



# Passenger Transport Amendment (Passenger Conduct) Regulation 2013

under the

Passenger Transport Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Passenger Transport Act 1990*.

GLADYS BEREJIKLIAN, MP  
Minister for Transport

## Explanatory note

The object of this Regulation is to repeal the *Rail Safety (Offences) Regulation 2008* on 15 February 2013 and to amend the *Passenger Transport Regulation 2007* as follows:

- (a) to rewrite the conduct offences for public passenger vehicles so as to extend them to trains,
- (b) to include additional offences relating to trains that are currently covered by the *Rail Safety (Offences) Regulation 2008*,
- (c) to prescribe new offences relating to the carriage of petrol and things containing petrol on public passenger vehicles and trains and railway premises, hindering drivers of buses and touching moving trains from the outside,
- (d) to extend the offence of having possession of anything intended to damage property on a train or railway premises to having possession of such things on public passenger vehicles.

This Regulation is consequential on the enactment of the *Passenger Transport Amendment (Ticketing and Passenger Conduct) Act 2012*.

The Regulation also amends the *Rail Safety (Offences) Regulation 2008* as an interim measure to remove references to rail safety officers as a consequence of the repeal of the *Rail Safety Act 2008* on 20 January 2013.

This Regulation is made under the *Passenger Transport Act 1990*, including section 63 (the general regulation-making power).

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Clause 1            Passenger Transport Amendment (Passenger Conduct) Regulation 2013

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# **Passenger Transport Amendment (Passenger Conduct) Regulation 2013**

under the

Passenger Transport Act 1990

### **1 Name of Regulation**

This Regulation is the *Passenger Transport Amendment (Passenger Conduct) Regulation 2013*.

### **2 Commencement**

- (1) Except as provided by subclause (2), this Regulation commences on the day on which it is published on the NSW legislation website.
- (2) Clause 3 and Schedule 1 commence on 15 February 2013.

### **3 Repeal of Rail Safety (Offences) Regulation 2008**

The *Rail Safety (Offences) Regulation 2008* is repealed.

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## Schedule 1      Amendment of Passenger Transport Regulation 2007

### [1] Part 5

Omit the Part. Insert instead:

## Part 5      Conduct of passengers and other persons in or on public passenger vehicles, trains and railway premises

### Division 1      Preliminary

#### 48 Definitions

(1) In this Part:

*hold*, in relation to a ticket or reservation, means be able to produce the ticket or reservation on request.

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

*passenger* has the same meaning as in the Act and includes an intending passenger but does not include the driver or crew of a train.

*public area* means any part of railway premises or monorail works that the public uses or is entitled to use.

*rail infrastructure* has the same meaning as in the *Rail Safety National Law (NSW)*.

*rail infrastructure manager* has the same meaning as in the *Rail Safety National Law (NSW)*.

*rail transport operator* means:

- (a) a rail infrastructure manager, or
- (b) a rolling stock operator, or
- (c) a person who is both a rail infrastructure manager and a rolling stock operator.

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

*restricted area of a station* has the same meaning as in Part 6.

*road* and *road related area* have the same meanings as in the *Road Transport (General) Act 2005*.

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*rolling stock operator* means a person who has effective management and control of the operation or movement of rolling stock on rail infrastructure for a particular railway but does not include a person merely because the person drives the rolling stock or controls the network or the network signals.

*running line* means all railway tracks (other than sidings) that are used for the through movement of trains.

*station* has the same meaning as in Part 6.

- (2) In this Part, a reference to a bus or ferry is a reference to a bus or ferry used to provide a public passenger service.

### 49 Exemptions for authorised officers

An authorised officer is not liable for an offence under this Part for anything done in the course of the officer's duty.

## Division 2 Conduct generally

### 50 No offensive behaviour or language

A person must not, in or on a public passenger vehicle or train or in a public area:

- (a) behave in an offensive manner, or
- (b) use any offensive language, or
- (c) wilfully interfere with the comfort or safety of other persons, or
- (d) put his or her feet, or either of them, on a seat, or
- (e) spit.

Maximum penalty: 10 penalty units.

### 51 No smoking

- (1) A person must not smoke in or on any public passenger vehicle or train or in any public area.

