



New South Wales

## Rail Safety Regulation 1999

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*.

PARTRCK CARL SCULLY, M.P.,

Minister for Transport.

### Explanatory note

The object of this Regulation is to replace the *Transport Administration (Railway Offences) Regulation 1994* made under the *Transport Administration Act 1988* (which will be repealed by section 10 of the *Subordinate Legislation Act 1989* on 1 September 1999). That Regulation is remade, without substantial changes but with the more extensive application referred to below, under the *Rail Safety Act 1993*. This Regulation also declares a greater number of offences as penalty notice offences (that is, offences in respect of which “on-the-spot” fines may be issued) than were so declared under the *Transport Administration (Railway Offences) Regulation 1994*. This Regulation also repeals and remakes the *Rail Safety (Offences) Regulation 1997* (which is concerned with offences under section 79A of the *Rail Safety Act 1993*, referred to below).

The *Transport Administration Amendment (Light Rail) Act 1996* inserted (among other things) sections 79A (Offence of failure to pay fares on railway) and 79B (Offences relating to passengers or vehicles) in the *Rail Safety Act 1993*. Section 79B is a regulation-making power. Section 79A largely repeats section 97 (Failure to pay train fare etc) of the *Transport Administration Act 1988* (which section is repealed by the *Statute Law (Miscellaneous Provisions) Act 1997*), except that section 97 applied only in respect of trains operated by the State Rail Authority while section 79A is expressed to apply in respect of “a train operated by the State Rail Authority, a light rail vehicle operated on a light rail system (within the

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Explanatory note

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meaning of the *Transport Administration Act 1988*) by the operator of that system [and] any other train of a class prescribed by the regulations”.

The *Transport Administration (Railway Offences) Regulation 1994* made under the *Transport Administration Act 1988* applies only in respect of a railway on State Rail Authority premises or on Rail Access Corporation premises. Any regulations made under the new section 79B of the *Rail Safety Act 1993* will apply to all railways to which that Act applies—that is (as provided in section 8 (1) of that Act) to:

- (a) any railway within, or partly within, the State with a railway track gauge equal to or greater than 600 mm, and
- (b) any other system designed to transport passengers or freight or both and declared by the regulations to be a railway for the purposes of that Act.

The *Rail Safety Act 1993* defines **railway** to include (among other things) a light railway and a monorail. As the *Darling Harbour (Monorail) Regulation 1995* made under the *Darling Harbour Authority Act 1984* deals with matters such as the payment of fares on the Darling Harbour monorail, the behaviour of passengers on that monorail and various other matters covered by this Regulation, that monorail is excepted from the operation of this Regulation.

This Regulation deals with the following:

- (a) ticketing requirements (clauses 6–12),
- (b) conduct on trains and railway land (clauses 13–36),
- (c) crossing running lines (clauses 37–41),
- (d) animals and vehicles (clauses 42–46),
- (e) miscellaneous matters (clauses 47–58 and Schedule 1),
- (f) formal matters (clauses 1–5).

This Regulation is made under the *Rail Safety Act 1993* and, in particular, under sections 79B (referred to above), 88 (Penalty notices for certain offences), 93 (Delegation by Minister and Director-General) and 100 (the general regulation-making power).

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## Rail Safety Regulation 1999

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Rail Safety Regulation 1999*.

#### 2 Commencement

This Regulation commences on 1 September 1999.

#### 3 Regulation does not apply to Darling Harbour monorail

This Regulation does not apply in respect of the railway consisting of the monorail transport system that forms part of the scheduled works carried out under Division 2 of Part 3 of the *Darling Harbour Authority Act 1984*.

**Note.** Offences in relation to trains on the Darling Harbour monorail are dealt with in a regulation made under the *Darling Harbour Authority Act 1984*.

#### 4 Definitions

(1) In this Regulation:

**accredited operator**, in relation to a railway, means a person who is accredited under Part 2 of the Act as an operator for the railway.

