



New South Wales

Transport Administration (Railway Offences) Amendment (Rail Access Corporation) Regulation 1996

under the

Transport Administration Act 1988

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Transport Administration Act 1988*.

BRIAN LANGTON

Minister for Transport

Explanatory note

The objects of this Regulation are as follows:

- (a) to ensure that appropriately authorised personnel of Rail Access Corporation are (among others) authorised persons for the purposes of enforcement of provisions of the *Transport Administration (Railway Offences) Regulation 1994* directed to the use, protection and preservation of rail infrastructure facilities and that such personnel may require persons to identify themselves in certain circumstances (see Schedule 1 [2]–[10] and [15]),
- (b) to provide for the giving of notice of proposals to cross railway lines with heavy vehicles to Rail Access Corporation rather than to the SRA (see Schedule 1 [11] and [12]),
- (c) to impose restrictions on vehicles that may be driven on or over certain structures owned by or vested in Rail Access Corporation (see Schedule 1 [14]),

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- (d) to make other consequential amendments to the *Transport Administration (Railway Offences) Regulation 1994* (see Schedule 1 [1], [13] and [16]–[18]).

This Regulation is made under the Transport Administration Act 1988, including sections 117 (penalty notices for certain offences) and 119 (the general regulation-making power) and clause 15 of Schedule 6A (Powers of RAC relating to rail infrastructure facilities and land).

Transport Administration (Railway Offences) Amendment (Rail Access Corporation) Regulation 1996

1 Name of Regulation

This Regulation is the *Transport Administration (Railway Offences) Amendment (Rail Access Corporation) Regulation 1996*.

2 Commencement

This Regulation commences on 18 October 1996.

3 Amendment of Transport Administration (Railway Offences) Regulation 1994

The *Transport Administration (Railway Offences) Regulation 1994* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 3 Definitions

Omit the definition of *authorised person*.

[2] Clause 3, definition of “railway”

Insert “or on RAC premises” after “SRA premises”.

[3] Clause 3, definition of “RAC”

Insert in alphabetical order:

RAC means Rail Access Corporation

[4] Clause 3, definition of “RAC premises”

Insert in alphabetical order:

RAC premises means land vested in, or under the control of, RAC, but does not include land of which RAC is the lessor.

[5] Clause 3A

Insert after clause 3:

3A Meaning of “authorised person”

(1) ***Authorised person*** means (except in Part 4):

- (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.

(2) In Part 4, ***authorised person*** means:

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

(3) In addition, a reference to an ***authorised person***:

- (a) in clauses 29 (2) (a) and 30 (4) (a) includes a reference to a person referred to in subclause (1), and
- (b) in clauses 14 (2), 26 (2), 27 (3) and 41 (1), includes a reference to a person referred to in subclause (2).

[6] Clause 14 Entry to and exit from SRA or RAC premises

Insert “or RAC” after “SRA” in clause 14 (1).

[7] Clause 26 SRA and RAC property not to be removed

Insert after clause 26 (1):

- (IA) A person must not remove any RAC property from any RAC premises or SRA premises.

Maximum penalty: 2 penalty units.

[8] Clause 27 Graffiti and vandalism

Insert “or any tunnel, bridge, sound barrier or other rail infrastructure facility vested in, or under the control of, RAC” after “SRA property” in clause 27 (1).

[9] Clause 27 (2)

Insert “or RAC premises” after “SRA premises”.

[10] Clause 28 No littering

Insert “or RAC premises” after “SRA premises”.

[11] Clause 31 Certain vehicles crossing railway line at level crossing

Omit clause 31 (2) (b). Insert instead:

- (b) at least 72 hours before crossing, the person gives written notice to the officer in charge of operations at RAC, of the person’s intention to cross, and

[12] Clause 31 (2) (c)

Omit “the SRA”. Insert instead “RAC”.

[13] Clause 36, heading

Omit the heading. Insert instead

36 Restrictions on vehicles driven on certain SRA structures

[14] Clause 36A

Insert after clause 36:

36A Restrictions on vehicles driven on certain RAC structures

- (1) RAC may by notice exhibited conspicuously on or near an RAC 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 RAC 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 RAC's written permission to do so, and
 - (b) the vehicle is driven in conformity with any conditions determined by RAC in respect of it.

Maximum penalty: 2 penalty units.

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

[15] Clause 41 Name and address to be provided

Insert “or RAC” after “or on SRA” in clause 41 (1).

[16] Schedule 1 Penalty notice offences

Insert in Columns 1, 2 , 3 and 4 of Part 2 of Schedule I after the matter relating to clause 26 (1):

Clause 26 (1A)	remove RAC property from RAC premises/SRA premises	\$100
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[17] Schedule 1, Part 2

Insert “RAC property” after “SRA property” wherever occurring in Column 2 of the matter relating to clause 27 (1) (a) and (b).

[18] Schedule 1, Part 2

Insert “/RAC premises” after “SRA premises” wherever occurring in Column 2 of the matter relating to clauses 27 (2) and 28 (a) and (b).