



New South Wales

Rail Safety (General) Amendment (Miscellaneous) Regulation 2006

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*.

JOHN WATKINS, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to amend the *Rail Safety (General) Regulation 2003*:

- (a) to increase penalties for offences relating to interference with train doors and unauthorised use of certain equipment such as communication equipment, and
- (b) to require trains to have a radio communications system and a back up system for communications, and
- (c) to permit certain offences to be dealt with by way of a penalty notice (on-the-spot fine), and
- (d) to require railway operators to develop and implement procedures for dealing with lost property, and
- (e) to make other minor amendments.

This Regulation is made under the *Rail Safety Act 2002*, including sections 105 and 117 (the general regulation-making power).

2006 No 134

Clause 1 Rail Safety (General) Amendment (Miscellaneous) Regulation 2006

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1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Miscellaneous) Regulation 2006*.

2 Amendment of Rail Safety (General) Regulation 2003

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

Schedule 1 Amendments

(Clause 2)

[1] Clause 28 No interference with train doors

Omit “10 penalty units”. Insert instead “50 penalty units”.

[2] Clause 31 Unauthorised use of certain equipment

Omit “50 penalty units” from clause 31 (1). Insert instead “250 penalty units”.

[3] Clause 59 Lost property

Omit clause 59 (2). Insert instead:

- (2) The operator of a railway must develop and implement procedures that comply with this clause for dealing with any lost property that is found on a train, railway land or part of monorail works for which the operator is responsible.
Maximum penalty: 5 penalty units.
- (3) The procedures referred to in subclause (2) are to include (but not be limited to) procedures involving:
 - (a) the keeping of registers of:
 - (i) lost property that is found, and
 - (ii) enquiries as to lost property, and
 - (b) the keeping of written records as to when and how lost property, when found, is to be returned or disposed of.
- (4) The procedures referred to in subclause (2) must be capable of being audited.

[4] Clause 60A

Insert after clause 60:

60A Train communications systems

- (1) An accredited person who is responsible for a railway operation referred to in section 5 (3) (b) of the Act (operation or movement of rolling stock on a railway) must ensure that each train for which the person is responsible is, at all times during which the train is on the NSW rail network, fitted with a radio communications system that complies with this clause and a back up means of communication to be used if the radio communications system fails.
Maximum penalty: 100 penalty units.

- (2) A radio communications system for a train must:
 - (a) enable the driver of the train to verbally communicate with any network control officer responsible for the area in which the train is operating, and
 - (b) be working at all times that the train is being operated, and
 - (c) be capable of receiving and transmitting emergency calls, and
 - (d) be fitted with an emergency button that enables an emergency call from the train to be given priority over all other calls and that enables direct communication between the train and the network control officer responsible for the area in which the train is operating, and
 - (e) be capable of transmitting an emergency communication in a form that will allow any network control officer responsible for the area in which the train is operating to transmit the communication to other trains in that area.
- (3) A back up means of communication for a train must consist of either or both of the following:
 - (a) a “without brakevan (WB) radio”, being a radio that operates at a frequency of 450.050 MHz,
 - (b) a mobile phone that is able to be used anywhere in the area in which the train is operating.
- (4) The ITSRR may, by notice in writing to one or more accredited persons, exempt from the operation of this clause a particular train or class of trains.
- (5) In this clause:
NSW rail network has the same meaning that it has in the *Transport Administration Act 1988*.
- (6) This clause commences on 1 September 2006.

[5] Schedule 1, Part 2

Insert in order of clause number in Columns 1 and 2, respectively:

Clause 60A (1)

\$330

BY AUTHORITY