

RAIL SAFETY - FEES AND PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2018-19** is:
Fee unit \$14.45
Penalty unit \$161.19

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3))
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty from 1 July 2018		Maximum Court Penalty From 1 July 2018		
	(\$)	Units	(\$)	Units	
Rail Safety (Local Operations) Act 2006					
20	Duties of rail transport operators - (1) A rail transport operator must ensure, so far as is reasonably practicable, the safety of the operator's railway operations. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$300,000 or imprisonment for 5 years or both \$3,000,000.00	n/a n/a
22(1)	Rail contractor duties - (1) A rail contractor who - (a) designs, commissions, constructs, manufactures, supplies, installs, erects, maintains, repairs, modifies or decommissions any thing; and (b) knows, or ought reasonably to know, that the thing is to be or was used as rail infrastructure or rolling stock - must - (c) ensure, so far as is reasonably practicable (i) that the thing is safe if it is used for a purpose for which it was designed, commissioned, constructed, manufactured, supplied, installed, erected, maintained, repaired or modified; or (ii) that the thing is decommissioned safely; and (d) carry out, or arrange the carrying out, of such testing and examination as may be necessary for compliance with this section; and (e) in the case of a thing to which paragraph (c)(i) applies, take such action as is necessary to ensure that there will be available in connection with the use of the thing adequate information about (i) the use for which the thing was designed, commissioned, constructed, manufactured, supplied, installed, erected, maintained, repaired or modified; and (ii) the results of any testing or examination referred to in paragraph (d); and (iii) any conditions necessary to ensure the thing is safe if it is used for a purpose for which it was designed, commissioned, constructed, manufactured, supplied, installed, erected, maintained, repaired or modified In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$300,000 or imprisonment for 5 years or both \$3,000,000.00	n/a n/a
22(2)	Rail contractor duties - (2) A rail contractor who supplies rail infrastructure operations or rolling stock operations to an accredited rail transport operator must, so far as is reasonably practicable, ensure the safety of those operations. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$300,000 or imprisonment for 5 years or both \$3,000,000.00	n/a n/a
22A(1)	Duties of persons providing railway operations by means of contracted personnel - (1) A person (a labour-hire entity) who under an agreement or arrangement supplies to a rail infrastructure manager the services of an individual that labour-hire entity employs or engages to carry out railway operations for that manager must, so far as is reasonably practicable, ensure that that individual is competent to carry out the railway operations. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$290,142.00 \$1,450,710.00	1,800.00 9,000.00
22A(2)	Duties of persons providing rail operations by means of contracted personnel - (2) A person (a labour-hire entity) who under an agreement or arrangement supplies to a rolling stock operator the services of an individual that labour-hire entity employs or engages to carry out railway operations for that operator must, so far as is reasonably practicable, ensure that that individual is competent to carry out railway operations. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$290,142.00 \$1,450,710.00	1,800.00 9,000.00
23(1)	Duties of rail safety workers - (1) A rail safety worker, when carrying out rail safety work must (a) take reasonable care for his or her own safety; and (b) take reasonable care for the safety of persons who may be affected by the rail safety worker's acts or omissions; and (c) co-operate with the rail transport operator or rail contractor employing or engaging them with respect to any action taken by the rail transport operator to comply with a requirement imposed by or under this Act or the regulations.	n/a	n/a	\$300,000 or imprisonment for 5 years or both	n/a
23(2)	Duties of rail safety workers - (2) A rail safety worker, when carrying out rail safety work, must not intentionally or recklessly interfere with or misuse anything provided to them by the rail transport operator or rail contractor employing or engaging them (a) in the interests of safety; or (b) under this Act or the regulations.	n/a	n/a	\$300,000 or imprisonment for 5 years or both	n/a
23(3)	Duties of rail safety workers - (3) A rail safety worker, when carrying out rail safety work, must not wilfully or recklessly place the safety of another person on or in the immediate vicinity of rail infrastructure at risk.	n/a	n/a	\$300,000 or imprisonment for 5 years or both	n/a
23A(1)	Duty of persons engaged in loading and unloading rolling stock - (1) A person who loads goods or freight onto, or unloads goods or freight from, rolling stock in connection with the transport of those goods or freight by rail must, so far as is reasonably practicable, ensure that the loading or unloading is carried out safely. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$300,000 or imprisonment for 5 years or both \$3,000,000.00	n/a n/a
