Regulations in relation to vehicles, whereas the Road Rules focus on the more clear-cut "entering" and "leaving" of a level crossing.
- The Conduct Regulations require a pedestrian not to stop on a level crossing if the boom gates are closed, however it is safer if pedestrians do not stop on the level crossing at any time, as the boom gates and other safety infrastructure could fail, so spending the minimum amount of time on the level crossing is preferred.
- The Conduct Regulations require pedestrians not to cross when an adjacent vehicle crossing's warning signals are operating or are closed, however some pedestrian crossings operate independently of vehicle crossings, for example, when there is an island platform with two separate pedestrian crossings to allow pedestrians to cross one set of tracks while a train is passing through the other set of tracks.

3.4.7. Tram stop platform definition

The existing Regulations impose the following rules at tram stop shelters and tram stop platforms:

- no smoking; and
- requiring a face mask to be worn when required by a pandemic order.

In addition, further rules are imposed at tram stop platforms:

- banning the bringing of bicycles other than folding bicycles;
- must leave a tram only through a doorway next to the platform; and
- must not enter place between two platforms.

These rules are intended to protect safety and ensure that there is sufficient space for others to board or disembark from the tram.

The existing regulations define tram stop platforms to be:

> "a tram stop that has a raised platform other than where the platform forms part of a road".

This could be interpreted to include 'kerb extension' style tram stops where the tram stop is level with the kerb and has a raised area with a shared path. This would ban the bringing of bicycles onto areas that are clearly intended for the use of bicycles such as:

- raised sections of road on Victoria St, Richmond North;
- the shared path on Swanston Street in the CBD; and

- the shared path on High Street in Northcote.

This is contrary to the intent of the regulations, which aim to ensure there is sufficient space on tram stop platforms for people to board and disembark.

In addition, the existing definition is not as clear as it could be, as it defines "tram stop platform" in terms of having a "raised platform" and is not explicit about how "road" should be interpreted in this Regulation.

3.4.8. Broad applicability of occupying space contrary to VFTC

Under the existing Regulations, non-compliance with any condition of the VFTC on public transport vehicles may be interpreted as constituting an offence under r.47(1) with a maximum penalty of 5 PU. This could effectively make any non-compliance with the VFTC, even minor breaches such as carrying more than 32kg of luggage on a V/Line service an offence carrying a maximum penalty of 5 PU. The VFTC is not designed for all its requirements to be punishable by a fine of 5 PU.

The lack of an infringement available for this offence means that it is unlikely in practice that prosecution would be pursued for minor non-compliance.

Under the existing Regulations it is an offence to fail to comply with a request by an AP(C) to comply with a condition of the VFTC on a PT vehicle (r.47(4)), which carries a maximum penalty of 5 PU and an infringeable penalty of 1.5 PU. This second offence gives a person an opportunity to become compliant with the VFTC or to leave the PT vehicle before becoming liable for a penalty.

3.4.9. Too much discretion in intoxication powers

Under the existing Regulations (r.66(2)(b)), an AP(C) may ask a person to leave public transport premises if the person is "reasonably believed by the [AP(C)] to be so affected by alcohol or other substances that the person is likely to behave in a violent or offensive manner". There are several potential problems with this power:

- Public transport is intended to provide an alternative, affordable transport option for people who are too intoxicated to drive a vehicle, and the use of this power may prevent this;
- This power may be perceived to be too similar to repealed laws prohibiting public drunkenness and suffer from the same problems, although this focusses on violent or offensive behaviour and focusses more narrowly on public transport; and
- Use of this power requires AP(C)s to form a reasonable belief that:
    - a person is *likely* to behave in a violent or offensive manner, and
    - the person is intoxicated by alcohol or other substances, and
    - the intoxication is the *cause* of the violent or offensive behaviour;

which imposes a high evidentiary bar on AP(C)s to access the power, making its use difficult.

The formation of the reasonable belief about the likelihood of an intoxicated person engaging in violent or offensive behaviour must itself rest on the observable behaviours of the intoxicated person, as not all intoxicated people behave in a violent or offensive manner. This means that the intermediate steps of being *likely* to behave inappropriately and for this behaviour to be *caused by the effect* of substances may be extraneous and unnecessarily difficult to demonstrate.

Under the existing Regulations (r.66(2)(a) and r.66(3)), an AP(C) may ask a person to leave public transport premises if the person is "behaving in a violent, noisy or offensive manner", or has "committed an offence against the Act or these Regulations" respectively. The Regulations contain several offences that cover the behaviours likely to lead an AP(C) to the reasonably belief that a person is likely to behave in a violent or offensive manner such as:

- throwing or dropping things (r.9);

- indecent, obscene, offensive or threatening language (r.26(a));
- indecent, obscene, offensive, threatening, disorderly or riotous behaviour (r.26(b));
- committing a nuisance (r.27);
- drinking liquor or possessing an open container of liquor on public transport (r.31);
- littering (r.34); and
- feet on seats (r.35).

This means an AP(C) could rely on the clearer r.66(2)(a) and r.66(3) powers instead of the more complex r.66(2)(b) power.

4. Objectives

The objectives of the Regulations are to:

- maximise the safety of public transport;
- maximise the accessibility of public transport;
- minimise damage to equipment and property;
- maximise amenity and passenger comfort;
- minimise public transport network disruptions and delays;
- minimise restrictions on individuals; and
- minimise regulatory and other costs.

These objectives align with addressing the problems identified in chapter 3. In addition, the objectives of the policy align with the objectives stated in regulation 1 of the Regulations, which are:

a) to regulate the conduct of persons on, and in relation to, trains, trams, buses and public transport premises having regard to safety, fairness and community standards; and
b) to facilitate comfortable and convenient travel for passengers on public transport; and
c) to require persons crossing railway tracks or tramway tracks or otherwise interacting with tracks to do so in a safe manner; and
d) to require persons travelling on trains, trams and buses or being on public transport premises—
    i) to behave safely and in a way that does not cause harm, or is not likely to cause harm, to themselves or others; and
    ii) to behave in a way that does not unnecessarily disturb others; and
    iii) to use public transport equipment in a way that does not cause harm, or is not likely to cause harm, to themselves or others; and
    iv) to not damage property.

The objectives align with the general transport system objectives specified in the *Transport Integration Act 2010* (TIA), specifically:

- Social and economic inclusion (s.8);
- Economic prosperity (s.9);
- Efficiency, coordination and reliability (s.12); and
- Safety and health and wellbeing (s.13);

5. Options identification

5.1. Methodology for identifying feasible options

A RIS is required to identify feasible options to address the problems identified. To identify the feasible options for this RIS, the Department has:

- analysed available data relevant to the Conduct Regulations, including infringements and complaints data
- engaged in targeted consultation with key stakeholders to understand their experiences with the current Conduct Regulations and to identify potential improvements
- compared the Conduct Regulations to equivalent regulations in other jurisdictions
- conducted internal analysis of the Conduct Regulations to identify potential updates to the regulations, including updating language and other minor and technical changes.

The Department filtered the feedback received from the above processes, based on what was considered to be within scope of the Conduct Regulations (instead of potentially sitting better in other regulations, changes to the primary legislation etc.), what was feasible from a regulatory and enforcement perspective, and how proposed changes would impact on and be perceived by key stakeholders.

The focus of this chapter is on identifying feasible options for further analysis. The assessment of the impacts associated with these options then follows in the subsequent chapter (see Chapter 6). These options are assessed against a 'base case' which is where the current Regulations sunset.

5.2. Summary of identified options

Three options will be considered in detail in this RIS. Each option is comprised of a combination of amendments and reforms to the Regulations. These amendments and reforms have been combined in this RIS to facilitate comparison and analysis.

The options are:

- Option 1 – Remake the existing Regulations without changes
- Option 2 – Remake the existing Regulations with safety and accessibility amendments
- Option 3 – Remakes the existing Regulations with safety and accessibility amendments and further restrictions on the carriage of electric transportation devices on public transport

A summary of the identified options is provided at Table 24 and the options are discussed in detail throughout the remainder of the chapter. Each of the options are compared with the base case, which would involve the current Regulations sunsetting.

Table 0-24: Summary of identified options

Policy area	Options		
	Option 1: **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
Application of certain safety rules to vehicles	Rules only apply to bicycles, wheeled recreational devices or wheeled toys.	Rules now apply to bicycles, e-scooters, e-bikes, wheeled recreational devices or wheeled toys.	Same as Option 2.
Rules for the carriage of electric transportation devices	The carriage, turning on, and charging of electric transportation devices is allowed.	The turning on and charging of electric transportation devices is prohibited. Commercial e-bikes and aftermarket conversion e-bikes cannot be carried on trains.	Same as Option 2, plus further restrictions on the carriage of electric transportation devices on public transport.
E-scooter carriage rules	No additional restrictions on e-scooter carriage.	E-scooters are only allowed onto buses, trams and the first door of the first carriage of metropolitan trains if they are folded.	E-scooters are only allowed onto buses and trams if folded * E-scooters not allowed on any V/Line coaches.
Requirements to vacate seating and priority areas	People must vacate priority areas on request of a person in a wheelchair, and must vacate seats they are sitting in on request of a person with accessibility needs.	People must vacate priority areas if they are preventing a person in a wheelchair from occupying that area, and must vacate seats they are using on request of a person with accessibility needs.	Same as Option 2.
Soiling of furniture and	A single offence for feet on furniture with a maximum penalty of 5 PU and an	A reduced infringeable amount of 0.5 PU for feet on furniture.	Same as Option 2.

Policy area	Options		
	Option 1: **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
feet on furniture	infringeable amount of 1.5 PU.	A new offence for soiling of furniture with a maximum penalty of 5 PU and an infringeable amount of 1.5 PU.	
Rules about crossing tracks	Offence to cross tracks when a train or tram is approaching, warnings are operating; gates are closed, closing or opening; or the other side of the crossing is blocked. Offence to cross at a place not provided for crossing. Offence to stop between closed boom gates.	Same as Option 1, except: ▪ Pedestrians must finish crossing the tracks without delay. ▪ Pedestrians may cross the tracks where there is an independently operated pedestrian crossing and it is safe to do so.	Same as Option 2.
Definition of tram stop platform	"a tram stop that has a raised platform other than where the platform forms part of a road"	"the part of a tram stop that is raised other than where the raised area forms part of a road or shared path"	Same as Option 2.
Offence not to comply with the VFTC	It is an offence not to comply with the VFTC on a public transport vehicle. It is an offence to fail to comply with a request made by an AP(C) to comply with the VFTC on a public transport vehicle.	It is an offence to fail to comply with a request made by an AP(C) to comply with the VFTC on a public transport vehicle.	Same as Option 2.
Staff powers to request people to leave	AP(C)s may ask a person to leave public transport premises if: they are behaving in a violent, noisy,	Same as Option 1, except: ▪ Removal of the "person is so affected by alcohol	Same as Option 2.