Maximum penalty: 5 penalty units.

- (2) This clause does not apply to a part of a public area in or on which smoking is permitted by signs displayed by or with the authority of the operator of the public passenger service or the rail transport operator concerned.

- (3) In this clause:

*smoke* means smoke, hold or otherwise have control over an ignited smoking product.

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*smoking product* means any tobacco or other product that is intended to be smoked.

**52 Limitation on eating and drinking in certain public passenger vehicles and trains**

- (1) A passenger must not eat or drink in any taxi-cab.  
Maximum penalty: 5 penalty units.
- (2) A person must not drink any alcohol on any bus, ferry or train or in any public area.  
Maximum penalty: 10 penalty units.
- (3) Subclause (2) does not apply if the alcohol was supplied by, or with the permission of, the operator of the bus or ferry or the rail transport operator of the train concerned.
- (4) A passenger must not eat or drink on any bus, ferry or train (or part of a bus, ferry or train) in which eating and drinking is prohibited by signs displayed, by or with the authority of the operator of the bus or ferry or the rail transport operator concerned, in the bus, ferry or train (or part), except with the written permission of the operator or the permission of an authorised officer.  
Maximum penalty: 5 penalty units.
- (5) However, nothing in this clause prohibits a person from drinking water, or from eating or drinking for medical reasons, in or on a public passenger vehicle or train.
- (6) In this clause, *drink*, in relation to alcohol, includes be in possession of an opened container of alcohol.

**53 Control of animals**

- (1) A person must not take into or on any public passenger vehicle or any train intended for the conveyance of passengers any dog, cat, bird or other animal:
  - (a) in the case of a public passenger vehicle—unless the animal is suitably confined in a box, basket or other container, and
  - (b) in the case of a train—except under the conditions imposed by the rail transport operator of the relevant railway for the conveyance of the animal.Maximum penalty: 5 penalty units.
- (2) A person must not allow an animal under the person's care or control on, or to stray onto, railway premises unless the animal is

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being taken onto or from a train in accordance with the conditions referred to in subclause (1).

Maximum penalty: 5 penalty units.

- (3) Subclauses (1) and (2) do not apply in respect of an assistance animal or an assistance animal in training.
- (4) 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.

### **54 Conveyance of petrol and things containing petrol and things intended for vandalism**

- (1) A person must not have any of the following in his or her possession on any public passenger vehicle, train, any part of railway premises or any part of monorail works:
  - (a) any petrol or substance containing petrol,
  - (b) any vehicle, article or other thing that contains petrol or a substance containing petrol.

Maximum penalty: 10 penalty units.

- (2) Subclause (1) does not apply to:
  - (a) an employee of the operator of a public passenger service or a rail transport operator in the execution of the employee's duty, or
  - (b) a person authorised by the operator of a public passenger service or a rail transport operator.

- (3) A person must not, without reasonable excuse, have in his or her possession on any public passenger vehicle, train, any part of railway premises or any part of monorail works any thing intended for use in damaging property.

Maximum penalty: 10 penalty units.

### **55 Direction to leave public passenger vehicle, train, railway premises or monorail works**

- (1) A driver of a public passenger vehicle or train or an authorised officer may direct a person to leave, or not to enter, a public

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passenger vehicle or train if the driver or authorised officer is of the opinion that:

- (a) the person's body, clothing or luggage (or any other thing on or carried by the person):
    - (i) may soil or damage the public passenger vehicle or train or the clothing or luggage of other passengers, or
    - (ii) is of such a size or has such dimensions that it cannot be accommodated in the public passenger vehicle or train without inconvenience or danger to other passengers or to the driver, or
  - (b) the person is otherwise causing, or is likely to cause, inconvenience to other passengers or to the driver of the public passenger vehicle or train (whether because the person is under the influence of alcohol or another drug, or for any other reason), or
  - (c) the person is committing an offence under this Regulation in or on the public passenger vehicle or train, or
  - (d) the person is committing an offence under section 4 of the *Graffiti Control Act 2008* in relation to the public passenger vehicle or train.
- (2) An authorised officer may direct a person to leave, or not to enter, railway premises or monorail works if the authorised officer is of the opinion that:
- (a) the person is causing, or is likely to cause, inconvenience to other persons on those railway premises or monorail works (whether because the person is under the influence of alcohol or another drug, or for any other reason), or
  - (b) the person is committing an offence under this Regulation in or on those railway premises or monorail works, or
  - (c) the person is committing an offence under section 4 of the *Graffiti Control Act 2008* in relation to any part of the infrastructure of a railway or any property on those railway premises or monorail works.
- (3) A person who is given a direction under subclause (1) or (2) must comply with it.  
Maximum penalty: 10 penalty units.
- (4) A person who has been directed to leave a public passenger vehicle, train, railway premises or monorail works must not, without a reasonable excuse, re-enter the public passenger