**accredited owner**, in relation to a railway, means a person who is accredited under Part 2 of the Act as an owner for the railway.

**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).

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Clause 4 Rail Safety Regulation 1999

Part 1 Preliminary

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**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*.

**railway land** means:

- (a) land vested in, or under the control of, an accredited owner or operator for a railway and used in connection with the railway (other than land of which the accredited owner or operator is the lessor), and
- (b) land over which a light rail system operates (whether by way of easements or otherwise).

**restricted area of a station** means the platform and all other parts of the station between the platform and the ticket barrier.

**station** means a station on railway land, and includes any place (other than a light rail stop) designated for the picking up or setting down of passengers on a railway.

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

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

**train** has the same meaning as in section 79A of the Act.

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

**vehicle** includes a bicycle.

**Note.** Section 5 of the *Rail Safety Act 1993* defines the **infrastructure of a railway** as "those facilities that are necessary to enable a railway to operate safely". The section provides that the infrastructure includes, but is not limited to, railway track, associated track structures, over track structures, tunnels, bridges, stations, platforms, signalling systems, train control systems, communication systems, overhead electrical power supply systems, buildings, workshops and associated plant, machinery and equipment.

- (2) The class of trains operated by an accredited operator for a railway (other than a person accredited as required by section 97 (2) of the Act) is prescribed for the purposes of the definition of *train* in section 79A of the Act.

**Note.** The effect of section 97 (2) of the *Rail Safety Act 1993* is to require the operator of the Darling Harbour monorail to obtain accreditation under the *Rail Safety Act 1993*.

## 5 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 6 Rail Safety Regulation 1999

Part 2 Tickets

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## Part 2 Tickets

### 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 the result of the ordinary use of the ticket.

### 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 an accredited operator for the railway to which the ticket relates.

### 8 Valid ticket required for travel

- (1) A person must not, without reasonable excuse, travel on a train without holding a valid ticket for the travel concerned.

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 or tickets authorising, for both persons, the travel concerned.

**Note.** Clause 4 (1) defines *hold*, in relation to a ticket, as meaning “be able to produce the ticket on request”.

- (3) 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 in obtaining a valid ticket before travelling on the train would or may have caused the person to have been unable to so travel, or
  - (b) that the person intended to obtain a valid ticket while travelling or on arriving at a particular place.
- (4) However, it is a defence to such a prosecution 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 obtain a valid ticket before getting on the train, or
  - (b) that the person:
    - (i) had arrived at that station or stop within such period of time before getting on the train as would, in the circumstances ordinarily existing at that time of the day and on that day of the week, have enabled the person to have obtained a valid ticket before getting on the train, and
    - (ii) diligently took all reasonable steps necessary to obtain a valid ticket, but that the person was unable, due to circumstances beyond his or her control, to obtain a valid ticket.

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Clause 8 Rail Safety Regulation 1999

Part 2 Tickets

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- (5) A person is not liable to be punished under both this clause and section 79A of the Act in respect of the same travel.

### 9 Concession tickets

- (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: 5 penalty units.

- (2) An authorised 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 10, or
- (c) who offers a concession ticket for collection or processing under clause 11 or 12,

to produce to the authorised 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.

### 10 Inspection of tickets

A person who is on a train or a platform must make his or her ticket available for inspection or processing by an authorised officer on that officer's request. In the case of a return ticket, this requirement extends

to making the return portion of the ticket available on the forward journey, if an authorised officer so requests.

Maximum penalty: 5 penalty units.

#### **11 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) by putting it into an automatic gate or other equipment provided to read or record any details on the ticket, or
  - (b) by showing the ticket to an authorised 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).

#### **12 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.

- (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

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Part 2 Tickets

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

## Part 3 Conduct on trains and railway land

### 13 Conduct generally

A person must not on any train, or on any railway land, wilfully:

- (a) use offensive language, or
- (b) behave offensively, or
- (c) put his or her feet on seats, or
- (d) spit.