Policy area	Options		
	Option 1: **Remaking the existing Regulations**	**Option 2:** **Safety and accessibility changes**	**Option 3:** **Safety and accessibility changes plus further restrictions on electric transportation devices.**
	or offensive manner; or if they reasonably believe the person is so affected by alcohol or other substances that the person is likely to behave in an offensive manner. AP(C)s and tram drivers may request a person leave a public transport vehicle for the same reasons as above and in addition: if the vehicle is full; the person does not move from a thoroughfare; the person attempts to board after being asked not to do so; or they reasonably believe the person's clothing or luggage is likely to soil or damage property. AP(C)s may ask a person to leave a public transport vehicle or premises if they reasonably believe that the person has failed to comply with certain ticketing Regulations or has committed an offence against the Act or Regulations.	or other substances that the person is likely to behave in an offensive manner" grounds for a request to leave. ▪ Expansion of the grounds for a request to leave to include indecent, obscene, offensive or threatening language; as well as indecent, obscene, offensive, threatening, disorderly, riotous or violent behaviour.	

5.2.1. Option 1 – Remake the existing Regulations without changes

Remaking the existing Regulations without changes is a viable option, as the existing Regulations are by-and-large working well. Under this option, the Department will also consider some areas of improvement which are technical in nature and which do not affect the underlying policy intent of the regulations. This includes:

- Updating of Regulation numbering, outdated references to other legislation etc.
- Minor clarifying changes to definitions or wording to improve clarity but which do not change the meaning
- Removal of Regulations which duplicate sections of the TCMA where this would have no effect on the ability to enforce relevant offences
- Updating the list of prescribed equipment in the appendix to the Regulations to reflect changes in equipment being used on the network.

Given that the existing Regulations are generally seen to be working well, it is appropriate to use them as the baseline from which to assess changes to the existing Regulations in the Options Analysis chapter.

5.2.1.1. Clarifying the definition of tram stop platforms

The existing Regulations define tram stop platforms to be:

> "a tram stop that has a raised platform other than where the platform forms part of a road".

As discussed in chapter 3, this could be interpreted to include 'kerb extension' style tram stops where the tram stop is level with the kerb.

To address potential issues with unintended interpretation, Options 2 and 3 change the definition of a tram stop platform to be:

"a raised area of a tram stop other than where the raised area forms part of (a) a road; or (b) a shared path"

In addition, the Road Rules definition of "shared path" would be adopted in these regulations for clarity.

5.2.1.2. Clarifying an offence to not comply with the VFTC on public transport vehicles

Under the existing Regulations, non-compliance with any condition of the VFTC on public transport vehicles may be interpreted as constituting an offence under r.47(1) with a maximum penalty of 5 PU.

Under the existing Regulations it is an offence to fail to comply with a request by an AP(C) to comply with a condition of the VFTC on a PT vehicle (r.47(4)), which carries a maximum penalty of 5 PU and an infringeable penalty of 1.5 PU. This second offence gives a person an opportunity to become compliant with the VFTC or to leave the PT vehicle before becoming liable for a penalty.

Options 2 and 3 would restrict the offence to only failing to comply with a request by an AP(C) to comply with a condition of the VFTC on a PT vehicle. There would be no 'automatic' offence for not being compliant with the VFTC.

5.2.2. Option 2 – Remake the existing Regulations with amendments

Option 2 is to remake the Regulations, but with several changes primarily targeted at increasing safety and accessibility, including:

- Broadening the application of certain safety rules to also include e-scooters
- Prohibiting charging or turning on of electric transportation devices on public transport.
- Prohibiting commercial e-bikes and aftermarket conversion e-bikes from trains
- Prohibiting unfolded e-scooters from being carried on buses, trams and the first door of the first carriage of metropolitan trains.

- Strengthening the requirement not to prevent a person in a wheelchair from occupying a priority area by removing the requirement for the wheelchair user or an authorised person to request that a person vacate the space.
- A new offence for soiling of furniture, and a reduced penalty for feet on furniture.
- Aligning the track crossing rules with level crossing Road Rules and allowing pedestrians to cross separated pedestrian crossings across tracks while nearby crossings over other tracks are closed.
- Excluding shared paths from being considered part of a tram stop platform.
- Removing an offence for non-compliance with the VFTC on a public transport vehicle.
- Removal of intoxication grounds for asking a person to leave public transport and expansion of other grounds to include indecent, offensive or dangerous language and behaviour.

These additional changes are further explained below.

5.2.2.1. Expansion of offences for bicycles to include e-scooters

Regulation 12 of the existing Conduct Regulations includes an offence for riding a "bicycle, wheeled recreational device or wheeled toy" on a public transport vehicle. Similarly, regulation 15 makes it an offence for a person to attach themselves or a "bicycle, wheeled recreational device or wheeled toy" to the exterior of a bus.

Since e-scooters are now permanently able to be lawfully used, there will be more users of public transport likely taking e-scooters on public transport or attaching themselves to the exterior of public transport. To address the potential risks associated with riders of e-scooter riding on or attach themselves to a public transport vehicle, Options 2 and 3 include an expansion of these offences to include e-scooters.

5.2.2.2. Prohibition on charging or turning on of electric transportation devices (e.g. e-scooters and e-bikes)

The existing Conduct Regulations prohibit "conveying or bringing things likely to injure or endanger" but otherwise do not set rules for the carriage of batteries on public transport.

As a step to reduce the likelihood of lithium-ion battery fires on public transport, Option 2 includes a ban on charging and turning on electric transportation devices, such as e-bikes and e-scooters, on public transport. As discussed in chapter 3, electric transportation devices are higher risk than other batteries likely to be brought onto public transport as they:

- have larger batteries than other battery-powered devices likely to be brought on public transport, with potential for a larger fire;
- may be more prone to combusting than some other battery-powered devices, due to a lack of standards and the ability to easily purchase devices with lower manufacturing quality; and
- are used outside in a range of conditions and are subject to impacts during use which may damage or degrade the battery.

These risks are further increased when these batteries are being charged or discharged, and Option 2 seeks to minimise the risk by prohibiting the turning on or charging of electric transportation devices while on public transport.

5.2.2.3. Prohibition of commercial e-bikes and aftermarket conversion e-bikes from trains

There are currently no specific regulations relating to the carriage of commercial e-bikes on public transport Therefore, the existing regulations do not explicitly address the carriage of batteries that are used to power commercial e-bikes on public transport as highlighted above.

E-bikes that are used for commercial purposes are generally at greater fire risk than those that are used by individuals for several reasons:

- These devices are used more frequently, including longer daily operating hours and more frequent cycling charges, leading to greater wear and tear, and
- cost-cutting by commercial users or operators can lead to the use of uncertified or low-quality e-bikes and batteries, increasing the risk of faulty battery systems.

Further, e-bikes created using aftermarket conversion kits present a higher risk of battery-related fires. These devices are a concern because of the quality of the components used in the kits and poor installation practices. The battery itself may be poor quality or the other components interacting with the battery may equally be of low quality, both leading to an increased risk of fire. Conversion kits tend to be relatively high-powered devices[31], which further stresses batteries and other components. The do-it-yourself nature of many installations are also problematic. There is little to no assurance that the conversion kits have been installed properly.

To further reduce the overall risk of a fire event on public transport, Option 2 includes a ban on commercial e-bikes and e-bikes fitted with aftermarket conversion kits from being brought on to trains.

5.2.2.4. Introducing carriage rules for e-scooters

There are no existing regulations specifically relating to the carriage of e-scooters. Under what conditions the carriage of e-scooters may be permitted may fall under the broad prohibitions on "conveying things likely to injure or endanger" (r.7) and "creating obstructions" (r.10). However, these regulations may be insufficient, and the Department considers that it is worth clarifying where and how e-scooters may be carried on public transport.

To reduce obstructions and inconvenience to other passengers, Option 2 introduces rules for the carriage of e-scooters that generally reflect existing carriage rules for bicycles. That is:

- e-scooters are only allowed onto buses and trams if they are folded
- unfolded e-scooters are allowed on trains, except the first door of the first carriage of metropolitan services, and
- only foldable scooters can be taken onto tram stop platforms.

5.2.2.5. Strengthening the requirement to vacate areas designated for wheelchair users

The existing Regulations (see regulation 45) require people to vacate an area designated for a person in a wheelchair if requested to do so by (or on behalf of) a person in a wheelchair, or by an AP(C).

To ensure that people with accessibility needs have access to priority seating, Option 2 removes the requirement to request that a person vacates that space, and instead would require that a person vacate a priority area if doing so would prevent a person in a wheelchair from occupying that area. This removes the onus on a wheelchair user to request access to the designated space, which can cause discomfort.

The requirement not to occupy a priority area if it would prevent a person in a wheelchair is a stronger obligation than the existing obligation as it does not require a request to vacate.

5.2.2.6. A new offence for soiling of furniture, and a reduced penalty for feet on furniture.

The existing regulations include an offence for having feet on seats (r.35) and a power for an AP(C) to ask a person to leave a public transport vehicle if they reasonably believe that the person's clothing or luggage would soil or damage the furniture (r.66(1)(d)).

[31] DTP analysis found only 4 per cent (8 models) out of 215 e-bike conversion kits available from eight major online retailers to be fully compliant with legal road-use e-bike specifications (for speed, motor power, and throttle use).

To align the offences and penalties with the harms, Options 2 and 3:

- reduce the maximum court penalty for feat on seats from 5 PU to 2 PU (with a subsequent reduction in the infringement penalty from 1.5 PU to 0.5 PU), and
- introduce an offence for soiling furniture with penalty levels equivalent to the current feet on seats offence.

5.2.2.7. Changing the rules for crossing tracks to align with the Road Rules

The existing regulations include prohibitions on:

- Crossing tracks other than at places provided for crossing tracks
- Attempting to cross in certain situations such as when a train is approaching, warning lights are flashing, gates are closing, or the road or path beyond the crossing is blocked, and
- Stopping between boom gates.

To avoid any potential gaps or unintended consequences, Options 2 and 3 adopt the structure and wording of the Road Rules in relation to level crossings (rr. 123, 124, and 235), with some variations. The key variations to the Road Rules are:

- Expanding the coverage of the pedestrian rules to include pedestrian crossings that are not associated with a road;
- Consistent with the existing regulations, including a requirement not to cross when directed not to do so by an AP(C); and
- Amending the rules to be clear that pedestrians are allowed to cross an open pedestrian crossing where this is adjacent to a closed crossing (e.g. if there are two separate pedestrian crossing across different tracks).

5.2.2.8. Changes to staff powers to request a person to leave

Under the existing Regulations (r.66(2)(b)), an AP(C) may ask a person to leave public transport premises if the person is "reasonably believed by the [AP(C)] to be so affected by alcohol or other substances that the person is likely to behave in a violent or offensive manner".

Under the existing Regulations (r.66(2)(a)), an AP(C) may ask a person to leave public transport premises if the person is "behaving in a violent, noisy or offensive manner".

Options 2 and 3 remove the r.66(2)(b) power relating to being "so affected by alcohol and other substances".

Options 2 and 3 expand the r.66(2)(a) power to align with the existing offence (r.26) for using "indecent, obscene, offensive or threatening language" and "indecent, obscene, offensive, threatening, disorderly or riotous" behaviour.

5.2.3. Option 3 – Remake the existing Regulations with further amendments to restrict the carriage of electric transportation devices on public transport

Option 3 is to remake the Regulations, with the same changes as Option 2, except for further and more restrictive prohibitions on the carriage of electric transportation devices on public transport.