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vehicle, train, railway premises or monorail works within 2 hours of the direction being given.

Maximum penalty: 10 penalty units.

- (5) A person who refuses or fails to comply with a direction given under this clause may be removed from the relevant public passenger vehicle, train, premises or monorail works by an authorised officer.

### 56 Lost property

- (1) A person who finds any article that appears to be lost in or on a public passenger vehicle must:
- (a) return the article to its owner, or
  - (b) give it to the driver of the public passenger vehicle, an employee of the operator of the public passenger service concerned or an authorised officer.

Maximum penalty: 5 penalty units.

- (2) A person who finds any article that appears to be lost in a train or any public area must:
- (a) return it to its owner, or
  - (b) give it, or report its location, to an employee of the relevant rail transport operator or an authorised officer.

Maximum penalty: 5 penalty units.

- (3) A rail transport operator must develop and implement procedures that comply with this clause for dealing with any lost property that is found in a train or any public area for which the operator is responsible.

Maximum penalty: 5 penalty units.

- (4) Those procedures are to include (but are not 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.
- (5) Those procedures must be capable of being audited.



**57 No wilful damage**

A person must not wilfully damage any part of a public passenger vehicle or train.

Maximum penalty: 20 penalty units.

**58 No removal of property**

A person (other than the owner of the property concerned) must not, without reasonable excuse, remove from any public passenger vehicle or train any property of the driver or operator of the vehicle or train or of the crew of the vehicle or train.

Maximum penalty: 10 penalty units.

**59 No littering**

(1) A person must not in or on any public passenger vehicle or train or in any public area:

- (a) deposit any litter otherwise than in a receptacle provided for that purpose, or
- (b) deposit any thing that may endanger any person or property.

Maximum penalty: 10 penalty units.

(2) A person must not abandon any building material on any train, any part of a railway, any railway premises or any part of monorail works.

Maximum penalty: 10 penalty units.

**60 No throwing**

A person must not, without reasonable excuse:

- (a) throw any thing in or from a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure, or
- (b) throw any thing at a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure, or
- (c) drop any thing on or towards a public passenger vehicle or train or any station, light rail stop or any other part of the rail infrastructure.

Maximum penalty: 20 penalty units.

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### 61 Vandalism and fixing posters

A person must not affix any poster to, or destroy or damage, any public passenger vehicle or train, any rail infrastructure or any property on railway premises or monorail works.

Maximum penalty: 20 penalty units.

**Note.** Offences relating to graffiti are contained in Part 2 of the *Graffiti Control Act 2008*.

### 62 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 public passenger vehicle or train, any part of a railway or any railway premises or monorail works.

Maximum penalty: 10 penalty units.

### 63 Driver to take action in relation to dangerous conduct

The driver of a public passenger vehicle must take such action as is appropriate (for example, contacting the operator or the police for help) if the driver believes on reasonable grounds that the conduct of a passenger is endangering the safety of any person.

## Division 3 Additional conduct offences relating to buses, ferries, trains and railway premises

### 64 No unauthorised commercial activities

- (1) A passenger must not carry on a commercial activity on any bus, ferry or train or public area except with the written permission of the bus, ferry or railway operator concerned.