26	Accredited rail transport operator must consult before establishing safety management system - An accredited rail transport operator, before establishing a safety management system in relation to railway operations the accredited rail transport operator carries out, must consult with (a) persons who work on or at railway premises or with rolling stock and any registered employee organisation representing them; and (b) every person employed by the rail transport operator who is a health and safety representative; and (c) any person with whom they have entered into safety interface agreement. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$150,000.00 \$1,500,000.00	n/a n/a
27(1)	Accredited rail transport operator to have in place a safety management system - (1) An accredited rail transport operator must at all times have in place a safety management system in respect of the railway operations that the accredited rail transport operator carries out that complies with the requirements of this Act and the regulations. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$150,000.00 \$1,500,000.00	n/a n/a
28(1)	Accredited rail transport operator must comply with a safety management system - (1) An accredited rail transport operator must comply with the safety management system the accredited rail transport operator has in place in respect of the railway operations that the accredited rail transport operator carries out. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$150,000.00 \$1,500,000.00	n/a n/a
28A(2)	Provision of access to SMS to Safety Director or transport safety officer - (2) An accredited rail transport operator must comply with a request under sub-section 28A(1) within 7 days after receiving the request.	n/a	n/a	\$2,418.00	15.00
28B(2)	Requirements of exempted rail transport operator - (2) A rail transport operator referred to in subsection (1) must establish and maintain a system and arrangements that comply with subsection (4). In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$290,142.00 \$1,450,710.00	1,800.00 9,000.00
28B(5)	Requirements of exempted rail transport operator - (5) A rail transport operator who holds an exemption under Division 5A of Part 5 or section 69B must comply with the system and arrangements established by the rail transport operator under this section. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$150,000.00 \$1,500,000.00	n/a n/a
33(4)	Safety Director may require utility works or rail operations to stop - (4) A utility must not fail, or refuse, to comply with a direction under sub-section 33(1), unless the utility has a reasonable excuse. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$290,142.00 \$1,450,710.00	1,800.00 9,000.00
33(5)	Safety Director may require utility works or rail operations to stop - (5) A rail transport operator must not fail, or refuse, to comply with a direction under sub-section 33(2), unless the rail operator has a reasonable excuse. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$290,142.00 \$1,450,710.00	1,800.00 9,000.00
33A(7)	Safety Director may give directions in relation to safe arrangements for the conducting of works on rail land - (7) A person who is given a direction under subsection (5) must comply with the direction. (8) If a person is guilty of an offence against subsection (7), the person is - (a) guilty of a further offence in respect of each day after the day on which the initial offence was committed during which the person fails to comply with the direction; and (b) liable to a penalty of up to 100 penalty units for each further offence.	n/a	n/a	\$16,119.00	100.00

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 The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty from 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
34(5) Safety Director may direct utility works or rail operations to be altered, demolished or taken away - (5) A person given a direction under subsection 34(1) or 34(2) must not fail or refuse to comply with a direction under (as the case requires) subsection 34(1) or 34(2), unless the person has a reasonable excuse. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$290,142.00 \$1,450,710.00	1,800.00 9,000.00
34B(1) Safety interface assessment by rail transport operator—railway operations - (1) A rail transport operator must (a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from railway operations carried out by or on behalf of the rail transport operator because of, or partly because of, railway operations carried out by or on behalf of any other rail transport operator; and (b) determine measures to manage, so far as is reasonably practicable, any risks identified and assessed. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34C(1) Safety interface assessment by rail infrastructure manager—rail infrastructure and public roadways and pathways - (1) A rail infrastructure manager must (a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from railway operations carried out on or in relation to the rail infrastructure manager's rail infrastructure because of, or partly because of, the existence or use of any rail or road crossing that is part of the road infrastructure of any public roadway or that is a public pathway; and; and (b) determine measures to manage, so far as is reasonably practicable, any risks identified and assessed. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34D(1) Safety interface assessment by rail infrastructure manager—rail infrastructure and relevant roadways and pathways - (1) A rail infrastructure manager must (a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from railway operations carried out on or in relation to the rail infrastructure manager's rail infrastructure because of, or partly because of, the existence or use of any rail or road crossing that is part of the road infrastructure of any relevant roadway or that is a relevant pathway; and (b) consider and form an opinion about whether it is necessary to manage those risks to safety in conjunction with the relevant road authority for that relevant roadway or relevant pathway. