



Rail Safety (General) Amendment (Offences) Regulation 2012

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*.

GLADYS BEREJIKLIAN, MP
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Rail Safety (General) Regulation 2008* to prescribe certain offences under that Regulation and the *Rail Safety Offences Act 2008* as offences for which a penalty notice may be issued. The amendments merely transfer certain penalty notice provisions which are currently in the *Rail Safety (Offences) Regulation 2008* as a consequence of the enactment of the *Passenger Transport Amendment (Ticketing and Passenger Conduct) Act 2012*.

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

2012 No 598

Clause 1 Rail Safety (General) Amendment (Offences) Regulation 2012

Rail Safety (General) Amendment (Offences) Regulation 2012

under the

Rail Safety Act 2008

1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Offences) Regulation 2012*.

2 Commencement

This Regulation commences on 7 December 2012 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Rail Safety (General) Regulation 2008

[1] Clause 48

Insert after clause 47:

48 Penalty notice offences

For the purposes of section 139 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 3 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 3 opposite the offence.

[2] Schedule 3

Insert after Schedule 2:

Schedule 3 Penalty notice offences

(Clause 48)

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

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Schedule 1 Amendment of Rail Safety (General) Regulation 2008

Column 1	Column 2
Offence	Penalty
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
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

Rail Safety (General) Amendment (Offences) Regulation 2012

Amendment of Rail Safety (General) Regulation 2008

Schedule 1

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