



Western Australia

Government Railways Act 1904

Government Railways (Trespass) By-law 2023

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Government Railways (Trespass) By-law 2023

1. Citation

- (1) This by-law is the *Government Railways (Trespass) By-law 2023*.
- (2) The main legislative units of this by-law are called rules, and a rule may contain 2 or more subrules (this sentence, for example, being subrule (2) of rule 1).

2. Commencement

This by-law comes into operation as follows —

- (a) rules 1 and 2 — on the day on which this by-law is published on the WA legislation website;
- (b) the rest of the by-law — on the day after that day.

3. Trespass on railway offence prescribed for purposes of Act s. 53A

The offence under section 48(2) of the Act is prescribed for the purposes of section 53A of the Act.

Modified penalty: a fine of \$500.

4. Prescribed forms (Act s. 53A(3) and (7))

- (1) Schedule 1 Form 1 is prescribed for the purposes of section 53A(3) of the Act.
- (2) Schedule 1 Form 2 is prescribed for the purposes of section 53A(7) of the Act.

Form 1

Schedule 1 — Forms

[r. 4]

Form 1 — Infringement notice

<i>Government Railways Act 1904</i> INFRINGEMENT NOTICE		Infringement notice no.
		Date of notice:
Alleged offender	Surname	
	Given name(s)	
	Address	
Alleged offence	Date	
	Time	
	Place	
	Details of offence	
	Written law contravened	<i>Government Railways Act 1904 s. 48(2)</i>
Authorised person issuing notice	Name or service number	
	Signature	

Modified penalty	\$500
TAKE NOTICE	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to <i>[insert details of authorised person appointed for purposes of s. 53A(3)]</i> within 28 days after the date of this notice using one of the payment methods set out below.</p> <p>If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver’s licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver’s licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you should contact <i>[insert details of authorised person appointed for purposes of s. 53A(5)]</i>.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / /</p> <p>and post this notice to <i>[insert address]</i> within 28 days after the date of this notice.</p>

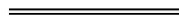
Form 2

How to pay Payments made by phone, online or by electronic funds transfer must be made before 9 pm Western Australian Standard Time on the due date.	By post	<i>[Insert details for paying by post]</i>
	In person	<i>[Insert details for paying in person]</i>
	By phone	<i>[Insert details for paying by phone]</i> (credit card payments only)
	Online	<i>[Insert details for paying online]</i> (credit card payments only)
	By electronic funds transfer	<i>[Insert details for paying by electronic funds transfer]</i>

Form 2 — Withdrawal of infringement notice

Government Railways Act 1904 WITHDRAWAL OF INFRINGEMENT NOTICE		Withdrawal no.
		Date of withdrawal
Alleged offender	Surname	
	Given name(s)	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue of infringement notice	

Alleged offence	Date		
	Time		
	Place		
	Details of offence		
	Written law contravened	<i>Government Railways Act 1904 s. 48(2)</i>	
Authorised person withdrawing notice	Name or service number		
	Signature		
Withdrawal of infringement notice <i>[*Delete whichever is not applicable]</i>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn. If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p>* Your refund is enclosed <i>or</i> * If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p><i>[Insert details of authorised person appointed for purposes of s. 53A(3)]</i> <i>[Insert address]</i></p>		
Your signature		Date	



Notes

This is a compilation of the *Government Railways (Trespass) By-law 2023*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Government Railways (Trespass) By-law 2023</i>	SL 2023/119 26 Jul 2023	r. 1 and 2: 26 Jul 2023 (see r. 2(a)); By-law other than r. 1 and 2: 27 Jul 2023 (see r. 2(b))

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