5.2.3.1. Further restrictions on the carriage of electric transportation devices on public transport

To further reduce the risk of fire incidents, Option 3 builds on the prohibition of commercial e-bikes and aftermarket conversion e-bikes on trains in Option 2 by further restricting the carriage of electric transportation devices on public transport. As discussed in chapter 3, electric transportation devices represent a higher risk than other batteries likely to be brought onto public transport.

The further restrictions on the carriage of electric transportation devices on public transport in Option 3 are:

- A prohibition on the carriage of all electric transportation devices (e.g. e-bikes, e-scooters, e-skateboards, e-unicycles) on metropolitan and V/Line trains
- A prohibition on the carriage of all electric transportation devices on V/Line coaches
- Limiting the carriage of electric transportation devices on buses and trams to foldable e-bikes and foldable e-scooters only. All other electric transportation devices (e.g. e-hoverboards, e-unicycles and e-skateboards) would be prohibited on buses and trams.

Batteries used in electric transportation devices pose a low-likelihood but high-impact fire risk on trains, where confined spaces, limited ventilation, and a delayed evacuation can significantly increase the severity of an incident. A fire on a train can obstruct evacuation routes, delay the emergency response, and cause major infrastructure damage, especially in tunnels or on elevated tracks, where access and safety are more difficult to manage. V/Line coaches also face unique risks (compared to metropolitan bus services) due to items such as electric transportation devices being carried in the luggage hold where they (or any fire) are not easily observed. Foldable e-bikes and e-scooters would remain permitted on trams and buses under Option 3 (though other electric transportation devices, such as e-unicycles, will be prohibited), as buses and trams operate at street level, can stop more quickly than trains, and allow for easier disembarkation; factors that significantly reduce risk and support faster evacuation and emergency response.

Given that there are significant variations in fire risk across the different modes of transport driven by factors such as vehicle design and passenger density, implementing these mode-specific controls can help mitigate the likelihood and impact of fire-related incidents while still allowing the carriage of some electric transportation devices on parts of the public transport network.

Table 0-25: What modes of public transport electric transport devices are permitted on.

Mode	Bicycles	E-scooters	E-bikes	Other devices (e-unicycles, e-skateboards, etc)
Train	 • Bicycles permitted on trains, except the 1st first door of the 1st first carriage. • Foldable bicycles permitted on trains • Foldable bikes not to be stored in overhead luggage of V/Line services. • Bikes permitted on V/Line services dependent upon space	✖ • E-scooters prohibited on metropolitan and V/Line trains.	✖ • E-bikes prohibited on metropolitan and V/Line trains.	✖ • Other ETDs prohibited on metropolitan and V/Line trains.
Tram	 Foldable bicycles permitted on trams.	 • Foldable e-scooters permitted on trams.	 • Foldable e-bikes permitted on trams.	✖ • Other ETDs prohibited on trams.

Bus	 • Foldable bicycles are permitted on buses. • Bicycles are permitted on a limited number of buses equipped to carry bikes.	 • Foldable e-scooters permitted on buses.	 • Foldable e-bikes permitted on buses. • E-bikes are permitted on a limited number of buses equipped to carry bikes.	 • Other ETDs prohibited on buses.
Coach	 • Bikes are permitted on a limited number of coaches equipped to carry bikes.	 • E-scooters prohibited on V/Line coaches.	 • E-bikes prohibited on V/Line coaches.	 • Other ETDs prohibited on V/Line coaches.

5.3. Non-regulatory options

Non-regulatory options to address unsafe and inappropriate conduct on public transport are also available. As discussed in chapter 3, some of these measures, such as improving physical infrastructure, and operational systems are being improved and upgraded over time.

The Department has determined that non-regulatory options are insufficient to address the problems identified in this RIS on their own, so only regulatory options will be analysed in detail in the next chapter.

Non-regulatory options can and will be used in conjunction with, rather than as an alternative to Regulations. Regulations could be supplemented, to achieve the desired outcomes, by additional education and awareness campaigns, information provision, increased surveillance, upgraded infrastructure and vehicles. Regulations work synergistically with non-regulatory options in the following ways:

- Regulations improve the effectiveness of increased surveillance and staff presence by allowing for enforcement action to be taken by staff; and
- Signage and information campaigns that inform people of penalties serves to create disincentives and establish norms of behaviour.

5.4. Options identified but not further considered

The Department has also considered a range of different proposals and suggestions made in relation to the Conduct Regulations. Some of these matters are not further considered because they are impractical or overly onerous or burdensome on passengers of public transport. Further, there are also matters that the Department is seeking comment on, but which have not been incorporated in the draft Regulations that have been made available for comment.

5.4.1. Removing the feet on seats or other furniture offence

The Department has received feedback that the offence relating to feet on seats and other furniture should be removed.

The harm from users of public transport having their feet on seats depends on the specific situation and can range from minimal harm (e.g. feet on top of a blanket on an almost-empty public transport vehicle) to more significant harm (e.g. significant soiling of the seat, incurring cleaning costs and preventing it from being used until it is cleaned).

The Department considered removing the offence for feet on seats or other furniture. In some cases, there is a low level of harm to others from this behaviour, if the behaviour does not prevent others from sitting and does not soil or damage the seats and furniture.

However, from an amenity perspective, it is important to ensure that furniture is available to use and is unsoiled. For this reason, the requirement acts as a strong signal to users that feet should not be placed on seats. For this reason, the Department is not further considering removing this offence. However, as identified in this chapter, the Department is considering lowering the penalty for this offence and introducing a new offence for soiling furniture.

5.4.2. Priority boarding for people with accessibility needs

Currently, there are no rules regarding priority boarding for people with accessibility needs. The Department received some feedback that priority boarding for those with accessibility needs would be helpful as those people would be able to secure a seat or priority area.

However, the Department will not consider this option further, as the current approach is working well in most cases, and it would be impractical and difficult to enforce such a rule. In practice, people with accessibility needs may need to wait for the driver to assist them with boarding and this may unnecessarily slow services.

5.4.3. Requirement to vacate seat in use if it is preventing a person with accessibility needs from occupying those seats.

Currently, there are existing regulations that require a person without accessibility needs to vacate priority seating for a person with accessibility needs (r. 43) and to vacate other seating for a person with accessibility needs if priority seating is unavailable (r.44).

There has been public discussion about the need to request priority seating and whether passengers should be expected to proactively offer their seats to people with accessibility needs. All of these various interactions occur in a social environment, where different people have different information as well as different norms about appropriate behaviour. Therefore, when formulating rules for who has priority access to seating there is a balance of factors that need to be considered.

Therefore, while this expansion of the requirement and offence is expected to increase accessibility, it is expected to have a relatively limited additional impact in practice due to the difficulty for people to easily tell if another person is entitled to a priority seat, the difficulty of enforcement, and existing social norms about whether seats should be vacated or offered without a request which are not as strong as the social norms of vacating a seat when there is a request.

The Department will not consider this option further, as the current approach is working well in most cases, and it would be impractical and difficult to enforce such a rule.

5.4.4. Regulating the import and sale of electric transportation devices

As it can be challenging in practice for staff to identify and prevent the carriage of potentially unsafe electric transportation devices such as e-scooters and e-bikes, an alternative option is to regulate the import and sale of these types of devices to improve the quality and safety of the devices available to consumers. Further, another option is to introduce mandatory information provision at point of sale.

NSW recently introduced minimum lithium-ion battery standards which e-bikes, e-scooters and other electric transportation devices must comply with. In addition, mandatory testing and certification requirements are due to come into force from August 2025 and product labelling and marking requirements will come into force from February 2026.[32] The NSW government is also consulting on the introduction of mandatory information provision about: road use; electrical safety; safe product storage; service and repair; fire safety and emergency procedures; and end of life and safe disposal.[33]

Due to the free movement of people and goods across state borders, national regulations will have the greatest impact. The Commonwealth could introduce minimum standards on imported electric transportation devices to reduce the importation of lower quality devices that are more prone to combusting. The Victorian Government is collaborating with the Commonwealth to improve e-scooter importation standards, including advocating for tougher restrictions on lithium-ion battery standards.

The Department is not considering these options further as it is not possible to introduce these measures under the Conduct Regulations. The conduct regulations cannot make rules with regard to the import and sale of electric transportation devices.

5.4.5. Changes to rules relating to dumping

Metro Trains Melbourne raised the issue of large volumes of waste being dumped on MTM property, for which MTM needed to incur significant costs for cleanup.

The existing Regulations include a littering offence, which is intended for smaller scale littering. Imposing significantly higher penalties for a littering offence would require changes to primary legislation.

However, much higher penalties are already available under the *Environment Protection Act 2017* (EP Act) for large volumes of litter or dumped waste. Furthermore, the EP Act and related subordinate legislation have rules relating to the responsibility for cleanup costs.

Therefore, any change is outside of the scope of the Conduct Regulations and will not be further considered in this RIS

5.4.6. Faster process for dealing with abandoned vehicles

Metro Trains Melbourne raised the issue of vehicles being left in carparks and other places for extended periods of time before they can legally be moved.

The TCMA includes the power to sell or dispose of good or lost property after 60 days of those goods or property not being claimed (see section 251A). This aligns with rules for local governments and state road authorities under the *Local Government Act 1989* (LGA 1989) Schedule 3(3) and the *Road Management Act 2004* (RMA) Schedule 4(4) respectively.

Legislative change would be required to strengthen any powers to deal with abandoned vehicles in carparks near public transport. For this reason, t is outside the scope of the Conduct Regulations.

5.4.7. Stronger penalties for assaults on PT staff

ST Vic and operators noted the increased rate of assaults on PT staff in recent years, and expressed a desire for stronger penalties to reduce the risk to staff.

[32] https://www.nsw.gov.au/housing-and-construction/safety-home/electrical-safety/lithium-ion-battery-safety/new-standards-for-lithium-ion-batteries-e-micromobility-devices

[33] https://hdp-au-prod-app-nsw-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/6917/3042/5048/241017_Regulatory_Impact_Statement.pdf

Currently, assaulting or inciting assault of transport staff has a maximum penalty of 6 months imprisonment under the TCMA (s.225), and assaulting, threatening or intimidating a Transport Safety Officer has a maximum penalty of 2 years imprisonment under the *Transport (Safety Schemes Compliance and Enforcement) Act 2014* (s.125).

For comparison, other general offences and maximum sentences are included below:

- Common assault has a maximum penalty of 3 months imprisonment under the *Summary Offences Act* (SOA) (s.23).
- Aggravated assault (e.g. multiple offenders or weapons involved) has a maximum penalty of 6 to 24 months imprisonment under the SOA (s.23), depending on the type of aggravated assault.
- Assault with intent to commit an indictable offence, or assault of an emergency worker or custodial officer has a maximum penalty of 5 years imprisonment under the *Crimes Act 1958* (CA) (s.31).
- Threat to inflict serious injury or kill has a maximum penalty of 5-10 years imprisonment under the CA (ss.19-20).
- Causing injury has a maximum penalty of 5-20 years imprisonment under the CA (s.15A-18), depending on seriousness of injury and whether it was intentional or reckless. These offences also carry a minimum custodial sentence if committed against emergency workers or custodial officers.

V/Line raised the possibility of introducing graduated penalties for repeat offenders and powers to exclude or ban particular individuals from PT if they commit serious offences such as assaulting staff.

The Conduct Regulations are intended to address less serious offending. Changes to penalties for assaulting PT staff would require legislative amendments and are therefore outside the scope of these regulations.