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 for sale or hire) of any thing to a person who is present on the bus, ferry or train or in the public area concerned,
  - (b) the touting or soliciting for custom, hire or employment if it is directed at one or more persons who are present on the bus, ferry or train or in the public area concerned,

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- (c) the distribution of handbills to any person,
  - (d) the soliciting of money (whether by way of busking or otherwise) from any person who is present on the bus, ferry or train or in the public area concerned.

**65 Entry to and exit from buses, ferries, trains and railway premises**

A passenger must not, without reasonable excuse:

- (a) enter or leave a ferry except at a place designated by the ferry operator for passengers to enter or leave the ferry, or
- (b) enter or leave a train operated on a railway other than a light rail system—except at a place designated by the rail transport operator of the railway for persons to enter or leave the train, or
- (c) enter or leave 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 rail transport operator for persons to enter or leave the train, or
- (d) enter or leave a bus, ferry or train:
  - (i) while the bus, ferry or train is in motion, or
  - (ii) by getting through a window, or
- (e) enter or leave a station, platform or other work or premises connected with a railway otherwise than by a place designated by the rail transport operator of the railway for entry or exit.

Maximum penalty: 5 penalty units.

**66 Limited stop buses, ferries and trains**

- (1) A passenger must not, without the permission of an authorised officer:
  - (a) board a bus at a bus stop at which the bus is not scheduled to pick up passengers, or
  - (b) board a ferry used for a regular ferry service or a long-distance ferry service at a ferry wharf at which the ferry is not scheduled to pick up passengers, or
  - (c) board a train at a station at which the train is not scheduled to pick up passengers.

Maximum penalty: 5 penalty units.

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- (2) A passenger must not, without the permission of an authorised officer:
- (a) leave a bus at a bus stop at which the bus is not scheduled to set down passengers, or
  - (b) leave a ferry used for a regular ferry service or a long-distance ferry service at a ferry wharf at which the ferry is not scheduled to set down passengers, or
  - (c) leave a train at a station at which the train is not scheduled to set down passengers.

Maximum penalty: 5 penalty units.

### **67 No travel allowed on certain parts of bus, ferry or train**

- (1) A passenger must not, without reasonable excuse, travel on any portion of a bus, ferry or train not intended for the conveyance of passengers.

Maximum penalty: 5 penalty units.

- (2) Without limiting subclause (1):

- (a) the portions of a bus not intended for the conveyance of passengers include the roof, steps and footboard and the stairs of a double-decker bus, and
- (b) the portions of a train not intended for the conveyance of passengers include the engine or locomotive, the roof, steps and footboard and the stairs of a double-decker train.

- (3) A passenger must not stand on the top deck of a double-decker bus otherwise than in the course of entering or exiting the top deck.

Maximum penalty: 5 penalty units.

- (4) A passenger must not sit or stand on the side rails of a ferry (whether or not the ferry is moving).

Maximum penalty: 5 penalty units.

- (5) 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
- (b) touch any building, structure or other object outside the train with any part of the person's body or with an object.

Maximum penalty: 5 penalty units.

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**68 No entry to driver's compartment of bus, ferry or train or crew compartment of ferry or train**

- (1) A passenger must not enter the driver's compartment of a bus, ferry or train.

Maximum penalty: 10 penalty units.

- (2) A passenger must not:

(a) enter the crew compartment of a ferry without the permission of the driver of the ferry or an authorised officer, or

(b) remain in the crew compartment of a ferry after having been requested to leave the compartment by the driver of the ferry or an authorised officer.

Maximum penalty: 10 penalty units.

- (3) A passenger 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: 10 penalty units.

**68A No hindering or distracting of bus driver**

A passenger on a bus must not:

(a) hinder the driver of the bus in the exercise of the driver's functions, or

(b) distract the driver of the bus in a manner that is likely to affect the driving of the bus.

Maximum penalty: 10 penalty units.

**68B No interference with equipment on buses, ferries or trains**

- (1) A passenger must not, without reasonable excuse:

(a) interfere with any equipment attached to or forming part of a bus, ferry or train, or

(b) interfere with any part of a security camera system or duress alarm system fitted to a bus in accordance with clause 82 or cause or permit any such interference, or

(c) block a bus door or train door, or

(d) open a locked bus door or train door at any time, or

(e) open an unlocked bus door while the bus is in motion, or

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- (f) open an unlocked train door (other than an internal door or a door between carriages) while the train is moving, or
- (g) in any way interfere with an automatically operated bus door or train door, or
- (h) use the public address or other communications system of a ferry.

