

EXPLANATORY MEMORANDUM

Government Railways Amendment Bill 2019

The purpose of this Bill is to increase the maximum fine for trespass on the rail network to \$5,000.

Following are the contents of the Bill.

Section 48

The offence of trespass has been removed from section 48(c) and included in a new sub-section 48(2).

There are three offences listed in section 48 with a \$200 penalty. As the penalty for sub-sections 48(a), affixing placards to buildings or fences and attempting to sell articles on any railway and 48(b), neglecting to shut a gate in any fence forming the boundary of or adjoining any railway, are to remain unchanged, it was not possible to draft an amendment simply deleting the \$200 penalty for trespass and replacing it with \$5000.

In drafting the change to the penalty for section 48(c), the existing \$200 penalty for paragraphs (a) and (b) has been deleted and reinserted into the legislation.

The offence of trespass has been included in a separate sub-section 48(2) to ascribe it with the increased penalty of \$5,000.