



New South Wales

Rail Safety (Offences) Regulation 2008

under the

Rail Safety Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2008*.

DAVID CAMPBELL, M.P.,
Minister for Transport

Explanatory note

The objects of this Regulation are as follows:

- (a) to re-make, with minor changes, the railway offences previously contained in the *Rail Safety (General) Regulation 2003*, which was repealed on the commencement of the *Rail Safety Act 2008*,
- (b) to prescribe offences under the *Rail Safety Act 2008*, the proposed Regulation and the *Rail Safety (General) Regulation 2008* that may be dealt with by issuing penalty notices and to prescribe the penalty that may be imposed for any such offence by a penalty notice.

This Regulation is made under the *Rail Safety Act 2008*, including sections 131, 139 and 174 (the general regulation-making power).

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Clause 1 Rail Safety (Offences) Regulation 2008

Part 1 Preliminary

Rail Safety (Offences) Regulation 2008

under the

Rail Safety Act 2008

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Rail Safety (Offences) Regulation 2008*.

2 Commencement

This Regulation commences on 1 January 2009.

3 Definitions

(1) In this Regulation:

assistance animal means an animal referred to in section 9 (Disability discrimination—guide dogs, hearing assistance dogs and trained animals) of the *Disability Discrimination Act 1992* of the Commonwealth.

concession ticket means a ticket issued free or at a reduced fare.

disability has the same meaning as it has in the *Disability Discrimination Act 1992* of the Commonwealth.

drive includes ride or draw (in relation to a vehicle) and ride or lead (in relation to an animal).

hold, in relation to a ticket or reservation, means be able to produce the ticket or reservation on request.

light rail stop means any place designated for the picking up or setting down of passengers on a route declared, under section 104N (2) of the *Transport Administration Act 1988*, to be the route of a light rail system.

light rail system has the same meaning as in section 104N of the *Transport Administration Act 1988*.

monorail works means any station, platform, monorail running line or supporting column associated with a monorail transport system.

public area means any part of railway premises or monorail works that the public uses or is entitled to use.

RailCorp means Rail Corporation New South Wales.

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Rail Safety (Offences) Regulation 2008

Clause 3

Preliminary

Part 1

restricted area of a station means:

- (a) if the station has no ticket barrier—the platform, and
- (b) if the station has a ticket barrier—the platform and all other parts of the station between the platform and the ticket barrier.

station means:

- (a) a monorail station (whether or not on railway premises), and
 - (b) any other station on railway premises,
- and includes any place (other than a light rail stop) designated for the picking up and setting down of passengers on a railway.

the Act means the *Rail Safety Act 2008*.

ticket includes a pass or other thing issued to a person, by or on behalf of the rail transport operator of a railway, for the purpose of authorising the person to travel on a train on the railway.

train means:

- (a) a train operated by RailCorp, or
- (b) a light rail vehicle operated on a light rail system, or
- (c) the class of trains operated by a rail transport operator.

valid ticket means a ticket that meets the requirements for validity set out in clause 6.

vehicle includes a bicycle.

- (2) Notes included in this Regulation do not form part of this Regulation.

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Clause 4 Rail Safety (Offences) Regulation 2008

Part 2 Tickets and payment of fares

Part 2 Tickets and payment of fares

4 Fare to be paid and ticket to be held

- (1) A person must not, without reasonable excuse, travel on a train unless:
 - (a) the fare for the person's travel has been paid, and
 - (b) the person (or someone accompanying the person) holds a valid ticket for the person's travel.

Maximum penalty: 5 penalty units.

Note. Clause 3 (1) defines **hold**, in relation to a ticket, as meaning "be able to produce the ticket on request".
- (2) It is a defence to a prosecution under this clause if the person proves:
 - (a) that it appeared to the person, after reasonable investigation, that no facilities were available, at the station or stop at which the person got on the train, to enable the person to pay the fare or obtain the ticket before getting on the train, or
 - (b) that the person:
 - (i) arrived at the station or stop at a time that should, in the circumstances ordinarily existing at that time of day and on that day of the week, have enabled the person to pay the fare or obtain the ticket before getting on the train, and
 - (ii) diligently took all steps reasonably necessary to pay the fare or obtain the ticket,but was unable to pay the fare or obtain the ticket due to circumstances beyond the person's control.
- (3) Subject to subclause (2), it is not a defence to a prosecution under this clause for a person to prove:
 - (a) that the time taken or likely to have been taken to pay the fare or obtain the ticket before getting on the train would have prevented the person from getting on the train, or
 - (b) that the person intended to pay the fare or obtain the ticket while travelling or on arriving at a particular place.
- (4) In this clause, **train** includes any other form of transport (such as a bus) provided by a rail transport operator in substitution for a train.