Maximum penalty: 50 penalty units.

- (2) 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, or any emergency help point for passengers, 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 station or at a light rail stop or on any other part of the infrastructure of a railway,
  - (e) operate or otherwise interfere with any electrical or mechanical apparatus or device that is on railway premises or is attached to, or forms part of, any train or any part of monorail works,
  - (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 premises or situated on or about, or attached to, any part of monorail works.

Maximum penalty: 50 penalty units.

- (3) In this clause, *emergency or safety equipment* includes closed circuit television cameras, emergency help points for passengers, emergency breakdown equipment, alarms, stretchers, fire extinguishers and the like.

### **68C Persons not to hinder use of ferry facilities or facilities in public areas**

- (1) A person must not, without reasonable excuse:
  - (a) obstruct any ferry facility or facility in a public area, or

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- (b) hinder (whether by obstruction or by any other means) another person's use of any ferry facility or facility in a public area.

Maximum penalty: 10 penalty units.

- (2) Without limiting subclause (1):

- (a) **ferry facilities** include the following:

- (i) the entrance to a ferry wharf,
- (ii) the exit from a ferry wharf,
- (iii) stairways and escalators on, or leading to, a ferry wharf,
- (iv) the gangplank between a ferry and a ferry wharf, and

- (b) **facility in a public area** includes the following:

- (i) the entrance to a station or light rail stop,
- (ii) the exit from a station or light rail stop,
- (iii) stairways and escalators at a station or light rail stop, and

- (c) a person who sits on a stairway on a ferry, or on a stairway on or leading to a ferry wharf, is taken to hinder another person's use of ferry facilities.

#### **68D Use of escalators and lifts**

- (1) A person must not, while in any public area:

- (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, **goods** does not include shopping, strollers, prams, bicycles, surfboards or luggage.

#### **68E Person not to use a scooter, skateboard, rollerblades or the like or drive in certain areas**

- (1) A passenger must not use a scooter or skateboard, or roller blades or roller skates, or the like, on a bus, ferry or train.

Maximum penalty: 5 penalty units.

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- (2) A person must not drive a vehicle or use a scooter or skateboard, or roller blades or roller skates or the like on or along:
- (a) a platform or a pathway, subway or other way on railway premises, or
  - (b) any part of monorail works used in connection with a station and set apart for the exclusive use of pedestrians.
- Maximum penalty: 5 penalty units.
- (3) This clause does not apply:
- (a) to vehicles designed to carry persons unable to walk or who have difficulty in walking (such as motorised wheelchairs or mobility scooters), or
  - (b) to a motorised trolley being used by an employee of the operator of the public passenger service or the rail transport operator concerned in the execution of his or her duty.

### **68F No touching of moving trains**

A person on railway premises who is not on a train must not touch, or attempt to touch, any part of a moving train with any part of the person's body or with an object.

Maximum penalty: 5 penalty units.

### **68G Seating for aged persons or persons with a disability**

- (1) An operator of a bus service or ferry service or a rail transport operator may, by appropriate notices, set aside seating on a bus, ferry or train 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 on a bus, ferry or train set aside as referred to in subclause (1) for the aged and persons with disabilities if the person has been asked by another person who wants to use the seat and is aged or has a disability (or by someone on their behalf) to vacate the seat.

Maximum penalty (subclause (2)): 5 penalty units.

### **68H Pedestrians**

A person must not, while proceeding on foot in any public area, 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.



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**68I Gates to be closed**

A person who uses a gate at a railway 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.

**68J 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 any rail infrastructure, or
- (c) any workshops forming part of rail infrastructure, or
- (d) any offices or administrative areas of a railway, or
- (e) any other railway premises or any monorail works.

Maximum penalty: 50 penalty units.

(2) Subclause (1) does not apply to a person who has the permission of the rail transport operator of the railway to enter the railway premises or the monorail works 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 rail infrastructure, workshop, office or administrative area, railway premises or monorail works concerned.

