

1994—No. 469

TRANSPORT ADMINISTRATION ACT 1988—REGULATION

(Transport Administration (Railway Offences) Regulation 1994)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Transport Administration Act 1988, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD, M.P.,
Minister for Transport and Minister for Roads.

PART I—PRELIMINARY

Citation

1. This Regulation may be cited as the Transport Administration (Railway Offences) Regulation 1994.

Commencement

2. This Regulation commences on 1 September 1994.

Definitions

3. In this Regulation:

“**authorised person**” means:

- (a) an officer or employee of the SRA; or
- (b) a person who, or a person of a class that, is authorised in writing by the SRA for the purposes of this Regulation; or
- (c) a police officer;

“**concession ticket**” means a ticket issued free or at a reduced fare;

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

“railway” means a railway on SRA premises;

“SRA” means the State Rail Authority;

“SRA” premises means land vested in, or under the control of, the SRA, but does not include land of which the SRA is the lessor;

“station” means a station on SRA premises, and includes any place designed for the picking up or setting down of passengers;

“the Act” means the Transport Administration Act 1988;

“ticket” includes a pass or other thing issued to a person, by or on behalf of the SRA, for the purpose of authorising the person to travel on a train;

“train” means an SRA train, and includes any SRA rolling stock;

“valid ticket” is defined in clause 4;

“vehicle” includes a bicycle.

Validity of tickets

4. (1) A ticket is valid for travel only:

- (a) between the stations (or within the zone or area) specified on it; and
- (b) on the issue date specified on it (or, if an expiry date is specified, until and including that date); 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 5 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 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 the result of the ordinary use of the ticket.

PART2—TICKETS

Tickets not transferable

5. (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: 2 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 SRA.

Valid ticket required for travel

6. (1) A person must not travel on a train without holding a valid ticket for the travel concerned.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to a person who boards a train at a station where, at all relevant times before the person boarded the train, there were no facilities available for the issue of tickets.

Concession tickets

7. (1) A person must not travel on a train on the authority of a concession ticket unless the person is, by reason of his or her age, occupation or status, entitled to the concession ticket.

Maximum penalty: 2 penalty units.

(2) An authorised person may direct 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 8; or
- (c) who offers a concession ticket for collection or processing under clause 9,

to produce evidence satisfactory to an authorised person, within 24 hours of the direction, that the person is entitled to the concession ticket.

(3) A person to whom such a direction is given must comply with it.

Maximum penalty: 2 penalty units.

(4) A person may not be prosecuted for offences under both subclause (1) and subclause (3) in relation to the same travel.

(5) A person must not:

(a) in or in connection with an application for a concession ticket; or

(b) in purported compliance with a direction under this clause,

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: 2 penalty units.

Inspection of tickets

8. A person who is on a train or a platform must make his or her ticket available for inspection or processing by an authorised person on that person's request. In the case of a return ticket, this requirement extends to making the return half of the ticket available on the forward journey, if an authorised person so requests.

Maximum penalty: 2 penalty units.

Tickets to be offered for collection or processing

9. (1) A person must not, without reasonable excuse, leave the restricted area of a station without offering the person's ticket for collection or processing in accordance with this clause.

Maximum penalty: 2 penalty units.

(2) For the purposes of this clause, a person offers a ticket for collection or processing:

(a) by putting it into an automatic gate or other equipment provided to accept the ticket (or part of the ticket) or to read or record any details on the ticket; or

(b) by giving (or, in the case of a ticket of continuing validity, showing) the ticket to an authorised person on that person'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 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).

(4) In this clause, the “restricted area of a station” means the platform and all other parts of the station between the platform and the ticket barrier.

PART 3—CONDUCT ON TRAINS AND SRA PREMISES

Conduct generally

10. (1) A person must not on any train, or on any SRA premises, wilfully interfere with the comfort or safety of other persons.

Maximum penalty: 2 penalty units.