5 Other offences in relation to fares and tickets

- (1) A person who is travelling on a train without having paid the fare for the travel concerned must not, without reasonable excuse, fail to pay the fare:
 - (a) on demand made by an officer authorised in that regard by the rail transport operator of the train system, or

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Clause 6

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- (b) if the fare has not already been paid pursuant to such a demand, immediately on leaving the train at the station or stop at which the person's travel is completed.

Maximum penalty: 5 penalty units.

- (2) A person must not, knowingly and without reasonable excuse, travel on a train in a carriage or compartment of a class to which the person's ticket does not apply.

Maximum penalty: 5 penalty units.

- (3) In this clause, **train** includes any other form of transport (such as a bus) provided by the rail transport operator in substitution for a train.

6 Validity of tickets

- (1) A ticket is valid for travel only:

- (a) between the stations or light rail stops (or within the zone or area) specified on it, and
- (b) on the issue date specified on it (or, if an expiry date or time is specified, until and including that date or until that time), and
- (c) between the times (if any) specified on it, and
- (d) in the case of a single or return ticket—if the ticket has not previously been used to authorise the travel concerned, and
- (e) in the case of a ticket showing the name of the person to whom it was issued—by that person.

- (2) A ticket transferred in contravention of clause 7 is not a valid ticket.

- (3) A ticket is not valid unless:

- (a) the number of the ticket, and
- (b) the issue date or the expiry date (or both) of the ticket, and
- (c) the names of stations or light rail stops between which (or the zone or area within which) the ticket authorises travel, and
- (d) the name (if shown) of the person to whom the ticket was issued, are legible on the ticket, and the ticket is not defaced, mutilated or altered.

- (4) However, an illegible, defaced, mutilated or altered ticket is valid if the illegibility, defacing, mutilation or alteration occurred as a result of the ordinary use of the ticket.

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Clause 7 Rail Safety (Offences) Regulation 2008

Part 2 Tickets and payment of fares

7 Tickets not transferable

- (1) A person who is issued with a ticket must not transfer (or offer to transfer) the ticket, or a portion of the ticket, to another person.
Maximum penalty: 5 penalty units.
- (2) This clause does not apply if:
 - (a) the ticket was bought on behalf of that other person, or
 - (b) the transfer is authorised by the rail transport operator of the railway to which the ticket relates.

8 Concession tickets

- (1) A person must not travel on a train on the authority of a concession ticket unless the person is, because of his or her age, occupation or status, entitled to the concession ticket.
Maximum penalty: 5 penalty units.
- (2) A rail safety officer may require a person:
 - (a) who is travelling on a train on the authority of a concession ticket, or
 - (b) who makes a concession ticket available for inspection under clause 9, or
 - (c) who offers a concession ticket for collection or processing under clause 10 or 11,to produce to the rail safety officer evidence (for example, the person's pensioner or student concession card) that the person is entitled to the concession ticket.
- (3) A person must comply with a requirement made under subclause (2).
Maximum penalty: 5 penalty units.
- (4) A person must not:
 - (a) in or in connection with an application for a concession ticket, or
 - (b) in purported compliance with a requirement made under this clause,
knowingly give any information or tender any document that contains a false or misleading particular with respect to the age, occupation or status of the person to whom the application or direction relates.
Maximum penalty: 5 penalty units.

9 Inspection of tickets

- (1) A person who:
 - (a) is on a train, or

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- (b) is in a restricted area of a station, or
(c) has just left the restricted area of a station,
must make his or her ticket available for inspection or processing by a rail safety officer on that officer's request.
Maximum penalty: 5 penalty units.
- (2) A person who has just left the restricted area of a station does not commit an offence under subclause (1) if the person's ticket has been:
(a) captured by an automatic gate or other equipment provided to read or record any details on the ticket, or
(b) given to a rail safety officer.

10 Entry to restricted area of station

- (1) A person must not, without reasonable excuse, enter the restricted area of a station (otherwise than by getting off a train) without offering the person's ticket for processing in accordance with this clause.
Maximum penalty: 5 penalty units.
- (2) For the purposes of this clause, a person offers a ticket for processing:
(a) if the station has an automatic gate or other equipment provided to read or record any details on the ticket—by putting the ticket into that gate or equipment and, if requested by a rail safety officer, by also showing the ticket to the rail safety officer, or
(b) if the station does not have such a gate or equipment—by showing the ticket to a rail safety officer on that officer's request.
- (3) A person must offer his or her ticket for processing in the manner specified in subclause (2) (a), unless:
(a) the person's ticket is not designed for insertion in automatic equipment, or
(b) the station concerned is not supplied with automatic equipment, or
(c) the person has a reasonable excuse for not using the automatic equipment (for example, the equipment is not operating or the person is accompanied by luggage that would make use of the equipment difficult).

11 Leaving restricted area of station

- (1) A person must not, without reasonable excuse, leave the restricted area of a station (otherwise than by getting on a train) without offering the person's ticket for collection or processing in accordance with this clause.
Maximum penalty: 5 penalty units.

