Western Australia

Government Railways (Infringement Notice) By-laws 1994

Compare between:

[30 Dec 1994, 00-a0-02] and [12 Dec 2003, 00-b0-05]

Western Australia

GOVERNMENT RAILWAYS ACT 1904

Government Railways (Infringement Notice) By‑laws 1994

##### 1. Citation

These by‑laws may be cited as the *Government Railways (Infringement Notice) By‑laws 1994*.

##### 2. Commencement

These by‑laws come into operation on the day on which the *Acts Amendment (Perth Passenger Transport) Act 1994* comes into operation.

##### 3. Interpretation

In these by‑ laws —

**“metropolitan area”** has the meaning given in section 18B (1) of the *Transport Co‑ordination Act 1966*;

**“railway operations”** means transport services provided by or on behalf of the Western Australian Government Railways Commission;

**“suburban travel”** means railway operations that do not involve travel outside the metropolitan area.

##### 4. Offences prescribed for the purposes of section 53A of the Act

The offences described in columns 1 and 2 of Schedule 1 are prescribed offences for the purposes of section 53A of the Act.

##### 5. Modified penalties prescribed for the purposes of section 53A of the Act

The penalties set out in column 3 of Schedule 1 are prescribed modified penalties for the offences in column 2 to which the penalties correspond, for the purposes of section 53A of the Act.

##### 6. Infringement notice

Under section 53A (3) of the Act, form No. 1 in Schedule 2 is prescribed as the form of an infringement notice.

##### 7. Notice of withdrawal of infringement notice

Under section 53A (7) of the Act, form No. 2 in Schedule 2 is prescribed as the form of a notice of withdrawal of an infringement notice.

Schedule 1

[By‑laws 4 & 5]

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| --- | --- | --- |
| **Column 1** | **Column 2** | **Column 3** |
| Provision Creating Offence | Nature of Offence | Penalty  $ |
| *Government Railways Act 1904* |  |  |
| 1. Section 43 (2) | Damaging railway property  (including damage by way of graffiti, whether indecent or not) | 50 |
| 2. Section 43 (3) | Defacing boards or notices  (including defacement by way of graffiti, whether indecent or not) | 50 |
| 3. Section 43 (5) | Behaving in a violent or offensive manner, or being drunk on any railway or railway premises | 50 |
| 4. Section 45 (1) | Altering a ticket | 50 |
| 5. Section 45 (2) | Permitting an unauthorised person to use a pass | 50 |
| 6. Section 45 (2), (3) or (4) | Unauthorised sale or transfer, or offering for sale or transfer, any ticket | 50 |
| 7. Section 46 (1) | Using an expired ticket | 50 |
| 8. Section 46 (2) | Travelling without a ticket | 50 |
| 9. Section 46 (3) | Travelling in excess of ticket allocation | 50 |
| 10. Section 46 (6) | Having travelled, leaving or attempting to leave without paying the proper fare | 50 |
| 11. Section 48 (1) | Selling or attempting to sell articles without authorization | 50 |
| 12. Section 48 (3) | Trespassing on railway property | 50 |
| *Railways By‑laws* |  |  |
| 13. By‑law 12 | Smoking in places not set apart for the purpose | 50 |
| 14. By‑law 13 | Smoking in non‑smoking compartments, carriages or vehicles | 50 |
| 15. By‑law 14 | Placing feet on seats | 50 |
| 16. By‑law 15 | Spitting | 50 |
| 17. By‑law 20 | Entering or leaving carriages when in motion, etc. | 50 |
| 18. By‑law 21 | Entering or leaving carriages through a window  Opening door of carriage while in motion | 50  50 |
| 19. By‑law 22 | Travelling on roof, steps, etc. of carriage | 50 |
| 20. By‑law 23 | Being in possession of graffiti implement without lawful excuse | 50 |
| 21. By‑law 23A | Being in possession of a substance capable of narcotic effect without lawful excuse | 50 |
| 22. By‑law 25 | Misusing means of communication, or applying brake without excuse | 50 |
| 23. By‑law 26 | Offering gratuity to employee | 50 |
| 24. By‑law 27 (2) | Refusing to give a name or address | 50 |
| 25. By‑law 27 (3) | Giving a false name or address | 50 |
| 26. By‑law 27 (4) | Refusing to verify a name or address | 50 |
| 27. By‑law 31 | Distributing or posting placards, bills or advertisements | 50 |
| 28. By‑law 36 | Loitering on railway premises | 50 |
| 29. By‑law 37 | Refusing to leave when requested to do so | 50 |
| 30. By‑law 38 | Crossing railway at unauthorized place | 50 |
| 31. By‑law 39 | Failing to use overbridge or subway when provided | 50 |
| 32. By‑law 47 | Throwing missiles, rubbish, etc | 50 |
| 33. By‑law 91  (other than for suburban travel) | Offences relating to the unauthorized consumption of food and liquor, and the unauthorized sale and transportation of liquor  Offences relating to the furnishing of, and the provision of details for, a certificate of age | 50  50 |
| *Government Railways (Fares and Passengers) By‑laws 1994* |  |  |
| 34. By‑law 14 (1) | Travelling, or attempting to travel without a valid ticket, or failure to produce a valid ticket on demand | 50 |
| 35. By‑law 14 (2) | Producing invalid ticket while travelling, or attempting to travel | 50 |
| 36. By‑law 14 (3) | Allowing person to use ticket to travel at lower fare | 50 |
| 37. By‑law 14 (4) | Travelling, or attempting to travel using ticket not issued to the person producing it | 50 |
| 38. By‑law 14 (5) | Obtaining or attempting to obtain ticket by false statement or representation | 50 |
| 39. By‑law 14 (6) | Travelling, or attempting to travel using ticket obtained by false statement or representation | 50 |
| 40. By‑law 14 (7) | Altering ticket | 50 |
| 41. By‑law 15 | Travelling, or attempting to travel with inappropriate voucher | 50 |
| 42. By‑law 16 (1) | Travelling, or attempting to travel together with bicycle without a ticket for the person, a ticket for the bicycle and a valid bicycle permit, during times determined by Commission | 50 |
| 43. By‑law 16 (2) | Travelling, or attempting to travel together with bicycle without both a ticket for the person and a ticket for the bicycle at times other than the times determined by Commission for a permit | 50 |
| 44. By‑law 18 | Failing to produce appropriate concession identification | 50 |
| 45. By‑law 19 | Failing to produce valid ticket for child | 50 |
| 46. By‑law 22 (1)  *(suburban travel only)* | Consuming food or drink | 50 |