(2) Without limiting subclause (1), a person who does any of the following interferes with the comfort or safety of other persons:

- (a) puts feet on seats;
- (b) spits;
- (c) uses offensive language;
- (d) behaves offensively.

Smoking generally prohibited

11. (1) A person must not smoke on any train or on any enclosed (or otherwise covered) SRA premises.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to a part of a train or premises in or on which smoking is permitted by the display of signs.

Drinking of alcohol generally prohibited

12. (1) A person must not drink any intoxicating liquor on any train or on any SRA premises.

Maximum penalty: 2 penalty units.

(2) This clause does not apply if the liquor is supplied on the train or premises concerned by, or with the permission of, the SRA.

No unauthorised commercial activities

13. (1) A person must not carry on a commercial activity on any train or on any SRA premises, except with the written permission of the SRA.

Maximum penalty: 2 penalty units.

(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 of sale or hire) of my thing;
- (b) the touting or soliciting for custom, hire or employment;
- (c) the distribution of handbills to any person;
- (d) the soliciting of money from any person (whether by way of busking or otherwise).

Entry to and exit from SRA premises

14. (1) 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 SRA for entry or exit.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to an authorised person in the execution of his or her duty.

Entry to and exit from trains

15. (1) A person must not, without reasonable excuse, enter or leave a train:

- (a) while the train is in motion; or
- (b) except at the side of the train adjoining the platform or other place designated by the SRA for persons to enter or leave the train; or
- (c) by getting through a window.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to an authorised person in the execution of his or her duty.

Certain unauthorised travel on trains

16. (1) A person must not board a train at a station at which the train is not scheduled to pick up passengers, except with the permission of an authorised person.

Maximum penalty: 2 penalty units.

(2) Subclause (1) does not apply to a person who does not intend to travel on the train.

(3) 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 an authorised person.

Maximum penalty: 2 penalty units.

Compulsory reservation of sleeping berths or seats

17. (1) A person must not, except with the permission of an authorised person, board a train on which booking is compulsory:

- (a) without holding a reservation for a sleeping berth or seat; or
- (b) without holding the requisite rail and sleeping berth tickets or reserved seat tickets.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to a person who does not intend to travel on the train.

Unauthorised occupation of train seats

18. (1) The SRA may reserve a seat for a passenger by notice attached to (or in the vicinity of) the seat.

(2) An authorised person may direct a person to leave a seat reserved for another person if the authorised person is not satisfied that the person is occupying the seat with the permission of either the person for whom it is reserved or an authorised person.

(3) A person to whom such a direction is given must comply with it.

Maximum penalty: 2 penalty units.

Unauthorised occupation of sleeping berths

19. (1) A person must not, except with the permission of an authorised person, occupy a sleeping berth on a train:

- (a) other than the berth allotted to the person on the passenger manifest; 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: 2 penalty units.

(2) An authorised person may direct a person contravening subclause (1) to leave the berth.

- (3) A person to whom such a direction is given must comply with it.
Maximum penalty: 2 penalty units.

No interference with train doors

20. (1) 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 in motion; or
 - (d) in any way interfere with an automatically operated train door.
- Maximum penalty: 2 penalty units.

- (2) This clause does not apply to an authorised person in the execution of his or her duty.

No entry to crew compartment of train

21. (1) A person must not:
- (a) enter the crew compartment of a train without the permission of an authorised person; or
 - (b) remain in the crew compartment of a train after having been requested to leave the compartment by an authorised person.
- Maximum penalty: 2 penalty units.

- (2) This clause does not apply to an authorised person in the execution of his or her duty.

Travel not allowed on certain parts of train

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

Maximum penalty: 2 penalty units.

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

- (a) the engine;
- (b) the roof, steps and footboard;
- (c) the stairs of a double-decked train.

Use of certain equipment on trains not allowed

23. A person must not, without reasonable excuse:

- (a) use the public address or other communications system of a train;
or
- (b) apply or release any brake on a train.