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Clause 11 Rail Safety (Offences) Regulation 2008

Part 2 Tickets and payment of fares

- (2) For the purposes of this clause, a person offers a ticket for processing:
 - (a) if the station has an automatic gate or other equipment provided to read or record any details on the ticket—by putting the ticket into that gate or equipment and, if requested by a rail safety officer, by also showing the ticket to the officer (unless the ticket has been captured by the gate or equipment), or
 - (b) if the station does not have such a gate or equipment—by giving or showing the ticket to a rail safety officer on that officer's request.
- (3) A person must offer his or her ticket for collection or processing in the manner specified in subclause (2) (a), unless:
 - (a) the person's ticket is not designed for insertion in or passing across automatic equipment, or
 - (b) the station concerned is not supplied with automatic equipment, or
 - (c) the person has a reasonable excuse for not using the automatic equipment (for example, the equipment is not operating or the person is accompanied by luggage that would make use of the equipment difficult).

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Clause 12

Conduct on trains and railway premises

Part 3

Part 3 Conduct on trains and railway premises

Division 1 General conduct provisions

12 Conduct generally

- (1) A person must not on any train or in any public area wilfully:
 - (a) use offensive language, or
 - (b) behave offensively, or
 - (c) spit.

Maximum penalty: 10 penalty units.

- (2) A person must not on any train, on any railway premises or on any part of monorail works wilfully put his or her feet, or either of them, on a seat.

Maximum penalty: 5 penalty units.

13 Luggage and soiled clothing

- (1) If, in the opinion of a rail safety officer, a person's clothing or luggage (or any other thing that the person has, or appears to intend to take, on a train):
 - (a) may soil or damage the train or the clothing or luggage of other passengers, or
 - (b) has such dimensions that it cannot be accommodated in the train without inconvenience to other passengers,the officer may direct the person to leave, or not to enter, the train.

- (2) A person must comply with a direction given under subclause (1).
Maximum penalty: 5 penalty units.

14 Smoking generally prohibited

- (1) A person must not smoke on any train or in any public area that is roofed or otherwise covered.
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to a part of a train or public area in or on which smoking is permitted by the display of signs.
- (3) In this clause, *smoke* includes be in possession of a lighted cigarette, cigar, pipe or similar article.

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Clause 15 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

15 Eating and drinking on trains

- (1) A person must not eat or drink on any train in which eating and drinking is prohibited by signs displayed in the train, except with the permission of a rail safety officer.
Maximum penalty: 5 penalty units.
- (2) This clause does not apply to a person who is eating or drinking on a train for medical reasons.

16 Drinking of alcohol generally prohibited

- (1) A person must not drink any intoxicating liquor on any train or in any public area.
Maximum penalty: 10 penalty units.
- (2) This clause does not apply if the liquor that is drunk was supplied on the train, railway premises or monorail works concerned by, or with the permission of, the rail transport operator of the railway.
- (3) In this clause, **drink** includes be in possession of an opened container of intoxicating liquor.

17 Passengers who are intoxicated

- (1) If, in the opinion of a rail safety officer, a person on a station or a train, or at a light rail stop:
 - (a) is under the influence of intoxicating liquor or another drug, and
 - (b) is causing, or is likely to cause, a nuisance or inconvenience to other persons on the station or train or at the light rail stop,
the officer may direct the person to leave the station, train or light rail stop.
- (2) A person must comply with a direction given under subclause (1).
Maximum penalty: 10 penalty units.

18 No unauthorised commercial activities

- (1) A person must not carry on a commercial activity on any train or in any public area without the written permission of the rail transport operator of the relevant railway.
Maximum penalty: 5 penalty units.

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Clause 19

Conduct on trains and railway premises

Part 3

- (2) For the purposes of this clause, a ***commercial activity*** means any one or more of the following:
- (a) the sale or hire (or the offer for sale or hire) of any thing otherwise than by means of a mobile phone call to a person who is not present on the train or in the public area concerned,
 - (b) the touting or soliciting for custom, hire or employment otherwise than by means of a mobile phone call to a person who is not present on the train or in the public area concerned,
 - (c) the distribution of handbills to any person,
 - (d) the soliciting of money from any person (whether by way of busking or otherwise).

19 Entry to and exit from station or other premises

A person must not, without reasonable excuse, enter or leave a station, platform or other work or premises connected with a railway otherwise than by a place designated by the rail transport operator of the railway for entry or exit.

Maximum penalty: 5 penalty units.

20 Entry to and exit from trains

A person must not, without reasonable excuse, enter or leave a train:

- (a) while the train is moving, or
- (b) by getting through a window, or
- (c) in the case of a train operated on a railway other than a light rail system—except at the side of the train adjoining the platform or other place designated by the rail transport operator of the railway for persons to enter or leave the train, or
- (d) in the case of a train operated on a railway that is a light rail system—except at the side of the train adjoining the light rail stop designated by the rail transport operator for persons to enter or leave the train.