Maximum penalty: 5 penalty units.

### 14 Luggage and soiled clothing

- (1) If, in the opinion of an authorised 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 authorised 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.

### 15 Smoking generally prohibited

- (1) A person must not smoke on any train or on any part of railway land that is roofed or otherwise covered.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply to a part of a train or railway land 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 16 Rail Safety Regulation 1999

Part 3 Conduct on trains and railway land

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### 16 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 an authorised 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.

### 17 Drinking of alcohol generally prohibited on trains and railway land

- (1) A person must not drink any intoxicating liquor on any train or on any railway land.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply if the liquor that is drunk was supplied on the train or land concerned by, or with the permission of, the accredited operator or the accredited owner for the railway.

- (3) In this clause, *drink* includes be in possession of an opened container of intoxicating liquor.

### 18 Passengers who are intoxicated

- (1) If, in the opinion of an authorised 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 annoyance to other persons on the station or train or at the light rail stop,

the authorised 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: 5 penalty units.

### 19 No unauthorised commercial activities

- (1) A person must not carry on a commercial activity on any train or on any railway land without the written permission of the accredited operator or the accredited owner for the relevant railway.

Maximum penalty: 5 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 any thing otherwise than by means of a mobile phone call to a person who is not present on the train or railway land 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 railway land concerned,
  - (c) the distribution of handbills to any person,
  - (d) the soliciting of money from any person (whether by way of busking or otherwise).

## 20 Entry to and exit from railway land

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 accredited operator or the accredited owner for the railway for entry or exit.

Maximum penalty: 5 penalty units.

## 21 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 accredited operator for 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 accredited operator of that system for persons to enter or leave the train.

Maximum penalty: 5 penalty units.

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Clause 22 Rail Safety Regulation 1999

Part 3 Conduct on trains and railway land

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### 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 an authorised 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 an authorised officer.

Maximum penalty: 5 penalty units.

### 23 Compulsory reservation of sleeping berths or seats

- (1) A person must not, except with the permission of an authorised 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 4 (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 section 79A of the Act in respect of the same travel.

### 24 Unauthorised occupation of reserved seats

- (1) The accredited operator for 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) An authorised officer may direct a person to leave a seat reserved for another person if the authorised officer 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 officer.



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

**25 Unauthorised occupation of sleeping berths**

- (1) A person must not, except with the permission of an authorised 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) An authorised 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 accredited operator for 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: 5 penalty units.

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Clause 28 Rail Safety Regulation 1999

Part 3 Conduct on trains and railway land

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### **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 an authorised officer, or
  - (b) remain in the crew compartment of a train after having been requested to leave the compartment by an authorised officer.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply to an authorised 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 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.

Maximum penalty: 5 penalty units.

- (2) In this clause, *emergency or safety equipment* includes 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 on railway land, or
  - (b) hinder (whether by obstruction or by any other means) another person's use of any facility on railway land.

Maximum penalty: 5 penalty units.

- (2) Without limiting subclause (1), a facility on railway land 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 Use of escalators and lifts

- (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: 5 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 railway land.

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Clause 33          Rail Safety Regulation 1999

Part 3              Conduct on trains and railway land

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### **33 Railway property not to be removed**

- (1) A person must not remove any property belonging to an accredited operator or an accredited owner for a railway from any train or any railway land.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply to an authorised officer or other person in the execution of the officer's or person's duty.

### **34 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 land.

Maximum penalty: 5 penalty units.

- (2) A person must not, without reasonable excuse, have in his or her possession on any train or on any part of a railway or on any railway land any thing intended for use in damaging property.

Maximum penalty: 5 penalty units.

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

### **35 No littering**

- (1) A person must not on any train or on any part of a railway or on any railway land:

(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: 5 penalty units.

- (2) A person must not abandon any building material on any train or on any part of a railway or on any railway land.

Maximum penalty: 5 penalty units.