Maximum penalty: 2 penalty units.

Stairways not to be obstructed

24. A person must not, without reasonable excuse, sit on, or otherwise obstruct, a stairway at a station.

Maximum penalty: 2 penalty units.

Use of escalators and lifts

25. (1) A person must not:

- (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: 2 penalty units.

(2) In this clause:

- (a) **"goods"** does not include the following:

- (i) shopping;
- (ii) strollers and prams;
- (iii) bicycles;
- (iv) luggage; and

- (b) a reference to an escalator or a lift is a reference to an escalator or a lift on SRA premises.

SRA property not to be removed

26. (1) A person must not remove any SRA property from any train or SRA premises.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to an authorised person in the execution of his or her duty.

Graffiti and vandalism

27. (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 or other SRA property.

Maximum penalty: 2 penalty units.

(2) A person must not, without reasonable excuse, have in his or her possession on any train or on any SRA premises any thing intended for use in damaging property.

Maximum penalty: 2 penalty units.

(3) This clause does not apply to an authorised person in the execution of his or her duty.

No littering

28. A person must not on any train, or on any SRA premises:

- (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: 2 penalty units.

PART 4—CROSSING RAILWAY LINES

Crossing railway line—generally

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

Maximum penalty: 2 penalty units.

(2) This clause does not apply to:

- (a) an authorised person in the execution of his or her duty; or
- (b) a person who takes any action referred to in this clause at the request or direction of an authorised person.

Pedestrians crossing railway line

30. (1) A person on foot (unless in charge of an animal) must not cross over a railway line at ground level at a level crossing if a bridge or subway is provided at the crossing.

Maximum penalty: 2 penalty units.

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

- (a) if warned not to do so by an authorised person; or
- (b) contrary to a warning displayed at the level crossing.

Maximum penalty: 2 penalty units.

(3) A person on foot must not cross over a railway line at a level 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 while any bell, alarm, red light or other warning device is operating; or
- (b) if barriers are not installed—while any bell, alarm, red light or other warning device is operating.

Maximum penalty: 2 penalty units.

(4) This clause does not apply to:

- (a) an authorised person in the execution of his or her duty; or
- (b) a person who takes any action referred to in this clause at the request or direction of an authorised person.

Certain vehicles crossing railway line at level crossing

31. (1) A person must not drive a vehicle across a level crossing:

- (a) if the vehicle's laden weight exceeds:
 - (i) 4.5 tonnes on any wheel; or
 - (ii) 8 tonnes on any axle; or
- (b) if the vehicle's height, including its loading and equipment (if any), exceeds 4.3 metres or, in the case of a double-decker bus, 4.4 metres; or
- (c) if the vehicle's width, including its loading and equipment (if any), exceeds 2.5 metres; or
- (d) if the vehicle is carrying a load that is likely to cause any damage to railway property or to cause an obstruction.

Maximum penalty: 2 penalty units.

(2) Subclause (1) does not apply if:

- (a) the vehicle and load comply with the relevant regulations made under the Traffic Act 1909 and the Roads Act 1993 (or are the subject of a relevant permit under either of those Acts); and
- (b) at least 24 hours before crossing, the person gives written notice to the officer-in-charge of a station at which a telephone system is provided or of the station nearest to the level crossing concerned, of the person's intention to cross; and
- (c) the SRA does not prohibit the crossing by notice given to the person before the time specified for the crossing.

(3) The notice referred to in subclause (2) (b) must set out the time, and identify the level crossing, at which it is intended to cross and must provide the name and address of the owner of the vehicle concerned.

Driving animals across railway line at ground level

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

- (a) if a train is in sight and in motion coming towards the place; or
- (b) if warning of the approach of a train has been given by a whistle or other device; or
- (c) if warned not to do so by an authorised person.

Maximum penalty: 2 penalty units.

