



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

~~Made by the Western Australian Government Railways Commission and approved by His Excellency the Governor in Executive Council.~~

### 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**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Provision Creating Offence	Nature of Offence	Penalty \$
<i>Government Railways Act 1904</i>		
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

**Government Railways (Infringement Notice) By-laws 1994**  
**Schedule 1**

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*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	50
	Opening door of carriage while in motion	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	50
	Offences relating to the furnishing of, and the provision of details for, a certificate of age	50
<i>Government Railways (Fares and Passengers) By-laws 1994</i>		
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

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**Schedule 1**

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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) <i>(suburban travel only)</i>	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.

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

- <sup>1.</sup> 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
<i>Government Railways (Infringement Notice) By-laws 1994</i>	30 Dec 1994 p. 7336—40	30 Dec 1994 (see by-law 2 and <i>Gazette</i> 30 Dec 1994 p.7211)
<u><a href="#">These by-laws were repealed by the <i>Government Railways Amendment and Repeal By-laws 2003</i> bl. 3 as at 12 Dec 2003 (see <i>Gazette</i> 12 Dec 2003 p. 5042)</a></u>		