



New South Wales

# Rail Safety Amendment (Monorail) Regulation 2001

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*.

The Hon EDWARD OBEID, M.L.C.,

Minister for Transport

## Explanatory note

The *Darling Harbour (Monorail) Regulation 1995* made under the *Darling Harbour Authority Act 1984* deals with matters relating to the operation of the Darling Harbour monorail, including the payment of fares, the behaviour of passengers and other matters. As such that monorail has been excepted from the operation of the *Rail Safety Regulation 1999*.

However, on and from the commencement of Schedule 4.10 to the *Sydney Harbour Foreshore Authority Act 1998* (being 1 January 2001), the *Rail Safety Act 1993* is amended to make it explicit that that Act is to govern and regulate the Darling Harbour monorail as a railway. The *Darling Harbour (Monorail) Regulation 1995* is therefore taken to be a regulation under the *Rail Safety Act 1993*.

The object of this Regulation is to repeal the *Darling Harbour (Monorail) Regulation 1995* and to amend the *Rail Safety Regulation 1999* so that its provisions regulate the operation of the Darling Harbour monorail as a railway.

This Regulation also makes an amendment to clause 40 of the *Rail Safety Regulation 1999* in relation to vehicles driving across railway level crossings.

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This Regulation is made under the *Rail Safety Act 1993*, including sections 79B (offences relating to passengers or vehicles), 88 (penalty notices for certain offences) and 100 (the general regulation making power).

## **Rail Safety Amendment (Monorail) Regulation 2001**

### **1 Name of Regulation**

This Regulation is the *Rail Safety Amendment (Monorail) Regulation 2001*.

### **2 Commencement**

This Regulation commences on 16 February 2001.

### **3 Amendment of Rail Safety Regulation 1999**

The *Rail Safety Regulation 1999* is amended as set out in Schedule 1.

### **4 Notes**

The explanatory note does not form part of this Regulation.

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**Schedule 1 Amendments**

(Clause 3)

**[1] Clause 3 Regulation does not apply to Darling Harbour monorail**

Omit the clause and the note to the clause.

**[2] Clause 4 Definitions**

Insert in alphabetical order in clause 4 (1):

*monorail works* means any station, platform, monorail running line or supporting column associated with a monorail transport system.

**[3] Clause 4 (1)**

Omit the definition of *station*. Insert instead:

*station* means:

- (a) a monorail station (whether or not on railway land), and
- (b) any other station on railway land,

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

**[4] Clause 4 (2)**

Omit “(other than a person accredited as required by section 97 (2) of the Act)”.

**[5] Clause 4 (2), note**

Omit the note to clause 4 (2).

**[6] Clause 13 Conduct generally**

Omit “, or on any railway land,”.

Insert instead “, on any railway land or on any part of the monorail works”.

**[7] Clause 15 Smoking generally prohibited**

Insert “or any part of the monorail works” after “railway land” in clause 15 (1).

**[8] Clause 15 (2)**

Omit “or railway land”. Insert instead “, railway land or monorail works”.

**[9] Clause 17 Drinking of alcohol generally prohibited**

Omit “or on any railway land” from clause 17 (1).

Insert instead “, any railway land or any part of the monorail works”.

**[10] Clause 17 (2)**

Omit “or land”. Insert instead “, railway land or monorail works”.

**[11] Clause 19 No unauthorised commercial activities**

Omit “or on any railway land” from clause 19 (1).

Insert instead “, on any railway land or on any part of the monorail works”.

**[12] Clause 19 (2) (a) and (b)**

Omit “or railway land” wherever occurring.

Insert instead “, railway land or monorail works”.

**[13] Clause 20, heading**

Omit “land”. Insert instead “premises”.

**[14] Clause 21A**

Insert after clause 21:

**21A Passengers to remain wholly within trains**

A person who is on a train must not, without reasonable excuse:

- (a) protrude any part of the person’s body from an open door or window of the train, or

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- (b) touch, or attempt to touch, any building, structure or other object outside the train.

Maximum penalty: 5 penalty units.

### [15] **Clause 30 Unauthorised use of certain equipment**

Insert at the end of clause 30 (1) (d):

- (e) operate or otherwise interfere with any electrical or mechanical apparatus or device that is on railway land or is attached to, or forms part of, any train or any part of the monorail works, or
- (f) throw any article or thing at or towards, or otherwise interfere with, any electricity supply line or any electrical or mechanical apparatus on railway land or situated on or about, or attached to, any part of the monorail works.

### [16] **Clause 31 No obstruction or hindrance**

Insert “or the monorail works” after “railway land” wherever occurring in clause 31 (1) (a) and (b) and (2).