Maximum penalty: 5 penalty units.

21 Passengers to remain wholly within trains

A person who is on a train must not, without reasonable excuse:

- (a) protrude any part of the person's body from an open door or window of the train, or
- (b) touch any building, structure or other object outside the train.

Maximum penalty: 5 penalty units.

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Clause 22 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

22 Certain unauthorised travel on trains

- (1) A person must not board a train, for the purpose of travelling on it, at a station at which the train is not scheduled to pick up passengers, except with the permission of a rail safety officer.
Maximum penalty: 5 penalty units.
- (2) A person must not leave a train at a station at which the train is not scheduled to set down passengers, except with the permission of a rail safety officer.
Maximum penalty: 5 penalty units.

23 Compulsory reservation of sleeping berths or seats

- (1) A person must not, except with the permission of a rail safety officer, travel on a train on which booking is compulsory without holding:
 - (a) both a valid ticket for the travel concerned and a reservation for a sleeping berth or seat, or
 - (b) a combined travel and reservation ticket.
Maximum penalty: 5 penalty units.
- (2) Subclause (1) does not apply to a person who is travelling with another person who holds a valid ticket and reservation, or a combined ticket and reservation (or tickets and reservations, or combined tickets and reservations) authorising, for both persons, travel on the train concerned.
Note. Clause 3 (1) defines **hold**, in relation to a ticket or reservation, as meaning "be able to produce the ticket or reservation on request".
- (3) A person is not liable to be punished under both this clause and clause 4 (1) in respect of the same travel.

24 Unauthorised occupation of reserved seats

- (1) The rail transport operator of a railway may, by an appropriate notice attached to (or in the vicinity of) a seat in a train used on the railway, reserve the seat for a passenger.
- (2) A rail safety officer may direct a person to leave a seat reserved for another person if the officer is not satisfied that the person is occupying the seat with the permission of either the person for whom it is reserved or a rail safety officer.
- (3) A person must comply with a direction given under subclause (2).
Maximum penalty: 5 penalty units.

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Clause 25

Conduct on trains and railway premises

Part 3

25 Unauthorised occupation of sleeping berths

- (1) A person must not, except with the permission of a rail safety officer, occupy a sleeping berth on a train:
 - (a) other than the berth allotted to the person, or
 - (b) without holding or having delivered up on the train a sleeping berth ticket or other receipt for the fare for the berth.Maximum penalty: 5 penalty units.
- (2) A rail safety officer may direct a person contravening subclause (1) to leave the berth.
- (3) A person must comply with a direction given under subclause (2).
Maximum penalty: 5 penalty units.

26 Unauthorised occupation of seats for aged persons or persons with a disability

- (1) The rail transport operator of a railway may, by appropriate notice attached to (or in the vicinity of) seating in a train used on the railway, set aside that seating for persons who are aged or have a disability.
- (2) A person who is not aged and does not have a disability must not continue to occupy a seat set aside for the aged and persons with disabilities if an aged person or a person with a disability wanting to use the seat (or a person on behalf of that person) asks the person to vacate it.
Maximum penalty: 5 penalty units.

27 No interference with train doors

A person must not, without reasonable excuse:

- (a) block a train door, or
 - (b) open a locked train door at any time, or
 - (c) open an unlocked train door (other than an internal door or a door between carriages) while the train is moving, or
 - (d) in any way interfere with an automatically operated train door.
- Maximum penalty: 50 penalty units.

28 No entry to crew compartment of train

- (1) A person must not:
 - (a) enter any crew compartment of a train without the permission of a rail safety officer, or

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Clause 29 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

- (b) remain in the crew compartment of a train after having been requested to leave the compartment by a rail safety officer.

Maximum penalty: 10 penalty units.

- (2) This clause does not apply to a rail safety officer in the execution of his or her duty.

29 Travel not allowed on certain parts of train

- (1) A person must not, without reasonable excuse, travel on any part of a train not intended for the conveyance of passengers.

Maximum penalty: 5 penalty units.

- (2) Without limiting subclause (1), parts of a train not intended for the conveyance of passengers include the following:

- (a) the engine or locomotive,
- (b) the roof, steps and footboard,
- (c) the stairs of a double-decker train.

30 Unauthorised use of certain equipment

- (1) A person must not, without reasonable excuse, do any of the following:

- (a) use the public address system of a train or on a station or at a light rail stop,
- (b) use any other communications system or information system of a train or on a station or at a light rail stop or on any other part of the infrastructure of a railway, or any emergency help point for passengers, for a purpose other than the purpose for which it is provided,

- (c) apply or release any brake on a train,

- (d) use or interfere with any emergency or safety equipment on a train or on a station or at a light rail stop or on any other part of the infrastructure of a railway,

- (e) operate or otherwise interfere with any electrical or mechanical apparatus or device that is on railway premises or is attached to, or forms part of, any train or any part of monorail works, or

- (f) throw any article or thing at or towards, or otherwise interfere with, any electricity supply line or any electrical or mechanical apparatus on railway premises or situated on or about, or attached to, any part of monorail works.