**36 Direction to leave train or premises**

- (1) If, in the opinion of an authorised officer, a person is committing an offence under this Part, the authorised officer may direct the person to leave the train or railway land concerned.
- (2) A person must comply with a direction given under subclause (1).  
Maximum penalty: 5 penalty units.

## 1999 No 469

Clause 37 Rail Safety Regulation 1999

Part 4 Crossing running lines

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### Part 4 Crossing running lines

#### 37 Definitions

In this Part:

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

*road* and *road related area* have the same meanings as in the *Traffic Act 1909*.

#### 38 Crossing running lines—generally

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

Maximum penalty: 5 penalty units.

- (2) This clause does not apply to or in respect of:
- (a) an authorised officer or other 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 officer or other person in the execution of the officer's or person's duty, or
  - (c) a running line used in a road or road related area for the purpose of a light rail system.

#### 39 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 level crossing if a bridge or subway is provided at the crossing.

Maximum penalty: 5 penalty units.

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

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

Maximum penalty: 5 penalty units.

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

Maximum penalty: 5 penalty units.

- (4) This clause does not apply to:
- (a) an authorised 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 an authorised officer or other person in the execution of the officer's or person's duty.

#### **40 Certain vehicles crossing running line at level crossing**

- (1) A person must not drive a vehicle across a level crossing:
- (a) if the vehicle's weight (including its load, if any) exceeds:
    - (i) 4.5 tonnes on any wheel, or
    - (ii) 8 tonnes on any axle, or
  - (b) if the vehicle's height, including its load 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 load 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, or
  - (e) contrary to a sign displayed at the level crossing, or
  - (f) if directed not to do so by an authorised officer.

Maximum penalty: 5 penalty units.

- (2) Subclause (1) (a)–(d) 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 the latter Act), and

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Clause 40          Rail Safety Regulation 1999

Part 4              Crossing running lines

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- (b) at least 72 hours before crossing, the person gives written notice to the officer in charge at the principal office of the accredited owner for the railway concerned, of the person's intention to cross, and
  - (c) the accredited owner 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.

### **41 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 level crossing:

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

Maximum penalty: 5 penalty units.



## Part 5 Animals and vehicles

### 42 Control of dogs on stations

A person must not, without the permission of an authorised 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.

### 43 Animals on trains

- (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 accredited operator for the relevant railway for the conveyance of the animal.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply to:
- (a) an assistance animal accompanying a person with a disability, or
  - (b) an assistance animal in training.

### 44 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 42 or an animal referred to in clause 43 (2)), or
  - (b) use a skateboard, roller skates or rollerblades,
- on or along a platform or a pathway, subway or other way on railway land used in connection with a station and set apart for the exclusive use of pedestrians.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply:
- (a) to vehicles designed to carry persons unable to walk (such as invalid carriages), or

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Part 5 Animals and vehicles

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- (b) to a motorised trolley being used by an authorised 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 43 (1), or
  - (ii) an animal referred to in clause 43 (2).

### 45 Restrictions on vehicles driven on certain railway structures

- (1) The accredited owner for 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 accredited owner for the railway concerned to do so, and
  - (b) the vehicle is driven in conformity with any conditions determined by the accredited owner 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.

### 46 Bicycles not to be left in certain areas

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

Maximum penalty: 5 penalty units.

## Part 6 Miscellaneous

### 47 Gates to be closed

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: 5 penalty units.

### 48 Unauthorised use of reservoirs or tanks on railway land

- (1) A person must not bathe in, or pollute, the water in a reservoir or tank on railway land.

Maximum penalty: 5 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 accredited owner for the railway concerned.

Maximum penalty: 5 penalty units.

### 49 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 infrastructure of a railway.

Maximum penalty: 5 penalty units.

### 50 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 the infrastructure of a railway, or
- (c) any workshops forming part of the infrastructure of a railway, or
- (d) any offices or administrative areas of a railway, or
- (e) any other railway land.