PART 5—ANIMALS AND VEHICLES

Control of dogs on stations

33. A person must not, without the permission of an authorised person, take a dog onto any part of a station unless the dog is under that person's direct physical control by means of a lead, chain or frame (such as those used to control guide dogs) or otherwise.

Maximum penalty: 2 penalty units.

Animals on trains

34. (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 SRA for the conveyance of the animal.

Maximum penalty: 2 penalty units.

(2) This clause does not apply to:

- (a) a guide dog accompanying a person who is visually or aurally impaired; or
- (b) a guide dog in training.

Person not to drive or ride in certain areas

35. (1) A person must not:

- (a) drive a vehicle or an animal (other than a dog controlled in accordance with clause 33); or
- (b) use a skateboard, roller skates or rollerblades,

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

Maximum penalty: 2 penalty units.

(2) This clause does not apply to:

- (a) vehicles designed to carry persons unable to walk (such as invalid carriages); or
- (b) a motorised trolley being used by an authorised person in the execution of his or her duty.

Restrictions on vehicles driven on certain structures

36. (1) The SRA may by notice exhibited conspicuously on or near an SRA road bridge or other structure, fix a maximum vehicle load weight or axle load in respect of the bridge or structure.

(2) A person must not drive on or over an SRA road bridge or other structure a vehicle whose load weight or axle load exceeds the maximum so fixed and notified unless:

- (a) the person has obtained the SRA's written permission to do so; and
- (b) the vehicle is driven in conformity with any conditions determined by the SRA in respect of it.

Maximum penalty: 2 penalty units.

(3) In this clause, a reference to an SRA road bridge or other structure is a reference to a bridge or other structure the control of which is vested in the SRA and which is provided for the purpose of enabling vehicles to cross a railway line.

Bicycles not to be left in certain areas

37. A person must not leave a bicycle on SRA premises or chained or otherwise attached to any building, fence or other railway installation on SRA premises, except in a cloak room, parcels office or other place designated by the SRA for that purpose.

Maximum penalty: 2 penalty units.

PART 6—MISCELLANEOUS**Gates to be closed**

38. A person who uses a gate at a level 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: 2 penalty units.

Unauthorised use of reservoirs of tanks on SRA premises

39. (1) A person must not bathe in, or pollute, the water in a reservoir or tank on SRA premises.

Maximum penalty: 2 penalty units.

(2) A person must not fish in, or shoot over or on, a reservoir or tank referred to in subclause (1), except with the written permission of the SRA.

Maximum penalty: 2 penalty units.

Throwing things

40. A person must not throw any thing at or from a train.

Maximum penalty: 2 penalty units.

Name and address to be provided

41. (1) An authorised person who suspects that a person who is on a train or on SRA property has contravened a provision of this Regulation may direct the person to provide his or her full name and residential address to the authorised person.

(2) A person to whom such a direction is given must comply with it.

Maximum penalty: 2 penalty units.

(3) A person is not guilty of an offence under this clause unless the person was warned, when the direction was given, that it is an offence to fail or refuse to comply with such a direction.

Attempt to do prohibited act

42. 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.

Repeal

43. (1) The Railway Offences By-law 1983 is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Railway Offences By-law 1983, had effect under that By-law is taken to have effect under this Regulation.

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EXPLANATORY NOTE

The object of this Regulation is to repeal and remake as a Regulation (without substantial changes) the Railway Offences By-law 1983. Under section 3 of, and Schedule 3 to, the Transport Legislation (Repeal and Amendment) Act 1988, that By-law is taken to have been made under the Transport Administration Act 1988.

The Regulation contains provisions dealing with tickets for train journeys, conduct on trains and premises of the State Rail Authority, crossing railway lines, animals and vehicles on railway premises and miscellaneous and technical matters.

This Regulation is made under the Transport Administration Act 1988, in particular sections 119 (the general regulation making power) and 99 (the power to make regulations relating to railway and other transport services) of the Act.
