



# Rail Safety (General) Amendment (Penalties and Train Safety Recordings) Regulation 2003

under the

Rail Safety Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2002*.

MICHAEL COSTA, M.L.C.,  
Minister for Transport Services

## Explanatory note

The objects of this Regulation are as follows:

- (a) to increase the penalties (including on-the-spot fines) for certain offences under the *Rail Safety (General) Regulation 2003* relating to tickets and payment of fares, conduct on trains or railway land, littering, crossing or placing objects on railway tracks, throwing things at or from trains, stations or railways, and trespassing on stations, railways or railway land,
- (b) to enable publication and communication of train safety recordings (such as data logger information) between accredited persons and their employees and contractors for monitoring and analysis purposes and to the Director-General of the Ministry of Transport.

This Regulation is made under the *Rail Safety Act 2002*, including sections 73, 95 and 117 (the general power to make regulations).

**2003 No 616**

Clause 1 Rail Safety (General) Amendment (Penalties and Train Safety Recordings)  
Regulation 2003

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**Rail Safety (General) Amendment (Penalties and Train  
Safety Recordings) Regulation 2003**

under the

Rail Safety Act 2002

**1 Name of Regulation**

This Regulation is the *Rail Safety (General) Amendment (Penalties and Train Safety Recordings) Regulation 2003*.

**2 Amendment of Rail Safety (General) Regulation 2003**

The *Rail Safety (General) Regulation 2003* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 13 Conduct generally**

Omit clause 13 (c).

**[2] Clause 13**

Omit “5 penalty units”. Insert instead “10 penalty units”.

**[3] Clause 13 (2)**

Insert at the end of clause 13:

- (2) A person must not on any train, on any railway land or on any part of monorail works wilfully put his or her feet, or either of them, on a seat.

Maximum penalty: 5 penalty units.

**[4] Clauses 15 (1), 17 (1), 18 (2), 28, 29 (1), 32 (1), 35 (1), 36 (2), 37 (1), 38, 39 (2), 41 (1), 42, 43 (1) and 44**

Omit “Maximum penalty: 5 penalty units.” wherever occurring.

Insert instead “Maximum penalty: 10 penalty units.”.

**[5] Clauses 31 (1), 55 (1) and 56 (1)**

Omit “Maximum penalty: 5 penalty units.” wherever occurring.

Insert instead “Maximum penalty: 50 penalty units.”.

**[6] Clauses 36 (1) and 54**

Omit “Maximum penalty: 5 penalty units.” wherever occurring.

Insert instead “Maximum penalty: 20 penalty units.”.

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**[7] Clause 62B**

Insert after clause 62A:

**62B Disclosure of train safety records for monitoring and other purposes**

- (1) For the purposes of section 73 (e) of the Act, a train safety recording may be published or communicated by and to the persons set out in subclause (2), but only if the publication or communication is made for any of the following purposes:
  - (a) the analysis or monitoring of railway operations or rail safety or related matters,
  - (b) without limiting paragraph (a), the auditing of compliance by railway employees with any systems, procedures, instructions or orders relating to the carrying out of railway operations.
- (2) A train safety recording may be published or communicated:
  - (a) by an accredited person or an employee or contractor of the accredited person to another accredited person or an employee or contractor of another accredited person, or
  - (b) by an employee or contractor of an accredited person to the accredited person or another employee or contractor of the accredited person, or
  - (c) by an accredited person to an employee or contractor of the accredited person.
- (3) For the purposes of section 73 (e) of the Act, a train safety recording may be published or communicated by or on behalf of an accredited person to the Director-General.

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

Omit all matter under the heading to Part 2. Insert instead:

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 5 (1)	\$200
Clause 6 (1) (a)	\$200
Clause 6 (1) (b)	\$200
Clause 8 (1)	\$200
Clause 9 (1)	\$200
Clause 9 (3)	\$200
Clause 9 (4) (a)	\$200
Clause 9 (4) (b)	\$200
Clause 10	\$200
Clause 11 (1)	\$200
Clause 12 (1)	\$200
Clause 13 (1) (a)	\$400
Clause 13 (1) (b)	\$400
Clause 13 (1) (d)	\$400
Clause 13 (2)	\$100
Clause 14 (2)	\$100
Clause 15 (1)	\$400
Clause 16 (1)	\$100

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 17 (1)	\$400
Clause 18 (2)	\$400
Clause 19 (1)	\$100
Clause 20	\$100
Clause 21 (a)	\$200
Clause 21 (b)	\$200
Clause 21 (c)	\$200
Clause 21 (d)	\$200
Clause 22 (a)	\$200
Clause 22 (b)	\$200
Clause 23 (1)	\$100
Clause 23 (2)	\$100
Clause 24 (1)	\$100
Clause 25 (3)	\$100
Clause 26 (1) (a)	\$100
Clause 26 (1) (b)	\$100
Clause 26 (3)	\$100
Clause 27 (2)	\$100
Clause 28 (a)	\$400
Clause 28 (b)	\$400

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 28 (c)	\$400
Clause 28 (d)	\$400
Clause 29 (1) (a)	\$400
Clause 29 (1) (b)	\$400
Clause 30 (1)	\$200
Clause 31 (1) (a)	\$400
Clause 31 (1) (b)	\$400
Clause 31 (1) (c)	\$400
Clause 31 (1) (d)	\$400
Clause 31 (1) (e)	\$400
Clause 31 (1) (f)	\$400
Clause 32 (1) (a)	\$200
Clause 32 (1) (b)	\$200
Clause 33	\$200
Clause 34 (1) (a)	\$200
Clause 34 (1) (b)	\$200
Clause 34 (1) (c)	\$100
Clause 34 (1) (d)	\$100
Clause 35 (1)	\$200
Clause 36 (1) (a)	\$400

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 36 (1) (b)	\$400
Clause 36 (2)	\$200
Clause 37 (1) (a)	\$200
Clause 37 (1) (b)	\$400
Clause 37 (2)	\$200
Clause 38 (a)	\$400
Clause 38 (b)	\$400
Clause 38 (c)	\$400
Clause 39 (2)	\$400
Clause 41 (1)	\$400
Clause 42 (1)	\$400
Clause 42 (2) (a)	\$400
Clause 42 (2) (b)	\$400
Clause 42 (3) (a)	\$400
Clause 42 (3) (b)	\$400
Clause 43 (1) (a)	\$400
Clause 43 (1) (b)	\$400
Clause 43 (1) (c)	\$400
Clause 44 (a)	\$400
Clause 44 (b)	\$400



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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 44 (c)	\$400
Clause 45	\$100
Clause 46 (1)	\$100
Clause 46 (2)	\$100
Clause 47 (1) (a)	\$100
Clause 47 (1) (b)	\$100
Clause 47 (1) (c)	\$100
Clause 48 (2) (a)	\$200
Clause 48 (2) (b)	\$200
Clause 49	\$100
Clause 53	\$200
Clause 54	\$400
Clause 55 (1) (a)	\$400
Clause 55 (1) (b)	\$400
Clause 55 (1) (c)	\$400
Clause 55 (1) (d)	\$400
Clause 55 (1) (e)	\$400
Clause 55 (4)	\$200
Clause 56 (1)	\$400
Clause 59 (1)	\$100

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<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Penalty</b>
Clause 60 (1)	\$100

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BY AUTHORITY