



Information Alert



INTRODUCTION OF PENALTY NOTICES

From 1 July 2009, the Independent Transport Safety and Reliability Regulator (ITSRR) will issue penalty notices for certain offences under the *Rail Safety Act 2008*, *Rail Safety (General) Regulation 2008*, and *Rail Safety (Offences) Regulation 2008*.

Penalty notice provisions are a common feature of a range of regulatory schemes in Australia. The *National Model Rail Safety Legislation* and *NSW Rail Safety Act 2008* include such provisions. These provisions also existed in the *Rail Safety Act 2002*.

Penalty notices are an effective way of dealing with breaches not serious enough to warrant instituting court proceedings. They can be issued in situations where a rail safety officer has evidence and reasonable grounds to believe the alleged offence has been committed and in their opinion a penalty notice is the most appropriate and practical deterrent.

Rail safety officers may issue an improvement or prohibition notice in addition to the penalty notice.

Fines range from \$100 to \$5,500 depending on the severity of the offence. Penalty notices can be issued to individuals and legal entities with obligations under the *Rail Safety Act 2008*.

ITSRR will continue to take a graduated approach to managing compliance but will issue penalty notices when the situation warrants it in line with the *National Rail Safety Guideline for Compliance and Enforcement for Rail Safety* and ITSRR's [Penalty Notices Policy](#).

For the month of June 2009, a 'grace period' will apply. During this time, rail safety officers will not issue penalty notices in the event a relevant offence is detected but will instead provide feedback to the operator/individual about the offence. They may also issue a corresponding improvement or prohibition notice if necessary.

For more information, see the [Penalty Notices fact sheet](#) on ITSRR's website or contact Kevin Kitchen, Manager Accreditation, Audit and Compliance on 02 8263 7103.

Len Neist
Chief Executive