Schedule 2

Form 1

***Western Australian Government Railways (Infringement Notice)***

***By‑laws 1994***

(by‑law 6)

**INFRINGEMENT NOTICE**

No . . . . . . . . . . . . . . . . . . . . . . .

Date. . . . . . . /. . . . . . . /. . . . . . .

**1.** To. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(Surname) (Other names)

of. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Postcode . . . . .

It is alleged that at about . . . . . . . . . . . . . . . am/pm on the . . . . . . . . . . . . .

day of . . . . . . . . . . . . . . . . . . . 19. . . . . at . . . . . . . . . . . . . . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

you committed the offence described below and are liable for the modified penalty stated.

. . . . . . . . . . . . . . . . . .

Authorized Person

**2.** Section of Act or

provision of By‑law Description of offence Modified penalty

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

**3.** You may dispose of this matter by payment of the modified penalty within 28 days of receiving this notice.

**4.** If the modified penalty is not paid within the time specified in this notice a complaint for the alleged offence may be heard and determined by a court.

**5.** Payment of the modified penalty may be made by either —

(a) posting this form and a cheque, money order or postal note for the amount of the modified penalty specified in item 2, to The Cashier, GPO Box S1422 Perth 6000; or

(b) presenting this form and paying the amount to any Railway Booking Office at such times as those Offices are open for regular business.

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Form 2

***Western Australian Government Railways (Infringement Notice)***

***By‑laws 1994***

(by‑law 7)

**WITHDRAWAL OF INFRINGEMENT NOTICE**

No . . . . . . . . . . . . . . . . . . . . . . .

Date. . . . . . . /. . . . . . . /. . . . . . .

To. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(Name)

of. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(Address)

Infringement Notice No. . . . dated . . . . ./ . . . . . / . . . . . for the offence described below is hereby withdrawn.

. . . . . . . . . . . . . . . . . . . . . . . . . . . .

Authorized Person

Section of Act or

provision of By‑law Description of offence Modified penalty

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Notes

1. This is a compilation of the *Government Railways (Infringement Notice) By‑laws 1994* and includes the amendments referred to in the following Table.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Government Railways (Infringement Notice) By‑laws 1994* | 30 Dec 1994 p. 7336—40 | 30 Dec 1994 (see by‑law 2 and *Gazette* 30 Dec 1994 p.7211) |
| **These by-laws were repealed by the *Government Railways Amendment and Repeal By-laws 2003* bl. 3 as at 12 Dec 2003 (see *Gazette* 12 Dec 2003 p. 5042)** | | |