(4) A person must comply with a direction given to the person under subclause (3).

Maximum penalty (subclause (4)): 5 penalty units.

**68K 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 a person authorised to do so by the operator of the monorail.

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

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imaginary line running along the centre of the bottom surface of the monorail beam.

### **68L Restrictions on vehicles driven on certain railway structures**

- (1) The rail transport operator of 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 rail transport operator of the railway concerned to do so, and
  - (b) the vehicle is driven in conformity with any conditions determined by the rail transport operator 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.

### **68M Bicycles not to be left in certain areas**

A person must not leave a bicycle on railway premises or any part of monorail works or chained or otherwise attached to any building, fence or other railway installation on railway premises or any part of monorail works, except in a cloak room, parcels office or other place designated by the rail transport operator of the relevant railway for that purpose.

Maximum penalty: 5 penalty units.

## **Division 4 Offences relating to sleeping berths and reserved seats on trains**

### **68N 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.

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- (2) This clause does not apply to a person who is travelling with another person who holds a valid ticket and reservation, or a combined travel and reservation ticket (or tickets and reservations, or combined travel and reservation tickets) authorising, for both persons, travel on the train concerned.
  - (3) A person is not liable to be punished under both this clause and clause 77A (1) in respect of the same travel.
  - (4) In this clause, *valid ticket* has the same meaning as in Part 6.

**68O Unauthorised occupation of reserved seats**

- (1) The rail transport operator of 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 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 to the person under this clause.  
Maximum penalty (subclause (3)): 5 penalty units.

**68P 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 to the person under this clause.  
Maximum penalty (subclause (3)): 5 penalty units.

## **Division 5 Crossing running lines**

### **68Q Crossing running lines—generally**

- (1) A person must not cross or drive a vehicle over a running line except by means of a railway crossing, bridge or subway constructed for that purpose.  
Maximum penalty: 10 penalty units.
- (2) This clause does not apply to or in respect of:
  - (a) an employee of a rail transport operator in the execution of the employee's duty, or
  - (b) an officer of the Independent Transport Safety Regulator or the Office of Transport Safety Investigations in the execution of the officer's duty, or
  - (c) a person who takes any action referred to in this clause at the request or direction of an authorised officer, an employee of a rail transport operator or an officer referred to in paragraph (b) in the execution of the officer's or employee's duty, or
  - (d) a running line used in a road or road related area for the purpose of a light rail system.

### **68R 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 railway crossing if a bridge or subway is provided at the crossing.  
Maximum penalty: 10 penalty units.
- (2) A person on foot must not cross over a running line at a railway crossing:
  - (a) if warned not to do so by an authorised officer, or
  - (b) contrary to a warning displayed at the railway crossing.Maximum penalty: 10 penalty units.
- (3) A person on foot must not cross over a running line at a railway 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: 10 penalty units.

- (4) This clause does not apply to:
  - (a) an employee of a rail transport operator in the execution of the employee'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 employee of a rail transport operator in the execution of the officer's or employee's duty.

**68S Certain vehicles crossing running line at railway crossing**

- (1) A person must not drive a vehicle across a railway crossing:
  - (a) if the vehicle is carrying a load that is likely to cause any damage to railway property or to cause an obstruction, or
  - (b) contrary to a sign displayed at the railway crossing, or
  - (c) if directed not to do so by an authorised officer.Maximum penalty: 10 penalty units.
- (2) Subclause (1) (a) does not apply if the vehicle and load comply with the relevant regulations under the *Road Transport (General) Act 2005* (or are the subject of a relevant permit under that Act).

**68T 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 railway crossing:

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

Maximum penalty: 10 penalty units.

**68U No placing of objects on running lines**

- (1) A person must not leave any object on a running line.  
Maximum penalty: 50 penalty units.
- (2) This clause does not apply to anything done by:
  - (a) an employee of a rail transport operator in the execution of the employee's duty, or

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- (b) any other person in the course of carrying out work in relation to the running line concerned on behalf of, or at the request of, the rail transport operator.

### [2] Clause 82 Security camera systems and duress alarm systems

Omit clause 82 (2).