A process to draft new laws to protect certain workers (including transport workers) from assault and abuse was announced on 18 May 2024, which may provide an opportunity to change relevant penalties.

5.4.8. Additional item for consultation

During engagement with key stakeholders during the development of this RIS, an additional issue was flagged with the Department.

5.4.8.1. Carriage of small kids' bikes on trams and buses

In the existing Conduct Regulations, it is not allowed to bring a bicycle that is not a folding bicycle onto a tram or bus. This includes kids' bikes to the extent that these are defined as bicycles rather than wheeled toys.

Wheeled toys, which include balance bikes and tricycles (where there is no chain, and the pedals are directly connected to the front wheel) are currently acceptable to carry on all forms of public transport.

Small bikes for young kids (between the ages of two and four) are typically the same size or smaller than prams and folding bikes, which are currently allowed on trams and buses. The Department has received feedback from parents and carers that the current rules are imposing difficulties on young families when using public transport – especially where these relatively small bikes are being used in lieu of a pushchair or pram.

While it is not in the preferred option and draft regulations, the Department is seeking feedback on whether small kids' bikes – intended for children between the ages of two to four and with a wheel diameter no greater than 31cm should be allowed on trams and buses.

If supported, the change could be made in the 2025 Conduct Regulations or via a future regulatory amendment. It is likely that any proposed regulation change would exempt small kids bikes from the prohibition on carrying bicycles on trams and buses, while the Victorian Fares and Ticketing Conditions would specify more precise dimensions (e.g. the 31cm wheel diameter).

6. Impact analysis

This chapter assesses the options identified in the preceding chapter against the regulatory objectives and government policy. It seeks to determine the expected costs and benefits of the options and evaluate to arrive at a preferred option.

6.1. Assessment methodology

The impact of the identified options will be assessed in two stages. Firstly, the Department will assess the impact of the proposed Regulations under option 1 and establish it as the reference case.

The RIS will then use a multi-criteria analysis (MCA) to assess the remaining options. This approach is taken due to the qualitative and intangible nature of many of the impacts (such as amenity and restrictions on individuals). Additionally, the Department has assessed that it is difficult to accurately estimate the impact of specific proposed changes to the Regulations.

Option 1 (remaking the existing Regulations) includes a range of offences in relation to safety, accessibility and amenity, most of which are very long-standing and which the Department considers are working well overall. Options 2 and 3 are substantially similar to Option 1 and only differ in a limited number of ways from it. This means that the differences in impacts between the base case and Option 1 are much larger than the differences between Option 1 and the other options. This means that assessing all three options relative to the base case would yield very similar results and it would be difficult to distinguish differences between the options. To better distinguish the impacts of the options from each other, the analysis will proceed in two steps:

1. In this subchapter, Option 1 (remaking the existing Regulations) will be broadly compared to the base case of allowing the Regulations to sunset; and then
2. A more detailed multi-criteria analysis (MCA) comparing Options 2 and 3 to Option 1 (subchapter 6.3).

6.1.1. Multi-criteria Analysis (MCA) methodology

Using an MCA approach enables systematic evaluation of regulatory options by considering quantifiable and non-quantifiable impacts. This approach provides a structured framework for comparing options where impacts cannot all be expressed in monetary terms.

An MCA involves:

- specifying assessment criteria;
- assigning a weighting to each criterion, with all criteria adding to 100 per cent and benefits and costs being weighted equally;
- assigning scores for each option in relation to each criterion;
- multiplying the scores and the weights to arrive at weighted scores for each criterion; and
- calculating a weighted score for each option by summing the weighted scores for each option.

The MCA will involve assessing options relative to a baseline. Due to the similarity of the options and the large difference between the options and the base case, it is impractical to compare the options to the base case directly. For this reason, Option 1 (remaking the existing Regulations) will be used as the 'reference case' and given a score of zero on all criteria. This means that the scores for Options 2 and 3 represent how much better or worse the option is against a particular criterion compared to Option 1.

The table below lists the criteria, their respective weights and a description of the criterion and a justification for its weighting.

Table 0-26: Criteria, weight and description of criterion

Criteria	Weight	Description and justification for weighting
Benefits	**50%**	**Benefits are weighted evenly with costs to avoid biasing the results.**
Safety	20%	Maximising safety by minimising the risk and number of safety incidents (near misses, injuries and fatalities) is given the highest weighting as it is the most critical objective in the Regulations.
Accessibility	10%	Maximising accessibility by minimising obstacles or impediments to the access of passengers to public transport is given a moderate weighting as it is important to ensuring equitable provision of public transport services to the community. This criterion applies to the access of all people to public transport, but especially to those who have a higher need for public transport (e.g. those that cannot afford other transportation options) as well as those that have reduced mobility (e.g. people with a disability).
Amenity	10%	Maximising amenity by minimising disturbances to passenger comfort and convenience is also given a moderate weighting because it is important for passengers to have pleasant journeys and because this affects the desirability of taking public transport relative to other transport options.
Protection of property	5%	Maximising the protection of property by avoiding damage to infrastructure, vehicles and other property is given the equal lowest weighting because, while it is important, it is not the primary focus of the Regulations. Furthermore, because minimising impacts on safety and amenity will tend to also protect property, it is important not to double count the benefit of the options.
Efficient functioning of the public transport network	5%	Maximising the functioning of the public transport network by avoiding delays or other disruptions to service is given the equal lowest weighting because, while it is important, it is not the primary focus of the Regulations. Similar to the protection of property criterion, it is important not to double count the benefit of the options. Minimising impacts on safety and amenity will tend to also reduce impacts on the network so this criterion is given a low weighting.
Costs	**50%**	**Costs are weighted evenly with benefits to avoid biasing the results.**
Restrictions on individuals	50%	Minimising restrictions on individuals is the primary additional impact of the regulatory options on the public. Generally, individuals experience a subjective loss when they are not permitted to behave in ways they would have otherwise preferred to behave.

Each option is scored against each criterion on a scale from -10 to +10 relative to the reference case, with a score of zero indicating no difference from the reference case. A score of +10 indicates a large benefit relative to the reference case and a score of -10 indicates a large cost relative to the reference case.

The scoring in the MCA is based on the Department's assessment of the available operational and enforcement data, incident data, stakeholder feedback and expert judgement.

6.1.2. Option element assessment methodology

Option 1 was given a score of zero, reflecting the continuation of the status quo.

Each of the option elements for Options 2 and 3 have been assessed at a high level against Option 1 (the Existing Regulations) based on:

- the **severity** of likely harm as a result of a specific instance of a behaviour;
- the **probability**, or for more common behaviours, the **frequency** of incidents; and
- the **responsiveness** of individuals to the regulations, that is, how likely the intervention is to change the behaviour of individuals engaged in the targeted behaviour.

The impact of Options 2 and 3, relative to Option 1, were scored on a five-point scale from "very low" to "very high" with "moderate" representing the mid-point. That is, only the *additional* impact of Options 2 and 3 beyond Option 1 are scored.

6.2. Analysis of impact of remaking regulations

As described above, the first stage of the impact analysis in this RIS is to establish Option 1 (remaking the current Regulations with no significant changes) as the reference case.

Remaking the Regulations (with the limited technical and minor changes identified in 7.2.2) would result in the continuation of the status quo, that is the existing offences, penalties and powers would remain in place. This means that the Regulations would continue to address the residual problems of inappropriate conduct discussed in subchapter 3.2. This is expected to result in fewer safety incidents and therefore fewer fatalities and injuries, as well as less damage to the network. This is also expected to result in higher levels of accessibility and higher levels of amenity. These immediate effects are expected to also result in the secondary effect of the network functioning more smoothly. These effects together are expected to result in public transport being more attractive, resulting in more people using public transport and fewer people using private modes of transport which are generally more polluting and tend to contribute to road congestion.

However, remaking the Regulations would not address the problems under the existing Regulations identified in subchapter 3.4.

Remaking the Regulations results in incurring a limited number of costs. In particular, the time and effort that is applied on enforcing the Conduct Regulations in particular. AOs are the primary enforcers of the Conduct Regulations, undertaking the large majority of monitoring and enforcement activity. However, even in the absence of the Conduct Regulations, AOs would continue to be employed, primarily to enforce the Transport (Compliance and Miscellaneous) (Ticketing) Regulations 2017. This means that AOs would continue to be employed in their roles even if the existing Regulations were to expire. Therefore, the cost of enforcing the Conduct Regulations is not the cost of employing AOs, but the cost of their time spent enforcing the Conduct Regulations.

To calculate the approximate wage bill of the time AOs spend on enforcing the Conduct Regulations, the Department has used the:

- total number of AOs employed (approximately 700);

- blended average wage of AOs including on-costs (approximately $128,400)[34];
- proportion of RoNCs issued by AOs under the Conduct Regulations (approximately 10%)
- estimated proportion of time that AOs spend actively enforcing legislation and regulations (80%); and
- proportion of AOs working in network security (9%).

The resulting estimated wage bill for time spent by AOs enforcing the Conduct Regulations is approximately $6.6m per year.

Monetary estimates of harm can help provide a broad idea of the potential quantifiable value of the benefits of remaking the Regulations. The "value of a statistical life" (VSL) provides an estimate of the value to society of lowering risk so that one less death occurs than would otherwise have been the case. The value of a statistical life in Australia is currently estimated to be $5.7m.[35] A related concept is the concept of the "value of a statistical life year" (VLY), which attempts to statistically value one year of life free of injury, disease and disability. The current value of a statistical life in Australia is currently estimated to be $245,000. Injuries, illness and disability reduce quality of life, even if they do not reduce the total lifespan. The Australian Institute of Health and Welfare (AIHW) publishes disability weights from zero (no health loss) to one (total health loss). For example, a foot fracture is given a value of 0.026, while a crush injury is given a value of 0.132.[36] By combining the VLY and disability weights, "disability-adjusted life years" (DALYs) can provide an estimate of harm associated with an injury, illness or disability. Using the examples above, multiplying $245,000 by 0.026 values avoiding a foot fracture at $6,370, while multiplying $245,000 by 0.132 values avoiding a crush injury at $32,340.

Some examples of potential health states that may arise from injuries sustained on or around public transport are included below for illustration:

Injury severity	Disability weight	VLY-adjusted value
Less severe injuries		
Sprains and strains	0.008	$1,960
Hand fracture (short term)	0.01	$2,450
Hip dislocation	0.016	$3,920
Moderately severe injuries		
Lower leg fracture (long term)	0.055	$13,475
Face bone fracture	0.067	$16,415
Crush injury	0.132	$32,340
Very severe injuries		
Severe chest injury (short term)	0.369	$90,405
Extreme disfigurement	0.405	$99,225
Long-term, severe traumatic brain injury	0.637	$156,065

Injuries may be short-term and fully heal, or they may be life-long, leading to a much higher cumulative DALY value.

The Regulations would break even on the basis of safety benefits alone if they avoid:

- twelve fatalities over the ten-year life of the Regulations; or

[34] Based on EBAs available here: https://www.rtbuvic.com.au/members/agreements/

[35] https://oia.pmc.gov.au/resources/guidance-assessing-impacts/value-statistical-life

[36] https://www.aihw.gov.au/reports/burden-of-disease/abds-methods-supplementary-material-2018/contents/estimating-burden-of-disease-measures/years-lived-with-disability-yld#Disability

- thirteen lower-leg fractures or similar long-term injuries per year (if the injured people live for another forty years on average); or
- about 3,400 sprains or strains per year; or
- a combination of these (e.g. four fatalities over ten years, six major fractures each year and 600 sprains and strains each year).