Maximum penalty: 250 penalty units.

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Clause 31

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- (2) In this clause, ***emergency or safety equipment*** includes closed circuit television cameras, emergency help points for passengers, emergency breakdown equipment, alarms, stretchers, fire extinguishers and the like.

31 No obstruction or hindrance

- (1) A person must not, without reasonable excuse:
- (a) obstruct any facility in a public area, or
 - (b) hinder (whether by obstruction or by any other means) another person's use of any facility in a public area.
- Maximum penalty: 10 penalty units.
- (2) Without limiting subclause (1), a facility in a public area includes the following:
- (a) the entrance to a station or light rail stop,
 - (b) the exit from a station or light rail stop,
 - (c) stairways and escalators at a station or light rail stop.

32 Pedestrians

A person must not, while proceeding on foot in any public area, proceed at a pace or in a manner that may cause injury or damage or that may endanger any person or property.

Maximum penalty: 5 penalty units.

33 Use of escalators and lifts

- (1) A person must not, while in any public area:
- (a) ride on a travelling handrail of an escalator, or
 - (b) without reasonable excuse, move while on an escalator in a direction opposite to that in which it is travelling, or
 - (c) without reasonable excuse, convey any goods on an escalator or in a lift, or
 - (d) without reasonable excuse, interfere in any manner with an escalator or lift or the working of an escalator or lift.
- Maximum penalty: 5 penalty units.
- (2) In this clause, ***goods*** does not include shopping, strollers, prams, bicycles, surfboards or luggage.

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Clause 34 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

34 Railway property not to be removed

- (1) A person must not remove any property belonging to a rail transport operator from any train, any railway premises or any part of monorail works.
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to a rail safety officer or other person in the execution of the officer's or person's duty.

35 Graffiti and vandalism

- (1) A person must not:
 - (a) write, draw or affix any word, representation, character or poster on or to, or
 - (b) destroy, damage or deface, any train, any part of the infrastructure of a railway or any property on railway premises or monorail works.
Maximum penalty: 20 penalty units.
- (2) A person must not, without reasonable excuse, have in his or her possession on any train, any part of a railway, on any railway premises or on any part of monorail works any thing intended for use in damaging property.
Maximum penalty: 10 penalty units.
- (3) This clause does not apply to a rail safety officer in the execution of his or her duty.

36 Throwing things

A person must not, without reasonable excuse, throw any thing at or from a train, a station, a light rail stop or any other part of the rail infrastructure.
Maximum penalty: 20 penalty units.

37 No littering

- (1) A person must not on any train or in any public area:
 - (a) deposit any litter, or
 - (b) deposit any thing that may endanger any person or property, otherwise than in a receptacle provided for that purpose.
Maximum penalty: 10 penalty units.
- (2) A person must not abandon any building material on any train, any part of a railway, on any railway premises or on any part of monorail works.
Maximum penalty: 5 penalty units.

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Clause 38

Conduct on trains and railway premises

Part 3

38 Lighting fires

A person must not:

- (a) light a fire on, or
- (b) bring any burning substance into or onto, or cause a burning substance to be brought into or onto, or
- (c) throw or drop any burning substance on or from, or cause any burning substance to be thrown or dropped on or from, any train, any part of a railway, any railway premises or monorail works.

Maximum penalty: 10 penalty units.

39 Direction to leave train or premises

- (1) If, in the opinion of a rail safety officer, a person is committing an offence under this Part, the officer may direct the person to leave the train, railway premises or part of the monorail works concerned.
- (2) A person must comply with a direction given under subclause (1).
Maximum penalty: 10 penalty units.
- (3) A person who has been directed to leave a train, railway premises or part of a monorail works must not, without a reasonable excuse, re-enter the train, railway premises or part of a monorail works within 4 hours of the direction being given.
Maximum penalty: 10 penalty units.

40 Gates to be closed

A person who uses a gate at a railway crossing, or any other gate set up at the side of the railway, must shut and securely fasten the gate immediately after use.

Maximum penalty: 5 penalty units.

41 No trespassing

- (1) A person must not, without reasonable excuse, go onto or into, or remain on or in:
 - (a) the restricted area of a station, or
 - (b) any running lines or associated part of any rail infrastructure, or
 - (c) any workshops forming part of rail infrastructure, or
 - (d) any offices or administrative areas of a railway, or
 - (e) any other railway premises or any part of monorail works.

Maximum penalty: 50 penalty units.

