



New South Wales

# Rail Safety (Offences) Regulation 1997

under the  
Rail Safety Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 1993*.

BRIAN LANGTON, MP.,  
Minister for Transport

## Explanatory note

The objects of this Regulation are:

- (a) to declare certain offences under the *Rail Safety Act 1993* to be penalty notice offences (that is, offences in respect of which “on-the-spot” fines may be served), and
- (b) to prescribe the penalty payable in respect of each of those offences if dealt with by way of a penalty notice rather than by a court, and
- (c) to prescribe the short descriptions by which those offences may be sufficiently stated in a penalty notice or other document.

This Regulation is made under the *Rail Safety Act 1993* and, in particular, under sections 88 (Penalty notices for certain offences) and 100 (the general regulation-making power) as extended (in relation to the short descriptions) by section 145B (3) of the *Justices Act 1902*.

This Regulation deals with matters of a machinery nature.

**1997 No 343**

Rail Safety (Offences) Regulation 1997

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## **Rail Safety (Offences) Regulation 1997**

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *Rail Safety (Offences) Regulation 1997*.

#### **2 Commencement**

This Regulation commences on 25 July 1997.

#### **3 Definition**

In this Regulation:

*the Act* means the *Rail Safety Act 1993*.

#### **4 Notes**

The explanatory note and table of contents do not form part of this Regulation.

## 1997 No 343

Clause 5 Rail Safety (Offences) Regulation 1997

Part 2 Penalty notice offences

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## Part 2 Penalty notice offences

### 5 Penalty notice offences: section 88

For the purposes of section 88 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) the penalty prescribed for each offence is:
  - (i) in the case of a person of or above the age of 18 years at the time the penalty notice is served—\$100, and
  - (ii) in any other case—\$50.

### 6 Short descriptions of offences

- (1) For the purposes of section 145B (2) of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
  - (a) the expression specified in Column 2 of the Schedule, or
  - (b) if a choice of words is indicated in that expression—the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

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**Schedule 1 Penalty notice offences**

(Clauses 5 and 6)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Short description</b>
Section 79A (2) (a)	travel/attempt travel without paying rail fare
79A (2) (b)	not pay rail fare on demand
Section 79A (2) (c)	travel on rail beyond distance paid for
Section 79A (2) (d)	travel/attempt travel in wrong class of rail carriage
Section 79A (2) (e)	travel/attempt travel on rail travel pass to which not entitled/invalid rail travel pass