6.3. Options assessment for Multi-Criteria Analysis

In this section, each option is assessed and scored against each criterion.

6.3.1. Safety

6.3.1.1. Option 1 - Remaking the existing Regulations

Option 1 is the reference case (i.e. current Regulations / status quo), which is given a score of **0**. Option 1 is a remake of the current Regulations with only necessary minor and technical updates.

The existing Regulations contain a range of safety-related requirements and offences. Overall, Option 1 improves safety by a considerable amount compared to the base case.

6.3.1.2. Option 2 - Safety and accessibility changes

In comparison with the reference case (Option 1), Option 2 provides additional safety benefits for public transport passengers and operators.

Prohibiting the use of electric transportation devices on public transport will improve safety outcomes for passengers. This amendment will mean passengers on public transport will no longer be able to charge or turn on their device. This change will result in a reduction of battery fire incidents on trains, trams and buses, as 40[37] – 62 per cent[38] of incidents occur when the battery is charging. Having a device turned on produces heat, which can further increase the risk of a thermal runaway event. Preventing both things is likely to result in a reduction of personal injuries and property damage.

Prohibiting commercial e-bikes and e-bikes fitted with aftermarket conversion kits from trains will mean that users of such devices will no longer be able to bring these devices onto trains and reduce the risk of an incident occurring. Commercial e-bikes are often subjected to much heavier use, with longer daily operating hours and more frequent charging cycles, leading to greater wear and tear on batteries. Unlike factory-built e-bikes, which are usually tested to meet safety standards, most aftermarket conversion kits are unlikely to go through a similar process, especially since the batteries of many conversion kits are sold separate to the power units and electronics. This lack of oversight and testing significantly raises the fire risk, particularly in shared or enclosed spaces like public transport. This measure would further decrease the risk of incidents, however it does come with some implementation challenges in order to be fully effective, such as training authorised officers and other staff in how to identify and distinguish these types of e-bikes from e-bikes that are seen to be of lower risk (e.g. OEM-made devices).

Emergency service responses may also decrease, which would be required for severe incidents. However, the absolute impact of this change is difficult to measure. Due to the rare occurrence of battery fire incidents on public transport and the moderate level of responsiveness to the Regulations, the safety benefits are likely to be moderate.

The changes to help ensure people with accessibility needs can access a seat or priority area more easily will also result in improved safety outcomes. These changes include ensuring e-scooters are only allowed onto buses, trams and the first door of the first carriage of metropolitan trains if they are folded. The changes also

[37] FRV advice to DTP

[38] SARET % charging figure

include enhancing requirements to vacate seating and priority areas. The amendment to ensure e-scooters are folded will reduce obstructions and tripping hazards, not only for people with accessibility needs, but for all passengers. The amendment to require an individual to vacate a priority area if needed for a person in a wheelchair, rather than on request of a person in a wheelchair, will prevent unnecessary delays in accessing priority areas for those who need them. This will in turn help to ensure people in wheelchairs have safely accessed the priority area before the vehicle continues its journey. These safety benefits are difficult to quantify. Compliance is already quite high in terms of these types of expected behaviours. Therefore, safety will increase only slightly due to these changes.

The improvements to rules about crossing tracks will increase safety for both drivers and pedestrians. The alignment and clarification of crossing offences will ensure there are no gaps or unintended consequences. In addition, the improvements will align the track crossing rules with level crossing Road Rules. This will allow pedestrians to cross separated pedestrian crossings across tracks while nearby crossings over other tracks are closed. While safety will be increased, the additional benefits will be minor given the high compliance and personal safety risks of not crossing safely, as well as the LXRP reducing the number of level crossings in recent years.

Broadening the application of certain safety rules to include e-scooters will also increase safety, though the frequency and responsiveness are low so the safety benefits may be limited.

Overall, Option 2 is scored **+4** on safety, representing a moderate improvement over Option 1, primarily because of the changes to use of electric transportation devices, and to a lesser extent the other regulatory amendments.

6.3.1.3. Option 3 – Safety and accessibility changes plus further restrictions on electric transportation devices

Option 3 provides the safety benefits from Option 2 as well as additional benefits.

Restricting the carriage and use of electric transportation devices will result in increased safety on public transport, as discussed above under Option 2. The amendments introduced under Option 3 build on Option 2 by also prohibiting the carriage of all electric transportation devices from trains and V/Line coaches and limiting their carriage on other forms of public transport: further increasing safety by minimising the risk of a battery fire. Prohibiting all electric transportation devices from trains and V/Line coaches is expected to be easier to enforce than the more limited prohibition (on commercial e-bikes and aftermarket conversions in Option 2) as it requires less technical knowledge to identify relevant devices. Prohibiting all electric transportation devices from trains and V/Line coaches also removes the risk of battery fires from e-scooters, which are still permitted on these forms of transport under Option 2. While detailed statistics on battery use and battery related fires are not available, the risks increase when batteries in electric transportation devices are used incorrectly, are of low quality, damaged, and stored improperly. Further restrictions on the carriage of electronic transportation devices, tailored to the specific risks on each mode of public transport will substantially reduce the risk of serious incidents while still allowing the carriage of some electric transportation devices on parts of the network.

Overall, Option 3 is scored **+7** on safety, representing an appreciable improvement over Option 1, and higher than the +4 score for Option 2.

6.3.2. Accessibility

6.3.2.1. Option 1 - Remaking the existing Regulations

Option 1 is the reference case (i.e. current Regulations / status quo), which is given a score of **0**. Option 1 is a remake of the current Regulations with only necessary minor and technical updates.

The existing Regulations contain several accessibility related offences, in particular those related to causing obstructions (regulations 10-12) and those related to seating and space on public transport (regulations 43-47). In addition, the offences related to dangerous activities (for example, regulation 9 – throwing or dropping things) and damage to property (for example, regulation 16 – interference with gates and doors) also assist in improving accessibility by ensuring equipment is functioning properly.

The deterrent of the penalty is reinforced to a significant extent by the signage on public transport, as well as education campaigns which help to secure and reinforce existing social norms about courteous and considerate behaviour, even in the absence of enforcement.

Overall, Option 1 improves accessibility by a considerable amount compared to the base case.

6.3.2.2. Option 2 - Safety and accessibility changes

In comparison with the reference case (Option 1), Option 2 provides additional accessibility benefits for public transport passengers.

The expansion of the requirement to vacate priority areas will increase the accessibility of these areas for individuals who need them most. The change will require individuals to vacate priority areas for people in wheelchairs, without the person in the wheelchair needing to request them to vacate the area. A new offence is also introduced for taking or continuing to occupy space in a designated wheelchair area when that would prevent a person in a wheelchair from occupying that space. In practice, most people vacate wheelchair areas when it is obvious that a person in a wheelchair requires access to that space. This reflects well-understood social norms that this space should be proactively vacated for a person in a wheelchair, as these areas are clearly signed for use by people in wheelchairs. Therefore, the impact of this change will be moderate.

The requirement that e-scooters must be folded to travel on buses, trams and the first door of the first carriage of metropolitan trains will also increase accessibility on public transport. This change will reduce the number of unfolded scooters on public transport vehicles, which can be a barrier to safely accessing and moving within the space. The exact number is difficult to quantify. Some e-scooters cannot be folded and it is unclear if the regulations will influence passenger behaviour. Therefore, a modest improvement to accessibility is expected.

Overall, Option 2 is scored **+5** on accessibility, representing a moderate improvement over Option 1, primarily due to the effect of expanding the requirement to vacate priority areas, and to a lesser extent the other amendments.

6.3.2.3. Option 3 -Safety and accessibility changes plus further restrictions on electric transportation devices

Option 3 provides the accessibility benefits from Option 2 as well as several additional benefits.

The requirement that e-scooters must be folded to travel on all public transport vehicles will increase accessibility for passengers. This change will reduce the space that e-scooters occupy on all modes of public transport, reducing potential tripping hazards. The additional benefits for this change will be slightly higher than for Option 2.

Overall, Option 3 is scored **+7** on accessibility, representing a significant improvement over Option 1, and somewhat higher than the +5 that Option 2 received.

6.3.3. Amenity

6.3.3.1. Option 1 - Remaking the existing Regulations

Option 1 is the reference case (i.e. current Regulations / status quo), which is given a score of **0**. Option 1 is a remake of the current Regulations with only necessary minor and technical updates.

The existing regulations contain a range of amenity related offences, in particular Part 3 (Conduct affecting amenity). These offences are targeted at behaviour that disturbs other passengers, makes public transport less pleasant and attractive, or affects the comfort and convenience of other public transport users. In addition, Part 2 Division 2 (Interfering with equipment or property offences) contains offences relating to damaging or interfering with property which may also reduce the amenity of other public transport users.

The deterrent of existing penalties is reinforced to a significant extent with social norms about appropriate behaviour on and around public transport. Many amenity offences offer a small benefit or little enjoyment to the person engaging in the activity. Most people do not want to disturb others, and even if they do, the social cost of doing so dissuades most people. Given the relatively low benefit of most of these behaviours to the individuals, and the social or psychological costs of engaging in the behaviours, the additional risk of being caught and penalised for offending is expected to have a relatively large impact on most behaviours that degrade amenity.

Overall, Option 1 improves amenity by a significant amount relative to the base case.

6.3.3.2. Option 2 - Safety and accessibility changes

In comparison with the reference case (Option 1), Option 2 provides additional amenity benefits for public transport passengers.

The introduction of a new offence for soiling seats and furniture will help to reduce some existing behaviours on public transport, such as dropping food and beverages and placing muddy luggage on seats or furniture. The reduction of these types of occurrences will improve amenity for all passengers during their journey. The introduction of this new offence will complement other existing offences such as those for littering (regulation 33) and spitting (regulation 34).

The change will make clear that the soiling of any furniture is prohibited, which will also help with the enforcement of the regulations. However, the ability to enforce compliance will be limited as it may be difficult to establish who soiled a seat unless the act is witnessed, or it is clear that the individual's belongings were involved (for example, they have a muddy bag on the seat which is demonstrably their own bag).

The penalty for having feet on seats will be reduced given the problem of soiling of furniture will be addressed under the new offence. The existing maximum penalty of 5 penalty units, with an infringement penalty of 1.5 penalty units, will be lowered to a maximum of 2 penalty units, with an infringement penalty of 0.5 penalty units. This change will reduce the deterrent effect of the current penalties on the behaviour of having feet on seats and furniture. However, if the person has soiled the seat or furniture with their feet, then they will continue to be subject to the higher penalty amounts under the new offence. Putting feet on seats can have a small benefit in terms of increased comfort, however, existing compliance rates are not likely to drop significantly given the influence of social norms.

The requirement that e-scooters and e-bikes must be folded to travel on public buses, trams and the first door of the first carriage of metropolitan trains will also increase amenity on public transport. This change will result in additional safety and accessibility, as discussed above, and in turn, will result in a more comfortable and pleasant experience for passengers. However, the reduction of unfolded scooters on public transport may be small in number.