Maximum penalty: 5 penalty units.

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Clause 50          Rail Safety Regulation 1999

Part 6              Miscellaneous

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- (2) Subclause (1) does not apply to:
  - (a) an authorised officer in the execution of his or her duty, or
  - (b) a person who has the permission of the accredited owner or operator of the railway to enter the railway land concerned.
- (3) An authorised 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 infrastructure of the railway, workshop, office or administrative area concerned.
- (4) A person must comply with a direction given under subclause (3).  
Maximum penalty: 5 penalty units.

### **51 No placing of objects on running lines**

- (1) A person must not leave any object on a running line.  
Maximum penalty: 5 penalty units.
- (2) Subclause (1) does not apply to an authorised officer in the execution of his or her duty.

### **52 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.

### **53 Removal of persons from trains and railway land**

A person who fails to comply with a direction given under this Regulation to leave any train or railway land may be removed from the train or land by an authorised officer.

### **54 Lost property**

- (1) A person who finds any article in or on a train or railway land:
    - (a) must return it to its owner, or
    - (b) must give it, or report its location, to an authorised officer.
- Maximum penalty: 5 penalty units.

- (2) An article that is given to an authorised officer under this clause is to be dealt with in accordance with directions given by the Director-General (which may, if the Director-General thinks it appropriate, include directions for the disposal of the article).

### **55 Penalty notice offences**

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 prescribed penalty for such an offence is:
  - (i) the amount specified in Column 3 of Schedule 1, or
  - (ii) if the person alleged to have committed the offence is under the age of 18 years, and if a lesser amount is specified in Column 4 of Schedule 1, that lesser amount.

### **56 Short descriptions**

- (1) For the purposes of section 145B 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 that 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.

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Clause 56            Rail Safety Regulation 1999

Part 6                Miscellaneous

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- (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.

### **57 Delegation**

The Chief Executive Officer of the State Rail Authority is prescribed as a person to whom the Director-General may, in accordance with section 93 (2) of the Act, delegate functions under the Act.

### **58 Repeal**

- (1) The *Rail Safety (Offences) Regulation 1997* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Rail Safety (Offences) Regulation 1997* had effect under (or was done for the purposes of) that Regulation continues to have effect under (or is taken to have been done for the purposes of) this Regulation.

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## Schedule 1 Penalty notice offences

(Clauses 55 and 56)

### Part 1 Offences under the Rail Safety Act 1993

<b>Column 1 Offence</b>	<b>Column 2 Prescribed expression</b>	<b>Column 3 Penalty</b>	<b>Column 4 Penalty</b>
Section 79A (2) (a)	travel/attempt to travel without paying train fare	\$100	\$50
Section 79A (2) (b)	not pay train fare on demand	\$100	\$50
Section 79A (2) (c)	travel on train beyond distance paid for	\$100	\$50
Section 79A (2) (d)	travel/attempt to travel in carriage to which not entitled	\$100	\$50
Section 79A (2) (e)	use/attempt to use pass to which not entitled/invalid pass	\$100	\$50
Section 80 (2) (a)	not give police officer/authorised officer name and address	\$100	-
Section 80 (2) (b)	give police officer/authorised officer false name/address	\$100	-
Section 81	hinder/obstruct authorised officer/person	\$200	-

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Schedule 1 Penalty notice offences

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**Part 2 Offences under the Rail Safety (Offences) Regulation 1999**