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Clause 42 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

- (2) Subclause (1) does not apply to:
 - (a) a rail safety officer in the execution of his or her duty, or
 - (b) a person who has the permission of the rail transport operator of the railway to enter the railway premises or part of the monorail works concerned.
- (3) A rail safety officer who has reason to believe that a person is committing an offence under subclause (1) may direct the person to leave the restricted area of the station, running lines, associated part of the rail infrastructure, workshop, office or administrative area, railway premises or monorail works concerned.
- (4) A person must comply with a direction given under subclause (3).
Maximum penalty: 5 penalty units.

42 Lost property

- (1) A person who finds any article in a train or any public area:
 - (a) must return it to its owner, or
 - (b) must give it, or report its location, to an employee of a rail transport operator designated by the operator for the purposes of this clause or a rail safety officer.
Maximum penalty: 5 penalty units.
- (2) A rail transport operator must develop and implement procedures that comply with this clause for dealing with any lost property that is found in a train or any public area for which the operator is responsible.
Maximum penalty: 5 penalty units.
- (3) The procedures referred to in subclause (2) are to include (but not be limited to) procedures involving:
 - (a) the keeping of registers of:
 - (i) lost property that is found, and
 - (ii) enquiries as to lost property, and
 - (b) the keeping of written records as to when and how lost property, when found, is to be returned or disposed of.
- (4) The procedures referred to in subclause (2) must be capable of being audited.

43 Protection of monorail works

- (1) A person must not enter the monorail envelope, or cause or permit anything to enter the monorail envelope, otherwise than:
 - (a) for the purpose of entering or leaving or travelling in a monorail train, or

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Conduct on trains and railway premises

Part 3

(b) in accordance with an approval granted by an authorised person.
Maximum penalty: 5 penalty units.

- (2) In this clause, **monorail envelope** means the space around the Darling Harbour monorail, being the rectangular space within 2 metres on either side of, 4.5 metres above and 1 metre below an imaginary line running along the centre of the bottom surface of the monorail beam.

Division 2 Crossing running lines

44 Definitions

In this Division:

railway crossing does not include any crossing over the running lines of a light rail system in a road or road related area.

road and **road related area** have the same meanings as in the *Road Transport (General) Act 2005*.

45 Crossing running lines—generally

- (1) A person must not cross or drive a vehicle over a running line except by means of a railway crossing, bridge or subway constructed for that purpose.

Maximum penalty: 10 penalty units.

- (2) This clause does not apply to or in respect of:

- a rail safety officer or other person in the execution of his or her duty, or
- a person who takes any action referred to in this clause at the request or direction of a rail safety officer or other person in the execution of the officer's or person's duty, or
- a running line used in a road or road related area for the purpose of a light rail system.

46 Pedestrians crossing running line

- (1) A person on foot (unless in charge of an animal) must not, without reasonable excuse, cross over a running line at ground level at a railway crossing if a bridge or subway is provided at the crossing.

Maximum penalty: 10 penalty units.

- (2) A person on foot must not cross over a running line at a railway crossing:

- if warned not to do so by a rail safety officer, or
- contrary to a warning displayed at the railway crossing.

Maximum penalty: 10 penalty units.

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Clause 47 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

- (3) A person on foot must not cross over a running line at a railway crossing at which are installed barriers or a bell, alarm, red light or other warning device:
- (a) if barriers are installed—while those barriers are in any position other than the fully open position, or
 - (b) whether or not barriers are installed—while any bell, alarm, red light or other warning device is operating.

Maximum penalty: 10 penalty units.

- (4) This clause does not apply to:
- (a) a rail safety officer or other person in the execution of the officer's or person's duty, or
 - (b) a person who takes any action referred to in this clause at the request or direction of a rail safety officer or other person in the execution of the officer's or person's duty.

47 Certain vehicles crossing running line at railway crossing

- (1) A person must not drive a vehicle across a railway crossing:
- (a) if the vehicle is carrying a load that is likely to cause any damage to railway property or to cause an obstruction, or
 - (b) contrary to a sign displayed at the railway crossing, or
 - (c) if directed not to do so by a rail safety officer.
- Maximum penalty: 10 penalty units.
- (2) Subclause (1) (a) does not apply if the vehicle and load comply with the relevant regulations under the *Road Transport (General) Act 2005* (or are the subject of a relevant permit under that Act).

48 Driving animals across running line at ground level

A person (with or without a vehicle) must not, at ground level, drive an animal across a running line at a railway crossing:

- (a) if warned not to do so by a rail safety officer, or
- (b) if a train is in sight and moving towards the railway crossing, or
- (c) if warning of the approach of a train has been given by a whistle or other device.

Maximum penalty: 10 penalty units.

49 No placing of objects on running lines

- (1) A person must not leave any object on a running line.
- Maximum penalty: 50 penalty units.

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- (2) Subclause (1) does not apply to a rail safety officer in the execution of his or her duty.