Other proposed changes, such as prohibiting the use of electric transportation devices, banning commercial e-bikes and those with aftermarket conversion kits from public transport, and strengthening requirements to vacate seating and priority areas may also contribute to improved amenity on public transport.

Overall, Option 2 is scored **+3** on amenity, representing a modest improvement over Option 1, primarily due to the effect of creating an offence for soiling furniture, and to a lesser extent the other amendments.

6.3.3.3. Option 3 - Safety and accessibility changes plus further restrictions on electric transportation devices

Option 3 provides the amenity benefits from Option 2, however, the additional amenity benefits are not significant.

The reduction of the number of electric transportation devices on public transport, in addition to the prohibition on commercial e-bikes and those fitted with aftermarket conversion kits from Option 2, may also increase amenity on public transport.

Overall, Option 3 is scored **+4** on amenity, representing a modest improvement compared to Option 1.

6.3.4. Protection of property

6.3.4.1. Option 1 - Remaking the existing Regulations

Option 1 is the reference case (i.e. current Regulations / status quo), which is given a score of **0**. Option 1 is a remake of the current Regulations with only necessary minor and technical updates.

The existing Regulations contain several offences targeted at protecting property. In particular Part 2 Division 2 (Interfering with equipment or property offences) as well as Regulations 32-41 which, to differing extents, protect property by banning littering, smoking, spitting, graffiti, scratching and burning, placing feet on seats, and not controlling or cleaning up after animals. The offence in Part 2 (Conduct affecting safety) also prevents property damage as most safety incidents have the potential to cause property damage, such as in the case of a level crossing collision, or throwing objects from or at public transport vehicles.

Individuals may be motivated by a range of factors in relation to property offences. The intensity of motivation for non-compliance and corresponding resistance to regulation ranges from a:

- low level, such as being motivated by personal convenience combined with a lack of regard for others on public transport (such as littering or smoking), or
- moderate level, such as risk seeking and social approval (such as scratching furniture and graffiti), or
- high level, such as being motivated by malice and an intention to do harm to others (such as interfering with safety equipment).

Where the motivation for non-compliance and corresponding resistance to regulation is low or moderate, the existing regulations are expected to have a moderate to significant effect on behaviour, as the risk of sanctions dissuades people from engaging in the behaviour. However, where the motivation for non-compliance and corresponding resistance to regulation is moderate or high, the existing regulations are expected to have a negligible to moderate effect on behaviour. This is because the risk of sanctions is not sufficient to dissuade people from engaging in the behaviour and other more proactive measures are required (such as security patrols and remote surveillance). Even in these cases, it is useful for police and authorised officers to have the power to enforce against non-compliance.

Overall, Option 1 protects property to a considerable degree relative to the base case.

6.3.4.2. Option 2 - Safety and accessibility changes

In comparison with the reference case (Option 1), Option 2 provides additional protection of property for public transport passengers and operators.

Restrictions on the turning on or charging of electric transportation devices on public transport will reduce the risk of property damage for passengers and transport operators. As a result, this change is likely to reduce the probability of batteries combusting on public transport. While battery combustion is a rare occurrence on public transport, it can cause significant or even catastrophic damage to property if it occurs. If a battery were to combust and cause catastrophic damage to a train carriage, this may incur over $1 million in costs, as manufacturing a single new train carriage could cost between $5 million and $8 million. As previously

discussed, if batteries are not charging, they are between 40 – 62 per cent less likely to combust, and further so if not producing heat from being turned on. However, many owners of electric transportation devices do not charge or discharge their batteries while on public transport, so the actual reduction in risk will be moderate.

Prohibiting commercial e-bikes and those fitted with aftermarket conversion kits from trains will prevent these higher-risk devices from being brought onboard, thereby further reducing the likelihood of an incident. Unlike factory-built e-bikes that are typically tested to meet safety standards, commercial models and conversion kits often undergo heavier use and lack proper oversight—especially when batteries are sold separately—significantly increasing the fire risk in enclosed public transport spaces.

The introduction of an offence for soiling of furniture will also provide added protection of property. As previously discussed, this change will help to reduce some existing behaviours on public transport, such as dropping food and beverages and placing muddy luggage on seats or furniture. The reduction of these types of occurrences will improve the protection of vehicle property and reduce maintenance costs.

The requirement to fold an e-scooter to travel on public buses, trams and the first door of the first carriage of metropolitan trains may also provide additional protection of property. The change may lead to a small decrease in passenger property damage or damage to the floor of the vehicle.

Overall, Option 2 is scored **+5** on protection of property, representing a modest improvement over Option 1, primarily due to the decrease in battery fire risks, and to a lesser extent the other amendments.

6.3.4.3. Option 3 -Safety and accessibility changes plus further restrictions on electric transportation devices

Option 3 provides the property protection benefits from Option 2 as well as several additional benefits.

Prohibiting the use of electric transportation devices on public transport, and the carriage of commercial and aftermarket e-bike conversions from trains, will result in increased property protection, as discussed above under Option 2. The amendments introduced under Option 3 also prohibit all electric transportation devices from being taken on trains and V/Line coaches and would limit their carriage on buses and trams. This change results in a higher risk reduction as reducing the number of electric transportation devices on various modes reduces the potential for fire that the battery could cause.

Batteries in electric transportation devices pose a low-likelihood but high-impact fire risk on trains, where confined spaces, limited ventilation, and delayed evacuation can greatly increase the severity of an incident. Other modes of transport, such as V/Line coaches also face fire risks from these types of devices, with the environments in these modes often having limited access points and the potential for longer response times from emergency services.

The slight reduction of the number of unfolded e-scooters on all public transport vehicles may also increase the protection of property. However, as previously discussed, the benefits are difficult to quantify. Therefore, the protection of property will increase only slightly due to this change.

Overall, Option 3 is scored **+7** on protection of property, representing an appreciable improvement over Option 1, and higher than the score of +4 that Option 2 received, primarily due to the decrease in battery fire risks.

6.3.5. Efficient functioning of the public transport network

6.3.5.1. Option 1 - Remaking the existing Regulations

Option 1 is the reference case (i.e. current Regulations / status quo), which is given a score of **0**. Option 1 is a remake of the current Regulations with only necessary minor and technical updates.

The existing Regulations do not explicitly target or directly ensure the smooth functioning of the network. However, the Regulations indirectly achieve this objective. They do so by reducing incidents on public

transport, which improves safety and decreases property damage. This in turn reduces emergency responses, improves the service reliability of the network, and reduces the amount of maintenance that needs to occur on the network overall. To a lesser extent, the Regulations create clear standards of behaviour which can be enforced, for example, with the exiting amenity and accessibility offences, which leads to a smoother experience for passengers.

The existing level crossing rules and the prohibition on entering onto the tracks reduce the risk of collisions at level crossings and the risk of trains striking individuals on the tracks. This in turn results in a more efficient network with fewer disruptions. In addition, property damage offences including graffiti and lighting of fires reduce the time that public transport vehicles need to spend being maintained and are therefore not available to service the network.

Clear requirements to vacate seats or priority areas also facilitate the smoother boarding and disembarking of passengers with accessibility needs. Similarly, rules against placing feet on seats, occupying additional seats, and littering, ensure that more seats and floor space are available for use more of the time.

The extent to which offences are effective at ensuring the smooth functioning of the network directly depends on how effective they are at preventing incidents that may cause delays or other issues on the network, which has been discussed in the preceding subchapters on the other benefit criteria.

Overall, Option 1 ensures the smooth functioning of the network to an appreciable degree relative to the base case.

6.3.5.2. Option 2 - Safety and accessibility changes

In comparison with the reference case (Option 1), Option 2 provides for more efficient functioning of the public transport network.

Prohibiting the turning on and charging of all electric transportation devices on public transport and improving the rules about crossing tracks may result in increased safety and property protection and fewer incidents, as discussed above. Furthermore, prohibiting commercial e-bikes and e-bikes fitted with aftermarket conversion kits from trains may also result in increased safety, property protection and fewer incidents. This will provide additional benefits for the efficient functioning of the public transport network. For example, there may be fewer network disruptions due to a reduction in the need for emergency responses and vehicle maintenance. However, as previously discussed, the likelihood of these incidents is low, so the improvements in the smooth functioning of the network are modest in absolute terms as a result.

Other amendments are expected to result in slight improvements to the smooth functioning of the network. These amendments include requiring e-scooters to be folded and individuals to more proactively vacate priority areas. These changes mean people will get where they need on the public transport vehicle more quickly, which may result in greater efficiencies on the network. The introduction of a new offence for the soiling of furniture may also result in fewer incidents and less cleaning and maintenance required.

The changes to simplify and clarify enforcement powers will also indirectly improve the efficient functioning of the public transport network. The amendment to create a single offence for occupying additional seats without a reasonable excuse will assist enforcement officials to make quicker decisions. Officials will no longer be required to distinguish between separate offences for having animals on seats, occupying additional unreserved seats, and occupying a priority area when requested to vacate by a person in a wheelchair. Similarly, the expansion of the application of certain safety rules to e-scooters, in addition to bicycles, wheeled recreational devices or wheeled toys, will make it quicker and easier for officials to determine which rules apply to which vehicles and devices. These changes will help to free up the time of officials in performing their roles to enforce the Regulations and contribute to the operation of the network.

Overall, Option 2 is scored **+3** on the smooth functioning of the public transport network, representing a small improvement over Option 1, primarily due to the effect to the effect of increasing safety on and around the network.

6.3.5.3. Option 3 - Safety and accessibility changes plus further restrictions on electric transportation devices

Option 3 provides the efficiency benefits from Option 2, however, the additional benefits are not significant.

Prohibiting the use of electric transportation devices will result in increased safety on public transport, as discussed above under Option 2. Under Option 3, electric transportation devices are prohibited on trains and V/Line coaches and their carriage is limited on buses and trams, which is expected to slightly improve network efficiency by reducing onboard obstructions and enhancing passenger flow.

Overall, Option 3 is scored **+4** on the smooth functioning of the public transport network, representing an improvement over Option 1. The impacts of Option 3 are marginal compared to Option 2, therefore, the Department awarded Option 3 a slightly higher score than Option 2.

6.3.6. Restrictions on individuals

6.3.6.1. Option 1 - Remaking the existing Regulations

Option 1 is the reference case (i.e. current Regulations / status quo), which is given a score of **0**. Option 1 is a remake of the current Regulations with only necessary minor and technical updates.

The existing Regulations place a range of restrictions on the actions of individuals on and around public transport to promote the safety, accessibility, and amenity, as well as protect property and the smooth functioning of the transport network. In doing so, the Regulations restrict certain kinds of behaviours that individuals may benefit from in a tangible or psychological way. For example, the Regulations:

- restrict the ability of thrill-seekers to engage in dangerous activities such as mounting trains or attaching themselves to the exterior of public transport vehicles;
- reduce the potential maximum convenience for individuals who would like to bring bicycles or large animals onboard trams and buses;
- restrict individuals from engaging in behaviours they may consider enjoyable such as marking graffiti, playing loud music or drinking liquor onboard a public transport vehicle;
- restrict activities which may be convenient for an individual such as littering or putting feet on seats;
- require people without accessibility needs to vacate seats or designated areas for people with accessibility needs, which may inconvenience the individual.