<b>Column 1 Offence</b>	<b>Column 2 Prescribed expression</b>	<b>Column 3 Penalty</b>	<b>Column 4 Penalty</b>
Clause 7 (1)	transfer/offer to transfer train ticket/portion of ticket	\$100	\$50
Clause 8 (1)	travel on train without valid ticket	\$100	\$50
Clause 9 (1)	travel on train on concession ticket to which not entitled	\$100	\$50
Clause 9 (3)	not produce concession ticket entitlement	\$100	\$50
Clause 9 (4) (a)	give information/tender document false/misleading as to age/occupation/status in/re application	\$100	\$50
Clause 9 (4) (b)	give information/tender document false/misleading as to age/occupation/status as compliance	\$100	\$50
Clause 10	on train/platform not make ticket available for inspection/processing	\$100	\$50
Clause 11 (1)	enter restricted area without processing ticket	\$100	\$50
Clause 12 (1)	leave restricted area without offering ticket	\$100	\$50
Clause 13 (a)	use offensive language on train/railway land	\$200	-
Clause 13 (b)	offensive behaviour on train/railway land	\$200	-
Clause 13 (c)	feet on seat on train/railway land	\$100	-
Clause 13 (d)	spit on train/railway land	\$100	-
Clause 14 (2)	not comply direction leave/not enter train (clothes or luggage)	\$100	-
Clause 15 (1)	smoke on train/enclosed/covered railway land	\$200	-
Clause 16 (1)	eat/drink on train contrary to sign	\$100	-
Clause 17 (1)	drink liquor on train/railway land	\$200	-



## Rail Safety Regulation 1999

## Penalty notice offences

## Schedule 1

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Clause 18 (2)	not comply direction leave station/train/light rail stop (liquor or drug)	\$100	-
Clause 19 (1)	carry on commercial activity on train/railway land	\$100	-
Clause 20	enter/leave station/platform/railway work/premises by unauthorised entry/exit	\$100	-
Clause 21 (a)	enter/leave moving train	\$200	-
Clause 21 (b)	enter/leave train through window	\$200	-
Clause 21 (c)	enter/leave train on wrong side at station	\$200	-
Clause 21 (d)	enter/leave train on wrong side at light rail stop	\$200	-
Clause 22 (1)	board train at set-down-only station	\$100	-
Clause 22 (2)	leave train at non-set-down station	\$100	-
Clause 23 (1)	travel on reservations-only train without required documents	\$100	-
Clause 24 (3)	not comply with direction to leave reserved seat on train	\$100	-
Clause 25 (1) (a)	occupy wrong sleeping berth on train	\$100	-
Clause 25 (1) (b)	occupy sleeping berth on train without receipt	\$100	-
Clause 25 (3)	not comply with direction to leave sleeping berth	\$100	-
Clause 26 (2)	occupy special seat required for aged or disabled on train	\$100	-
Clause 27 (a)	block train door	\$200	-
Clause 27 (b)	open locked train door	\$200	-
Clause 27 (c)	open unlocked door of moving train	\$200	-
Clause 27 (d)	interfere with automatic train door	\$200	-
Clause 28 (1) (a)	enter crew compartment of train	\$200	-
Clause 28 (1) (b)	stay in crew compartment of train	\$200	-
Clause 29 (1)	travel on part of train not intended for passengers	\$200	-

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## Rail Safety Regulation 1999

Schedule 1 Penalty notice offences

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Clause 30 (1) (a)	use public address system of train/on station/at light rail stop/on infrastructure of railway	\$200	-
Clause 30 (1) (b)	use communications/information system of train/at light rail stop/on station/on infrastructure of railway	\$200	-
Clause 30 (1) (c)	apply/release brake on train	\$200	-
Clause 30 (1) (d)	use/interfere with equipment on train/at light rail stop/on station/on infrastructure of railway	\$200	-
Clause 31 (1) (a)	obstruct facility on railway land	\$100	-
Clause 31 (1) (b)	hinder person's use of facility on railway land	\$100	-
Clause 32 (1) (a)	ride on escalator handrail	\$200	-
Clause 32 (1) (b)	travel in wrong direction on escalator	\$200	-
Clause 32 (1) (c)	convey goods on escalators/in lift	\$100	-
Clause 32 (1) (d)	interfere with escalator/lift/working of escalator/lift	\$100	-
Clause 33 (1)	remove operator's/owner's property from train/railway land	\$100	-
Clause 34 (1) (a)	write/draw/affix word/representation/character/poster on/to train/infrastructure/property on railway land	\$200	-
Clause 34 (1) (b)	destroy/damage/deface train/infrastructure/property on railway land	\$200	-
Clause 34 (2)	on train/part of railway/railway land possess thing for damaging property	\$200	-
Clause 35 (1) (a)	deposit litter on train/part of railway/railway land	\$100	-
Clause 35 (1) (b)	deposit dangerous thing on train/part of railway/railway land	\$200	-
Clause 35 (2)	abandon building material on train/part of railway/railway land	\$200	-
Clause 36 (2)	not comply direction to leave train/land (committing offence)	\$100	-