### [3] Clause 239 Authorised officers

Insert after clause 239 (3):

- (4) For the purposes of section 46W (6) of the Act, the following classes of persons are prescribed:
  - (a) members of staff of Sydney Trains,
  - (b) members of staff of NSW Trains,
  - (c) persons employed by RailCorp,
  - (d) persons employed in the Independent Transport Safety Regulator Division of the Government Service,
  - (e) persons employed in the State Transit Authority Division of the Government Service.

### [4] Schedule 3 Penalty notice offences

Insert in appropriate order in Columns 1 and 2 of Part 1:

Section 55 (2)	\$100
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### [5] Schedule 3, Part 2

Omit the matter relating to clauses 49, 50, 51 (1), 51 (2) (a), 51 (2) (b), 52 (1), 53 (2), 54, 55, 56 (1), 57, 58, 60 (1), 61 (1), 62, 63, 64, 65, 66 (1), 68 (2) and 82 from Part 2.

### [6] Schedule 3, Part 2

Insert in appropriate order in Columns 1 and 2 of Part 2:

Clause 50 (a)	\$400
Clause 50 (b)	\$400
Clause 50 (c)	\$400
Clause 50 (d)	\$100
Clause 50 (e)	\$400
Clause 51 (1)	\$300

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Clause 52 (1)	\$100
Clause 52 (2)	\$400
Clause 52 (4)	\$100
Clause 53 (1)	\$100
Clause 53 (2)	\$100
Clause 53 (4)	\$100
Clause 54 (1)	\$400
Clause 54 (3)	\$400
Clause 55 (3)	\$400
Clause 55 (4)	\$400
Clause 56 (1)	\$100
Clause 56 (2)	\$100
Clause 56 (3)	\$100
Clause 57	\$400
Clause 58	\$200
Clause 59 (1)	\$200
Clause 59 (2)	\$200
Clause 60	\$400
Clause 61	\$400
Clause 62	\$400
Clause 64 (1)	\$100
Clause 65	\$200
Clause 66 (1)	\$100
Clause 66 (2)	\$100
Clause 67 (1)	\$200
Clause 67 (3)	\$200
Clause 67 (4)	\$200
Clause 67 (5)	\$200
Clause 68 (1)	\$400
Clause 68 (2)	\$400
Clause 68 (3)	\$400

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Clause 68A	\$300
Clause 68B (1)	\$400
Clause 68B (2)	\$400
Clause 68C (1)	\$200
Clause 68D (1) (a)	\$200
Clause 68D (1) (b)	\$200
Clause 68D (1) (c)	\$100
Clause 68D (1) (d)	\$100
Clause 68E (1)	\$100
Clause 68E (2)	\$100
Clause 68F	\$200
Clause 68G (2)	\$100
Clause 68H	\$200
Clause 68I	\$200
Clause 68J (1)	\$400
Clause 68J (4)	\$200
Clause 68K (1)	\$100
Clause 68L (2)	\$200
Clause 68M	\$100
Clause 68N (1)	\$100
Clause 68O (3)	\$100
Clause 68P (1)	\$100
Clause 68P (3)	\$100
Clause 68Q (1)	\$400
Clause 68R (1)	\$400
Clause 68R (2)	\$400
Clause 68R (3)	\$400
Clause 68S (1)	\$400
Clause 68T	\$400
Clause 68U (1)	\$400



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## **Schedule 2      Amendment of Rail Safety (Offences) Regulation 2008**

- [1]    Clauses 13 (1), 15 (1), 17 (1), 22, 23 (1), 24 (2), 25 (1), 28, 34 (2), 35 (3), 39 (1), 41 (2), 42 (1) (b), 45 (2) (a) and (b), 46 (2) (a) and (4) (a) and (b), 47 (1) (c), 48 (a), 49 (2), 50, 52 (2) (b) and 56**

Omit “a rail safety officer” wherever occurring.

Insert instead “an authorised officer”.

- [2]    Clauses 25 (2) and 41 (3)**

Omit “A rail safety officer” wherever occurring.

Insert instead “An authorised officer”.

- [3]    Clause 39 (1)**

Omit “the rail safety officer”. Insert instead “the authorised officer”.