The range of restrictions are generally well-supported by the public as the restrictions are targeted and the consequences of not having these restrictions in place would result in much larger harms and inconveniences to others overall.

Overall, Option 1 imposes minor to moderate restrictions on individual actions relative to the base case.

6.3.6.2. Option 2 - Safety and accessibility changes

In comparison with the reference case (Option 1), Option 2 would add a minimal number of additional restrictions on individuals.

Under Option 2, the existing restrictions on bicycles, wheeled recreational devices and wheeled toys would be expanded to e-scooters. These restrictions include riding on public transport vehicles or attaching to the exterior of a public transport vehicle. These activities are very rare, therefore, the expansion of the rules to e-scooters will impose a negligible additional restriction on some individuals.

Option 2 will also introduce new restrictions on charging and turning on electric transportation devices on public transport. This restriction may be inconvenient for a small number of users of such devices. Most users do not charge their electric transportation devices on public transport, and since it is prohibited to ride such devices on public transport vehicles and premises, there is no need for the device to be turned on while on public transport. It is expected this change will impose a minor inconvenience on some individuals.

Additionally, Option 2 would also introduce new restrictions on commercial e-bikes and those equipped with aftermarket conversion kits. While this may cause inconvenience for a relatively small number of users, particularly those who rely on these devices to access late-night train services, it addresses a growing safety concern. While a relatively small number of overall public transport users, gig economy workers who use commercial e-bikes to deliver food and other goods, will face restrictions in getting to densely populated areas (such as the CBD) if they are based in outer suburbs. This could limit their ability to participate in these activities.

The requirement for e-scooters to be folded on buses, trams and the first door of the first carriage of metropolitan trains will also impose additional costs to individuals. However, folding scooters is already a common practice on public transport. Many e-scooters on the market are foldable and folding them is typically a straightforward and fast process. Therefore, this change will impose a negligible burden on e-scooter users.

The expansion of the requirement to vacate priority areas when a person in a wheelchair needs to occupy the area, without the need to request access to the area, is a broadly accepted social norm. This change is expected to impose a minimal inconvenience to some individuals who would rather not vacate priority areas.

The introduction of a new 'soiling of furniture' offence means individuals will need to exercise care not to soil furniture with muddy shoes, luggage, food, beverages or other substances. This is a widely accepted norm, so will impose a minimal inconvenience to individuals. The lowering of the penalty for feet on seats will reduce the financial impost of penalties for those that receive an infringement for this behaviour.

The improvements to the operation of level crossing rules ensure there are not unintended consequences, such as confusion about stopping on tracks, as previously discussed. The improvements also align the Regulations with the existing common-sense views of appropriate behaviour around level crossings. These changes are expected to result in minimal or no additional burden on individuals.

Option 2 also ensures the Regulations are clear that cyclists can use shared paths that run alongside tram tracks and track stops. This change brings clarity and aligns the Regulations with a common-sense approach to what parts of the network should be subject to a prohibition on riding bicycles.

Other changes under Option 2 reduce some of the existing restrictions on individuals. For example, the offence for not complying with the VFTC is narrowed to be applicable only once an AP(C) has requested that a person comply. AP(C)s may still issue a direction to comply with the VFTC and if that direction is not followed, then there remains the ability to issue an infringement.

Similarly, the current power to request a person to leave public transport premises for being "so affected by alcohol or other substances" that the person is "likely to behave in an offensive manner" is reduced. This change means that an individual's behaviour would be the relevant factor for being asked to leave, not the perception of their level of intoxication. As AP(C)s would continue to have the power to request that a person leave for using indecent, obscene, offensive or threatening language as well as indecent, obscene, offensive, threatening, disorderly, riotous or violent behaviour, it is expected that AP(C)s will continue to have the powers to deal with problematic behaviour where necessary.

Overall, Option 2 is scored **-2** on restrictions on individuals, representing a minimal reduction compared to Option 1. This is due to the marginal or negligible impost of most amendments, as well as the reduction in restrictions for several amendments.

6.3.6.3. Option 3 - Safety and accessibility changes plus further restrictions on electric transportation devices

Option 3 includes the restrictions on individuals from Option 2 as well as additional restrictions.

Prohibiting the carriage of electric transportation devices on trains and V/Line coaches, and limiting their carriage on buses and trams, will result in inconvenience to users of these devices. This change may significantly restrict some individuals' ability to get to or from their destination if they were relying on the device as their "last mile solution" and may harm their ability to engage in economic activity. However, the Department notes that, as a proportion of all public transport trips, the number of users who take such devices onto trains and V/Line coaches is low. Therefore, while the option may have a significant impact on certain public transport users, it does not significantly impact the entire population of public transport users, which will limit the overall impact of the option.

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The requirement that e-scooters must be folded to be taken on all public transport vehicles will pose a negligible additional burden on e-scooter users as compared with Option 2.

Overall, Option 3 is scored **-4** on restrictions on individuals, representing a significant reduction compared to Options 1 and 2. This is due to the additional prohibitions and restrictions on electric transportation devices on public transport.

7. Preferred option – the draft Conduct on Public Transport Regulations

7.1. Summary of preferred option

In section 6.2 of this RIS, Option 1 (the current regulations) was established as the reference case. Option 2 (safety and accessibility changes) and Option 3 (more restrictive changes) were then assessed against Option 1 using an MCA, due to the difficulty in measuring and attributing costs and benefits.

The table below summarises the results of the MCA based on the assessment in section 6.3. The decision rule adopted in this RIS is that a positive score suggests that the benefits outweigh the costs, and so the proposal should be adopted.

Option 3 is the preferred option with a total weighted MCA score of 1.05, compared with a score of 1.00 for Option 2. Option 3 is to continue to regulate conduct offences on public transport vehicles and premises by remaking the Regulations, but with several changes primarily targeted at increasing safety and accessibility and restricting the carriage of electric transportation devices on trains and V/Line coaches.

The proposed regulations have been drafted based on the preferred Option 3.

Table 0-27: Summary of MCA assessment scores

Criteria	Weight	Option 1	Option 2	Option 3
Benefits	**50%**	**0**	**2.0**	**3.05**
Safety	20%	0	0.80	1.40
Accessibility	10%	0	0.50	0.70
Amenity	10%	0	0.30	0.40
Protection of property	5%	0	0.25	0.35

Criteria	Weight	Option 1	Option 2	Option 3
Network functioning	5%	0	0.15	0.20
Costs	**50%**	**0**	**-1.00**	**-2.00**
Restrictions on individuals	50%	0	-1.00	-2.00
Total	**100%**	**0**	**1.00**	**1.05**

7.2. Summary of the changes in the proposed Regulations

Table 0-28: Summary of the changes in the proposed Regulations

Proposed regulation number	Proposed regulation description
Definitions	
r.5	The proposed Regulations contain a number of new and amended definitions as part of modernising language and giving effect to some of the changes summarised in this table. The key definitional changes are explained below.
Electric transportation device, electric bicycle	The proposed Regulations contain these new definitions as part of the new rules about the carriage of these types of devices on public transport.
Priority seat, Person who needs a priority seat	The proposed Regulations contain two new definitions to replace their equivalents in the existing Regulations, to better reflect modern terminology.
General conduct affecting safety [Pt 2, Div 1]	
r.7-24	**Part 2, Division 1** contains a range of provisions to regulate conduct affecting safety on public transport. The proposed Regulations largely retain the same content as the current Regulations, with the addition of the following changes around the carriage of electric transportation devices.
r.12	Introduces a new rule to prohibit the carriage of all electric bicycles, electric scooters and electric transportation devices on metropolitan trains
r.13	Introduces a new rule to prohibit the carriage of all electric bicycles, electric scooters and electric transportation devices on V/Line train and coach services.
r.15	Clarifies that bicycles (that are not folding bicycles) are only allowed to be carried on public transport buses that are equipped to carry bicycles (in practice via a rack on the outside of the bus)

Proposed regulation number	Proposed regulation description
r.16	Introduces new carriage requirements for e-scooters on trams (and tram stop platforms) that reflect the equivalent requirements for bicycles. E-scooters can only be carried on trams if they are folded, and only foldable e-scooters are allowed on tram stop platforms.
r.17	Introduces new carriage requirements for e-scooters on buses that reflect the equivalent requirements for bicycles. E-scooters can only be carried on buses if they are folded.
r.18	Introduces a new rule that prohibits the carriage of electric transportation devices (e.g. e-unicycles, e-skateboards) on trams and tram stop platforms.
r.19	Introduces a new rule that prohibits the carriage of electric transportation devices (e.g. e-unicycles, e-skateboards) on buses.
r.20	The current prohibition on riding bicycles and other devices in or on a public transport vehicle has been extended to also include e-scooters.
r.21	Introduces a new offence for charging or switching on/operating electric transportation devices, e-scooters and e-bikes while on a public transport vehicle to reduce the risk of battery fires.
r.24	The offence in the existing Regulations prohibiting a rider of a bicycle or wheeled recreational device (e.g. a skateboard) attaching themselves to the exterior of a bus has been removed from the proposed Regulations as this offence is now adequately covered in s221ZE(2) of the TCMA. The proposed Regulations do include a new offence though, to extend the above prohibition to include riders of e-scooters.
Interfering with equipment or property [Pt 2, Div 2]	
r.25-28	**Part 2, Division 2** contains provisions to regulate behaviours relating to equipment or property interference that may endanger safety. The proposed Regulations retain the same content as the existing Regulations.
Crossing railway and tramway tracks [Pt 2, Div 3]	
r.29-34	**Part 2, Division 3** contains specific safety-related offences relating to the crossing of railway and tramway tracks by drivers, riders, and pedestrians. The proposed Regulations retain the same intent as the existing Regulations, but some changes have been made to improve language and to cover a wider range of variations in public transport infrastructure (pedestrian gates, tram platforms etc).

Proposed regulation number	Proposed regulation description
r.30	The offences relating to pedestrians crossing train tracks or designated tramway tracks have been updated to account for situations where there might be two independently operating sets of pedestrian gates on either side of a level crossing. The change clarifies that it is not an offence to cross at an open pedestrian gate when the pedestrian gate on the opposite side is closed, or when the boom gates are down for the adjacent level crossing for vehicles.
r.33-34	Offences relating to pedestrians crossing a railway track, dedicated tramway track, or tramway track between platforms have been updated to reflect changes in the types of platforms now in place across the network. The proposed Regulations also contain a lower penalty (than the existing Regulations) for crossing tramway tracks (as compared to railway tracks or designated tramway tracks) at places other than where provided for pedestrians. This reflects the slightly lower risk in these locations.
Face coverings on public transport [Pt 2, Div 4]	
r.35	**Part 2, Division 4** requires the wearing of a face covering (e.g. mask) on public transport when required by a pandemic order. The proposed Regulations make no changes from the existing Regulations.
Conduct affecting amenity on public transport [Pt 3]	
r.36-52	**Part 3** contains a range of offences relating to behaviour that negatively impact amenity on public transport. The proposed Regulations largely retain the same content as the current Regulations, with the following changes.
r.45	The offence for a person (without a reasonable excuse) for having their feet on seats has had the maximum penalty reduced from 5 penalty units to 2 penalty units (in the proposed Regulations). This is to more closely reflect the harms caused by this behaviour.
r.46	A new offence has been added in the proposed Regulations for behaviour (such as having feet on seats) that results in public transport furniture being 'soiled' or otherwise damaged. This new offence works in tandem with the reduced 'feet on seats' penalty by allowing for the original penalty level of 5 penalty units to be applied when this more significant harm has occurred.
Seating on public transport vehicles or premises [Pt 4]	
r.53-57	**Part 4** contains offences relating to seating while on public transport. Several changes have been made to these 'seating' offences to increase accessibility on public transport.