Division 3 Animals and vehicles

50 Control of dogs on stations

A person must not, without the permission of a rail safety officer, take a dog onto any part of a station, or have a dog in his or her charge on a station, unless the dog is under the person's direct physical control by means of a lead, chain or frame (such as those used to control assistance animals) or otherwise.

Maximum penalty: 5 penalty units.

51 Animals on trains or railway premises

- (1) A person must not take an animal onto a train intended for the conveyance of passengers, or have an animal in his or her charge on such a train, except under the conditions imposed by the rail transport operator of the relevant railway for the conveyance of the animal.

Maximum penalty: 5 penalty units.

- (2) A person must not allow an animal under the person's care or control on, or to stray onto, railway premises, except as provided by subclause (1).

Maximum penalty: 5 penalty units.

- (3) This clause does not apply to:

- (a) an assistance animal accompanying a person with a disability, or
(b) an assistance animal in training.

52 Person not to drive or ride in certain areas

- (1) A person must not:

- (a) drive a vehicle or an animal (other than a dog controlled in accordance with clause 50 or an animal referred to in clause 51 (3)), or

- (b) allow an animal under the person's care or control to be, or

- (c) use a skateboard, roller skates or rollerblades,

on or along a platform or a pathway, subway or other way on railway premises or any part of monorail works used in connection with a station and set apart for the exclusive use of pedestrians.

Maximum penalty: 5 penalty units.

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Clause 53 Rail Safety (Offences) Regulation 2008

Part 3 Conduct on trains and railway premises

- (2) This clause does not apply:
 - (a) to vehicles designed to carry persons unable to walk (such as invalid carriages), or
 - (b) to a motorised trolley being used by a rail safety officer in the execution of his or her duty, or
 - (c) in respect of:
 - (i) an animal being taken onto or from a train in accordance with the conditions referred to in clause 51 (1), or
 - (ii) an animal referred to in clause 51 (3).

53 Restrictions on vehicles driven on certain railway structures

- (1) The rail transport operator of a railway may, by notice exhibited conspicuously on or near a railway road bridge or other railway structure, fix a vehicle's maximum loaded mass, maximum axle load or other load limit in respect of the bridge or structure.
- (2) A person must not drive on or over a railway road bridge or other railway structure a vehicle whose loaded mass, axle load or other load exceeds the maximum limit so fixed and notified unless:
 - (a) the person has obtained the written permission of the rail transport operator of the railway concerned to do so, and
 - (b) the vehicle is driven in conformity with any conditions determined by the rail transport operator in respect of it.Maximum penalty: 5 penalty units.
- (3) In this clause, a reference to a railway road bridge or other railway structure is a reference to a bridge or other structure that is provided for the purpose of enabling vehicles to cross a running line.

54 Bicycles not to be left in certain areas

A person must not leave a bicycle on railway premises or any part of monorail works or chained or otherwise attached to any building, fence or other railway installation on railway premises or any part of monorail works, except in a cloak room, parcels office or other place designated by the rail transport operator of the relevant railway for that purpose.

Maximum penalty: 5 penalty units.

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Clause 55

Miscellaneous

Part 4

Part 4 Miscellaneous

55 Attempt to do prohibited act

A person who attempts to do any thing that is prohibited by a provision of this Regulation is taken to have committed an offence under that provision and is punishable accordingly.

56 Removal of persons

A person who refuses or fails to comply with a direction given under this Regulation to leave any train or railway premises or part of monorail works may be removed from the train or premises or part of the monorail works by a rail safety officer.

57 Penalty notice offences

- (1) For the purposes of section 139 of the Act:
 - (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and
 - (b) subject to subclause (2), the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 1 opposite the offence.
- (2) In the case of an offence arising under clause 4, 5, 7, 8, 9, 10 or 11 of this Regulation, the prescribed penalty for the offence is \$50 if the person who is alleged to have committed the offence is under the age of 18 years.

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Rail Safety (Offences) Regulation 2008

Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clause 57)

Part 1 Offences under Rail Safety Act 2008

Column 1	Column 2
Offence	Penalty
Section 8 (1)	\$1,000
Section 9 (1)	\$1,000
Section 10	\$200
Section 12 (1)	\$1,000
Section 13	\$1,000
Section 14	\$500
Section 15	\$500
Section 16 (2)	\$1,000
Section 17 (3)	\$1,000
Section 20 (2)	\$1,000
Section 21 (1)	\$1,000
Section 21 (5)	\$200
Section 22 (2)	\$200
Section 23	\$1,000
Section 26 (1)	\$1,000
Section 35 (1)	\$5,500
Section 37	\$5,500
Section 51	\$200
Section 60 (2)	\$500
Section 61 (2)	\$1,500
Section 61 (3)	\$1,500
Section 63 (1)	\$600
Section 63 (4)	\$600
Section 65 (3)	\$1,000
Section 65 (4)	\$500