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34D(2) Safety interface assessment by rail infrastructure manager—rail infrastructure and relevant roadways and pathways - (2) If a rail infrastructure manager is of the opinion that it is necessary to manage the risks to safety identified and assessed under subsection (1) in conjunction with the relevant road authority, the rail infrastructure manager must (a) give the relevant road authority written notice of that opinion; and (b) determine measures, so far as is reasonably practicable, to manage those risks to safety. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34D(3) Safety interface assessment by rail infrastructure manager—rail infrastructure and relevant roadways and pathways - (3) If the rail infrastructure manager is of the opinion that the risks to safety do not need to be managed in conjunction with the relevant road authority, the rail infrastructure manager must keep a written record of that opinion. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34E(1) Safety interface assessment by relevant road authority of public roadway or pathway - (1) A relevant road authority in relation to a public roadway or public pathway must (a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from the existence or use of any rail or road crossing that is part of the road infrastructure of that public roadway or that is a public pathway because of, or partly because of, railway operations; (b) determine measures to manage, so far as is reasonably practicable, any risks identified and assessed. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34F(1) Safety interface assessment by relevant road authority of relevant roadway or pathway - (1) If a relevant road authority receives written notice under section 34D(2)(a) in relation to a relevant roadway or relevant pathway, the relevant road authority must (a) identify and assess, so far as is reasonably practicable, risks to safety that may arise from the existence or use of any rail or road crossing that is part of the road infrastructure of that relevant roadway or that is a relevant pathway because of, or partly because of, railway operations; and (b) determine measures to manage, so far as is reasonably practicable, any risks identified and assessed. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
34J(7) Safety Director may give directions if persons fail to make safety interface agreements - (7) A person who is given a direction under subsection (5) must comply with the direction. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
34K(1) Register of safety interface agreements - (1) A rail transport operator must maintain a register of - (a) safety interface agreements to which the rail transport operator is a party; and (b) arrangements determined by the Safety Director under section 34J - that are applicable to its rail operations. In the case of a natural person In the case of a body corporate	\$403.00 \$403.00	2.50 2.50	\$5,000.00 \$25,000.00	n/a n/a
34K(2) Register of safety interface agreements - (2) A relevant road authority must maintain a register of - (a) safety interface agreements to which the road authority is a party; and (b) arrangements determined by the Safety Director under section 34J - that are applicable to any public roadway or public pathway or relevant roadway or relevant pathway in relation to which they are the relevant road manager. In the case of a natural person In the case of a body corporate	\$403.00 \$403.00	2.50 2.50	\$1,612.00 \$8,060.00	10.00 50.00
37 Offence for certain rail transport operators not to be accredited - A rail transport operator must not carry out railway operations unless the rail transport operator (a) is accredited under this Part in respect of those operations; or (b) holds an exemption granted under Division 5A; or (c) is exempted by the regulations from the requirement to be accredited under this Part. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$150,000.00 \$1,500,000.00	n/a n/a
42(6) Safety Director may give directions in relation to rolling stock operator applicants - (6) A person who is given a direction under subsection 42(4) must comply with the direction.	n/a	n/a	\$16,119.00	100.00
42(7) Safety Director may give directions in relation to rolling stock operator applicants - (7) If a person is guilty of an offence against subsection 42(6), the person is guilty of a further offence in respect of each day after the day on which the initial offence was committed during which the person fails to comply with the direction, and is liable to a penalty of up to 100 penalty units for each such further offence.	n/a	n/a	\$16,119.00	100.00
43(4) Safety Director may direct applicants to co-ordinate and cooperate in their accreditation applications - (4) A person who is given a direction under subsection 43(1) must comply with the direction. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
43(5) Safety Director may direct applicants to co-ordinate and cooperate in their accreditation applications - (5) A rail transport operator that has co-ordinated the preparation of their application in accordance with this section must include in the application reference to information given by the operator, or given to, another rail operator in accordance with a direction under this section. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