### [17] **Clause 31A**

Insert after clause 31:

#### **31A Pedestrians**

A person must not, while proceeding on foot on any railway land or on any part of the monorail works, proceed at a pace or in a manner that may cause injury or damage or that may endanger any person or property.

Maximum penalty: 5 penalty units.

### [18] **Clause 32 Use of escalators and lifts**

Insert “or the monorail works” after “railway land” in clause 32 (2) (b).

### [19] **Clause 33 Railway property not to be removed**

Omit “or any railway land” from clause 33 (1).

Insert instead “, any railway land or any part of the monorail works”.

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**[20] Clause 34 Graffiti and vandalism**

Insert “or the monorail works” after “railway land” in clause 34 (1).

**[21] Clause 34 (2) and 35 (1) and (2)**

Omit “or on any part of a railway or on any railway land” wherever occurring.

Insert instead “, any part of a railway, on any railway land or on any part of the monorail works”.

**[22] Clause 35A**

Insert after clause 35:

**35A Lighting fires**

A person must not:

- (a) light a fire on, or
- (b) bring any burning substance into or onto, or cause a burning substance to be brought into or onto, or
- (c) throw or drop any burning substance on or from, or cause any burning substance to be thrown or dropped on or from,

any train, any part of a railway, any railway land or the monorail works.

Maximum penalty: 5 penalty units.

**[23] Clause 36 Direction to leave train or premises**

Omit “or railway land” from clause 36 (1).

Insert instead “, railway land or part of the monorail works”.

**[24] Clause 37 Definitions**

Omit “*Traffic Act 1909*” from the definition of *road* and *road related area*.

Insert instead “*Road Transport (General) Act 1999*”.

**[25] Clause 40 Certain vehicles crossing running line at level crossing**

Omit clause 40 (1) (a)–(c).

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### [26] Clause 40 (2) and (3)

Omit the subclauses. Insert instead:

- (2) Subclause (1) (d) does not apply if the vehicle and load comply with the relevant regulations under the *Roads Act 1993* (or are the subject of a relevant permit under that Act).

### [27] Clause 44 Person not to drive or ride in certain areas

Insert “or any part of the monorail works” after “railway land” in clause 44 (1).

### [28] Clause 46 Bicycles not to be left in certain areas

Insert “or any part of the monorail works” after “railway land” wherever occurring.

### [29] Clause 50 No trespassing

Insert “or any part of the monorail works” after “railway land” in clause 50 (1) (e).

### [30] Clauses 50 (2) (b), 53 and 54 (1)

Insert “or part of the monorail works” after “railway land” wherever occurring.

### [31] Clause 53

Insert “or part of the monorail works” after “or land”.

### [32] Clause 54A

Insert after clause 54:

#### 54A Protection of monorail works

- (1) A person must not enter the monorail envelope, or cause or permit anything to enter the monorail envelope, otherwise than:
  - (a) for the purpose of entering or leaving or travelling in a monorail train, or

- (b) in accordance with an approval granted by an authorised person.

Maximum penalty: 5 penalty units.

- (2) In this clause:

*monorail envelope* means the space around the Darling Harbour monorail, being the rectangular space within 2 metres on either side of, 4.5 metres above and 1 metre below an imaginary line running along the centre of the bottom surface of the monorail beam.

**[33] Clause 58 Repeal**

Insert after clause 58 (2):

- (3) The *Darling Harbour (Monorail) Regulation 1995* is repealed.
- (4) Any act, matter or thing that, immediately before the repeal of the *Darling Harbour (Monorail) Regulation 1995* 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.

**[34] Schedule 1 Penalty notice offences**

Insert “/monorail works” after “railway land” wherever occurring in Column 2 of Part 2 of Schedule 1 (other than in the matters relating to clause 48 (1) and (2)).

**[35] Schedule 1, Part 2**

Insert in appropriate order:

Clause 21A (a)	protrude from train	\$200	—
Clause 21A (b)	touch/attempt to touch building/structure/object from train	\$200	—

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Clause 30 (1) (e)	operate/ interfere with electrical/ mechanical apparatus/ device	\$200	—
Clause 30 (1) (f)	throw article/ thing at/ towards/ interfere with electricity lines/electrical/ mechanical apparatus	\$200	—
Clause 31A	proceed in manner/ pace that may cause injury/ damage/ that may endanger any person / property	\$200	—
Clause 35A (a)	light fire on train/ railway/ railway land / monorail works	\$200	—
Clause 35A (b)	bring / cause to be brought burning substance onto train/ railway/ railway land / monorail works	\$200	—
Clause 35A (c)	throw / drop burning substance /cause burning substance to be thrown/ dropped from train/ railway/ railway land / monorail works	\$200	—

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Clause 54A (1)	enter monorail envelope /cause/permit thing to enter monorail envelope	\$200	—
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