

**EXPLANATORY MEMORANDUM**  
**Government Railways Amendment Bill 2021**

The purpose of this Bill is to amend the *Government Railways Act 1904*.

**Section 1: Short Title**

The short title is the *Government Railways Amendment Act 2021*.

**Section 2: Commencement**

Paragraph (a) provides that sections 1 and 2 of the Act come into operation on the day on which the Act receives Royal Assent.

Paragraph (b) provides that the rest of the Act comes into operation on a day fixed by proclamation.

The reason for providing for commencement by proclamation is to allow by-laws, prescribing the new section 48(2) offence and the modified penalty for the purposes of section 53A, to be made and commence at the same time as the increased statutory penalty in section 48(2).

**Section 3: Act amended**

Specifies that the Act amends the *Government Railways Act 1904*.

**Section 4: Section 23 amended**

In section 23(1)(ze) delete “penalties, not exceeding \$50,” and insert: penalties.

**Section 5: Section 44 deleted**

Deletes section 44.

**Section 6: Section 48 amended**

Amends section 48 of the GR Act by deleting “If any” and inserting subsection:

“(1) A person commits an offence if the”.

Amends section 48 paragraph (b) by deleting “railway;” and inserting “railway.”

Amends section 48 by deleting paragraph (c) in its entirety.

Amends section 48 by deleting the passage that begins with “he shall,” and continues to the end of the section and inserting;

“Penalty for this subsection: a fine of \$200.”

Amends section 48 by inserting at the end of the section 48 a new subsection:

“(2) A person commits an offence if the person trespasses, or causes or procures a trespass, upon any part of a railway not being — (a) a station, platform or railway crossing; or (b) another part to which the public are allowed access by law.

Penalty for this subsection: a fine of \$5 000.”

**Section 7: Section 53A amended**

Amends section 53A by inserting after section 53A(4) a new subsection (4A) which provides that the modified penalty prescribed under section 23(1)(ze) for an offence is not to exceed 20% of the maximum penalty that could be imposed for that offence by a court.