



New South Wales

# Rail Safety (Offences) Amendment Regulation 2009

under the

Rail Safety Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2008*.

DAVID CAMPBELL, MP  
Minister for Transport

## Explanatory note

The object of this Regulation is to replace the graffiti and vandalism offence in the *Rail Safety (Offences) Regulation 2008* with an offence relating to vandalism and fixing posters. Offences relating to graffiti are now contained in the *Graffiti Control Act 2008*. A consequential amendment is also made to enable a rail safety officer to direct a person who is damaging or defacing property by means of a graffiti implement on a train or railway land to leave the train or land.

This Regulation is made under the *Rail Safety Act 2008*, including sections 131 and 174 (the general regulation-making power).

## **2009 No 361**

Clause 1            Rail Safety (Offences) Amendment Regulation 2009

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## **Rail Safety (Offences) Amendment Regulation 2009**

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### **1 Name of Regulation**

This Regulation is the *Rail Safety (Offences) Amendment Regulation 2009*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Rail Safety (Offences) Regulation 2008

### [1]    Clause 35

Omit the clause. Insert instead:

#### **35    Vandalism and fixing posters**

- (1)    A person must not:
  - (a)    affix any poster to, or
  - (b)    destroy or damage,  
any train, any part of the infrastructure of a railway or any property on railway land or monorail works.  
Maximum penalty: 20 penalty units.  
**Note.** Offences relating to graffiti are contained in Part 2 of the *Graffiti Control Act 2008*.
- (2)    A person must not, without reasonable excuse, have in his or her possession on any train, any part of a railway, on any railway land or on any part of monorail works any thing intended for use in damaging property.  
Maximum penalty: 10 penalty units.
- (3)    This clause does not apply to a rail safety officer in the execution of his or her duty.

### [2]    Clause 39 Direction to leave train or premises

Omit clause 39 (1). Insert instead:

- (1)    If, in the opinion of a rail safety officer, a person is committing:
  - (a)    an offence under this Part, or
  - (b)    an offence under section 4 of the *Graffiti Control Act 2008* in relation to a train, any part of the infrastructure of a railway or any property on railway land or monorail works,  
the rail safety officer may direct the person to leave the train, railway land or part of the monorail works concerned.