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Penalty notice offences

Schedule 1

Column 1	Column 2
Offence	Penalty
Section 65 (5)	\$500
Section 68 (3)	\$500
Section 72 (4)	\$800
Section 93 (2)	\$200
Section 98 (6)	\$500
Section 105	\$100
Section 107	\$500
Section 113 (1)	\$1,500

Part 2 Offences under the Rail Safety (General) Regulation 2008

Column 1	Column 2
Offence	Penalty
Clause 33	\$500
Clause 35 (1)	\$500
Clause 39	\$500
Clause 47 (1)	\$500
Clause 47 (2)	\$500

Part 3 Offences under the Rail Safety (Offences) Regulation 2008

Column 1	Column 2
Offence	Penalty
Clause 4 (1)	\$200
Clause 5 (1) (a)	\$200
Clause 5 (1) (b)	\$200
Clause 7 (1)	\$200
Clause 8 (1)	\$200

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Rail Safety (Offences) Regulation 2008

Schedule 1 Penalty notice offences

Column 1	Column 2
Offence	Penalty
Clause 8 (3)	\$200
Clause 9 (1)	\$200
Clause 10 (1)	\$200
Clause 11 (1)	\$200
Clause 12 (1) (a)	\$400
Clause 12 (1) (b)	\$400
Clause 12 (1) (c)	\$400
Clause 12 (2)	\$100
Clause 13 (2)	\$100
Clause 14 (1)	\$300
Clause 15 (1)	\$100
Clause 16 (1)	\$400
Clause 17 (2)	\$400
Clause 18 (1)	\$100
Clause 19	\$100
Clause 20 (a)	\$200
Clause 20 (b)	\$200
Clause 20 (c)	\$200
Clause 20 (d)	\$200
Clause 21 (a)	\$200
Clause 21 (b)	\$200
Clause 22 (1)	\$100
Clause 22 (2)	\$100
Clause 23 (1)	\$100
Clause 24 (3)	\$100
Clause 25 (1) (a)	\$100
Clause 25 (1) (b)	\$100
Clause 25 (3)	\$100
Clause 26 (2)	\$100

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Rail Safety (Offences) Regulation 2008

Penalty notice offences

Schedule 1

Column 1	Column 2
Offence	Penalty
Clause 27 (a)	\$400
Clause 27 (b)	\$400
Clause 27 (c)	\$400
Clause 27 (d)	\$400
Clause 28 (1) (a)	\$400
Clause 28 (1) (b)	\$400
Clause 29 (1)	\$200
Clause 30 (1) (a)	\$400
Clause 30 (1) (b)	\$400
Clause 30 (1) (c)	\$400
Clause 30 (1) (d)	\$400
Clause 30 (1) (e)	\$400
Clause 30 (1) (f)	\$400
Clause 31 (1) (a)	\$200
Clause 31 (1) (b)	\$200
Clause 32	\$200
Clause 33 (1) (a)	\$200
Clause 33 (1) (b)	\$200
Clause 33 (1) (c)	\$100
Clause 33 (1) (d)	\$100
Clause 34 (1)	\$200
Clause 35 (1) (a)	\$400
Clause 35 (1) (b)	\$400
Clause 35 (2)	\$200
Clause 36	\$400
Clause 37 (1) (a)	\$200
Clause 37 (1) (b)	\$400
Clause 37 (2)	\$200
Clause 38 (a)	\$400

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Rail Safety (Offences) Regulation 2008

Schedule 1 Penalty notice offences

Column 1	Column 2
Offence	Penalty
Clause 38 (b)	\$400
Clause 38 (c)	\$400
Clause 39 (2)	\$400
Clause 40	\$200
Clause 41 (1) (a)	\$400
Clause 41 (1) (b)	\$400
Clause 41 (1) (c)	\$400
Clause 41 (1) (d)	\$400
Clause 41 (1) (e)	\$400
Clause 41 (4)	\$200
Clause 42 (1)	\$100
Clause 43 (1)	\$100
Clause 46 (1)	\$400
Clause 46 (2) (a)	\$400
Clause 46 (2) (b)	\$400
Clause 46 (3) (a)	\$400
Clause 46 (3) (b)	\$400
Clause 47 (1) (a)	\$400
Clause 47 (1) (b)	\$400
Clause 47 (1) (c)	\$400
Clause 48 (a)	\$400
Clause 48 (b)	\$400
Clause 48 (c)	\$400
Clause 49 (1)	\$400
Clause 50	\$100
Clause 51 (1)	\$100
Clause 51 (2)	\$100
Clause 52 (1) (a)	\$100
Clause 52 (1) (b)	\$100

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Rail Safety (Offences) Regulation 2008

Penalty notice offences

Schedule 1

Column 1	Column 2
Offence	Penalty
Clause 52 (1) (c)	\$100
Clause 53 (2)	\$200
Clause 54	\$100

BY AUTHORITY