Proposed regulation number	Proposed regulation description
r.55	The requirement in the existing Regulations for a person to vacate a wheelchair area in certain circumstances has been strengthened in the proposed Regulations. Instead of being required to vacate the area on the request of a person in a wheelchair or an AP(C), the proposed Regulations will require a person to vacate the area as soon as a person in a wheelchair enters that public transport vehicle and requires that particular space (no request will be required). A higher penalty will apply if a person still occupies a wheelchair area after a person in a wheelchair has boarded (as above) and has also requested the person vacate the area (or an AP(C) or other person has made this request on their behalf.
r.57	A small change has been made to the existing Regulations. In the existing Regulations a person was committing an offence by simply being on board a public transport vehicle in a way that was contrary to the Victorian Fares and Ticketing Conditions (VFTC). In the proposed Regulations, an offence will only have been committed if an AP(C) requests that a person comply with the VFTC and the person fails to do so.
Miscellaneous offences [Pt 5]	
r.58-59	Part 5 contains miscellaneous offences.
r.59	The power in the existing Regulations for an AP(C) to ask a person to leave a public transport vehicle has been limited in one key aspect in the proposed Regulations. Under the existing Regulations an AP(C) may ask a person to leave public transport premises if the person is "reasonably believed by the [AP(C)] to be so affected by alcohol or other substances that the person is likely to behave in a violent or offensive manner". The proposed Regulations remove this power while expanding the power for an AP(C) to ask a person to leave a public transport vehicle for using "indecent, obscene, offensive or threatening language" or behaving in an "indecent, obscene, offensive, threatening, disorderly or riotous" manner.

7.3. Summary of competition and small business impacts

The Victorian Guide to Regulation states that it is good practice for a RIS to consider the impacts of the proposed regulatory option on both small business and on competition more broadly.

7.3.1. Impact on small business

It is possible that the introduction of new regulatory requirements can have disproportionate impacts on small business. This can be due to smaller businesses having less resources or capability to interpret and respond to new compliance requirements.

As the proposed regulations set out the rules for safe and appropriate conduct of individual passengers and people in and around public transport, the proposed regulations have been assessed as having no adverse impact on small businesses in Victoria.

7.3.2. Competition assessment

New or updated regulatory requirements can also potentially affect competition in the economy by introducing restrictions on the ability of businesses or individuals to effectively operate in particular markets.

The Competition Principles Agreement within the National Competition Policy Agreements has a guiding principle for legislation (including regulations) which is that legislation should not restrict competition unless it can be demonstrated that the overall benefits of the restriction outweigh the costs, and that the Government's objectives can only be achieved by restricting competition.

The proposed regulations (as summarised above) are not expected to have competition impacts. The proposed regulations have been assessed as not: limiting the number or range of suppliers, limiting the ability of suppliers to compete, reducing the incentive of suppliers to compete, or limiting the choices or information available to customers.

As the proposed regulations only seek to regulate the behaviour of passengers and other people in and around public transport, they have been assessed as not having an impact on competition.

8. Implementation

Following the formal RIS consultation period, the Department will review and consider all submissions and comments made on the proposed Regulations.

The Department will make any necessary changes to the draft Regulations before recommending to the Minister that they are made. A notice of decision outlining any changes from the draft will be published on the Victorian Public Notices website.

The Department will also communicate the outcomes of the consultation and its recommendations to stakeholders following the Minister's decision.

If the Minister approves the proposed Regulations, they will be formally made by the Governor in Council. The new regulations will commence on 30 September 2025.

8.1. Operational changes

Outdated decals and signage in public transport vehicles and around stops and stations will be updated over time as required.

The prohibition on electric transportation devices from public transport will require operator and other authorised transport staff to undergo training to help identify the different types of electric transport devices,. A public information campaign across digital and physical channels will be undertaken to inform the public of the change to support an efficient transition.

Operational information and systems relating to enforcement of offences will be updated to reflect the proposed changes. The Department is not proposing to make any changes to current enforcement procedures for the new conduct offences. Authorised officers will be educated on the changes to offences, including new offences, as part of their regular ongoing training. The following section provides a summary of current enforcement procedures as they relate to conduct offences.

8.2. Enforcement

The TCMA specifies who can issue infringement notices to offenders. Under section 212 of the TCMA, the following persons are permitted to issue infringement notices if they believe a transport infringement[39] has been committed:

- police officers
- a protective services officer
- a person who is authorised to issue transport infringement notices, i.e. authorised officers.

The *Infringements Act 2006* provides the framework for the issuing and serving of infringement notices for offences. This is supported by the *Attorney-General's Guidelines to the Infringements Act 2006*[40], which are designed to provide guidance to legislating and enforcement agencies about the design and operation of infringement offences in Victoria, and the manner in which responsibilities under that Act are to be exercised.

8.2.1. Authorised officers

In addition to police and protective services officers, AOs employed by the Department, Safe Transport Victoria, passenger transport operators and the Bus Association Victoria enforce public transport laws.

Public transport AOs are appointed by the Department following a comprehensive recruitment and selection process. Officers are trained in relevant areas of procedure and law, as well as in the application of their powers, responsibilities and law enforcement processes.

As part of their training, officers are educated about the proofs required to substantiate public transport offences. Regular training is provided, including training on any new or amended offences.

Officers must act in accordance with a Code of Conduct developed in partnership with the State Government and public transport franchisees and may be subject to investigation and disciplinary action if they are in found to be in breach.

Their authorisation is assessed and renewed periodically to ensure their knowledge and skills are up-to-date and they remain fit for duty.

8.2.2. Enforcement action

AOs employed by private transport companies do not have direct powers to issue infringement notices with respect to conduct offences. This is because it is not appropriate to provide such powers to non-Government employees.

An accredited public transport company or bus company must have in place a system for the management of any authorised officers they employ (***authorised officer management system***). [41] An authorised officer management system must include:

- education and training relating to the use of enforcement powers and behaviour towards members of the public
- reporting and supervision requirements

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[39] *Transport infringement* is defined under Part VII of the *Transport (Compliance and Miscellaneous) Act 1983* and means an offence, other than a ticket infringement, against the Act or regulations which is prescribed for the purposes of that Part.

[40] DJCS (Department of Justice and Community Safety) (2022), Attorney-General's Guidelines to the Infringements Act 2006, DJCS, accessed 24 January 2025.

[41] Section 228A of the *Transport (Compliance and Miscellaneous) Act 1983* requires applications for accreditation to employ or engage authorised officers be accompanied by a description of the applicant's authorised officer management system as defined under section 228AB.

- anything else prescribed in the regulations.

AOs employed by transport operators are required to complete a report of non-compliance (RoNC) when they detect a possible conduct offence. RoNCs are then forwarded to the Department for consideration.

The Department's issuing officers are subject to the processes and procedures set out in the *Infringements Act 2006*. This includes considering whether an infringement notice can and should be issued. Each RoNC is reviewed to ensure that there is sufficient evidence to form a reasonable belief that an offence has been committed, before an appropriate course of action is determined.

In considering what, if any, action to take, officers must have regard to whether there are special circumstances that apply as defined under the *Infringements Act 2006*. These include factors such as a mental or intellectual disability, disease or illness, a serious addiction to drugs, alcohol or volatile substances and homelessness.

In serious cases, the report may be referred to the Department's prosecutions unit for review.

8.2.3. Penalties

If enforcement action is warranted, alleged offenders may be prosecuted through the courts or issued an infringement notice. The penalty amounts in the proposed regulations represent the maximum court-imposed penalty for each relevant offence.

Although the maximum penalty that may be set in regulations is 20 penalty units, many offences in the proposed regulations have maximum penalties which are lower than this amount.

Appropriately set penalties are an effective deterrent to undesirable behaviour. Infringement notices offer alleged offenders the opportunity to minimise the penalty and burden incurred due to participation in court proceedings.

The Attorney General's Guidelines to the *Infringements Act 2006* state that an infringement penalty should be no more than 25 per cent of the maximum court-imposed penalty.[42] With respect to children aged 10-17 years, the *Transport (Compliance and Miscellaneous) (Infringements) Regulations 2019* place further limits. Although subject to the same maximum court penalty, children receive a lower penalty (0.5 penalty units – $99 in 2024-25) for all transport infringements.

The proposed penalty values have been set according to the seriousness of the offence and to align as much as possible with similar offences in other legislation and regulations. Infringement penalties for conduct offences are set out in the *Transport (Infringements) Regulations 2019*. If the proposed regulations are made, those regulations will also be amended to reflect the changes to existing penalties and to include the new penalties.

9. Evaluation

Evaluation plays an important role in good regulatory design. Regulations should be evaluated regularly to assess whether their objectives are being met and are still fit for purpose.

The *Subordinate Legislation Act 1994* provides for the expiry of regulations ten years after commencement. That Act also requires that a Regulatory Impact Statement is prepared and that there is appropriate consultation before new regulations are made if they are likely to impose a significant economic or social burden on a sector of the community. This process ensures that the community has an opportunity to comment when regulations are proposed to be made.

[42] pg. 24 of the 2022 edition of the Attorney-General's Guidelines to the *Infringements Act 2006* for Legislating Agencies.

The Department will review the proposed regulations before the sunset date. The review will inform whether regulations are still considered necessary to achieve the objectives. If so, a future Regulatory Impact Statement will be prepared at that time. The Department will be responsible for undertaking the review.

9.1. Evaluation approach

The purpose of an evaluation is to assess the effect of the regulations against its objectives. The objectives of the proposed regulations are to:

- maximise the safety of public transport;
- maximise the accessibility of public transport;
- minimise damage to equipment and property;
- maximise amenity and passenger comfort;
- minimise public transport network disruptions and delays;
- minimise restrictions on individuals; and
- minimise regulatory and other costs.

Baseline data used in the development of this RIS will continue to be collected during the life of the new regulations as part of the Departments key function to monitor the public transport network. Enforcement data for both existing and new offences will serve as a key indication of the effectiveness of these offences and the level of deterrence they offer.

Patronage data will continue to serve as a key indication of how many people are using public transport and customer experience data will continue to provide intelligence on both people's experiences as customers on the network and how those experiences impact their use and enjoyment of public transport.

10. Consultation

Targeted consultation has been undertaken with key stakeholders during the development of the proposed Regulations. The Department engaged in online meetings with stakeholders between December 2024 and February 2025. Stakeholders consulted include Metro Trains Melbourne, Yarra Trams, V/Line, the Public Transport Ombudsman, and the Public Transport Users Association, as well as relevant Victorian Government departments and agencies. A full list of organisations consulted during the preliminary consultation process are as follows:

- Metro Trains Melbourne
- V/Line
- Yarra Trams
- Department of Justice and Community Safety
- Public Transport Ombudsman
- Public Transport Users Association
- Safe Transport Victoria
- Victoria Police
- Office of the National Rail Safety Regulator


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