## Rail Safety Regulation 1999

## Penalty notice offences

## Schedule 1

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Clause 38 (1)	cross/drive vehicle over running line by unauthorised means	\$200	-
Clause 39 (1)	cross running line not using bridge/subway	\$200	-
Clause 39 (2) (a)	cross running line contrary to authorised officer's warning	\$200	-
Clause 39 (2) (b)	cross running line contrary to displayed warning	\$200	-
Clause 39 (3) (a)	cross running line when barriers shut	\$200	-
Clause 39 (3) (b)	cross running line against operating warning device	\$200	-
Clause 40 (1) (a) (i)	drive vehicle 4.5+ tonnes on wheel across level crossing	\$200	-
Clause 40 (1) (a) (ii)	drive vehicle 8+ tonnes on axle across level crossing	\$200	-
Clause 40 (1) (b)	drive vehicle 4.3+/bus 4.4+ metres high across level crossing	\$200	-
Clause 40 (1) (c)	drive vehicle 2.5+ metres wide across level crossing	\$200	-
Clause 40 (1) (d)	drive vehicle with damaging/obstructing load across level crossing	\$200	-
Clause 40 (1) (e)	drive vehicle across level crossing contrary to sign	\$200	-
Clause 40 (1) (f)	drive vehicle across level crossing when directed not to	\$200	-
Clause 41 (a)	drive animal across level crossing against officer's warning	\$200	-
Clause 41 (b)	drive animal across level crossing when train in sight	\$200	-
Clause 41 (c)	drive animal across level crossing against warning device	\$200	-
Clause 42	take/have uncontrolled dog on station	\$100	-
Clause 43 (1)	take/have animal on train	\$100	-
Clause 44 (1) (a)	drive vehicle/animal along platform/pedestrian way	\$100	-

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## Rail Safety Regulation 1999

## Schedule 1 Penalty notice offences

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Clause 44 (1) (b)	use skateboard/roller skates/ rollerblades on platform/pedestrian way	\$200	-
Clause 45 (2) (a)	drive heavy load over railway structure without permission	\$200	-
Clause 45 (2) (b)	drive heavy load over railway structure in breach of conditions	\$200	-
Clause 46	leave bike on railway land/chained/attached to railway building/fence/installation	\$100	-
Clause 47	not shut and fasten level crossing gate/side gate	\$200	-
Clause 48 (1)	bathe in/pollute water in reservoir/tank on railway land	\$100	-
Clause 48 (2)	fish in/shoot over/on reservoir/tank on railway land	\$100	-
Clause 49	throw things at/from train/station/light rail stop/part of infrastructure of railway	\$200	-
Clause 50 (1) (a)	go/be in restricted area of station	\$200	-
Clause 50 (1) (b)	go/be on running line/part of infrastructure associated with running line	\$200	-
Clause 50 (1) (c)	go/be in workshop	\$200	-
Clause 50 (1) (d)	go/be in office/administrative area of railway	\$200	-
Clause 50 (1) (e)	go/be on railway land	\$200	-
Clause 50 (4)	not comply direction leave restricted area/running lines/associated infrastructure/ workshop/office/administrative area	\$200	-
Clause 51 (1)	leave object on running line	\$200	-
Clause 54 (1)	not deal properly with lost property	\$100	-

BY AUTHORITY