48(1) Offence to fail to comply with conditions etc. - (1) An accredited rail transport operator must comply with any condition or restriction imposed on the accreditation that the operator has been given notice of. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$150,000.00 \$1,500,000.00	n/a n/a
48(2) Offence to fail to comply with conditions etc. - (2) An accredited rail operator must comply with the condition of accreditation set out in subsection 46(5).	n/a	n/a	\$322,380.00	2,000.00

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 The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of penalties	Infringement Penalty from 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
54(2) Application for variation of accreditation is required in certain cases - (2) An accredited rail transport operator must not make any change to, or to the manner of carrying out, accredited railway operations if (a) the change requires the accredited rail transport operator to apply for variation to the conditions or restrictions of the accreditation to which the accredited rail transport operator is subject; and (b) the variation has not been granted. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$161,190.00 \$402,975.00	1,000.00 2,500.00
57(1) False or misleading information - (1) A person must not in, or in relation to an application for (a) an accreditation; or (b) a variation of accreditation; or (c) a variation of a condition or restriction of an accreditation - give information that is false or misleading in a material detail. - in the case of a natural person - in the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
61K Penalty for breach of condition or restriction - A rail transport operator who has been granted an exemption under this Division must not contravene a condition or restriction of the exemption applying under this Division. - in the case of a natural person - in the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
68(1) Accredited rail transport operator must put into effect emergency plan without delay - (1) An accredited rail transport operator who has prepared an emergency plan must put the emergency plan into effect without delay if (a) a major incident occurs; or (b) an incident occurs which could reasonably be expected to lead to a major incident. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
69(1) Accredited rail transport operator must notify emergency services and others of a major incident - (1) An accredited rail transport operator must, immediately after becoming aware of the occurrence of a major incident, notify (a) the emergency services with whom the accredited rail transport operator prepared the emergency plan in conjunction with; and (b) the Safety Director; and (c) the Chief Investigator - of the occurrence of the major incident. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
69A(2) Accredited rail transport operators to provide information - (2) An accredited rail transport operator must comply with a notice given to the accredited rail operator under subsection (1). In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$10,000.00 \$50,000.00	n/a n/a
69A(3) Accredited rail operators to provide information - (3) An accredited rail transport operator must provide to the Safety Director, in a manner and form approved by the Safety Director and at the prescribed times and in respect of the prescribed periods, information prescribed by the regulations for the purposes of this subsection relating to rail safety or accreditation. In the case of a natural person In the case of a body corporate	\$1,934.00 \$1,934.00	12.00 12.00	\$10,000.00 \$50,000.00	n/a n/a
69C(1) Requirement for operators of certain private sidings to be registered - (1) A rail transport operator of a private siding that is to be (or continue to be) connected with, or to have access to, a railway of an accredited rail transport operator or another private siding, must be registered in respect of the private siding in accordance with this Division. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
69C(2) Requirement for operators of certain private sidings to be registered - (2) A rail transport operator of a private siding that is to be (or continue to be) connected with, or to have access to, a railway of an accredited rail transport operator or another private siding must— (a) comply with the requirements of Division 2 of Part 4 so far as they are relevant to the railway operations carried out in the private siding; and (b) seek to enter into a safety interface agreement with the accredited rail transport operator or rail transport operator of the other private siding. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$20,000.00 \$100,000.00	n/a n/a
69R(1) Offences relating to registration - (1) A registered person must not contravene a condition or restriction of the registration. In the case of a natural person In the case of a body corporate	n/a n/a	n/a n/a	\$50,000.00 \$500,000.00	n/a n/a
69R(2) Offences relating to registration - (2) A registered person must ensure that the notice of registration, and any other document prescribed by the regulations for the purposes of this section, is available for inspection (a) if the person is a body corporate—at the person's registered office during ordinary business hours; (b) if the person is not a body corporate—at the person's principal place of business during ordinary business hours (or, if the Safety Director approves another place and time, at that place and time). In the case of a natural person In the case of a body corporate	\$967.00 \$967.00	6.00 6.00	\$5,000.00 \$25,000.00	n/a n/a
69R(3) Offences relating to registration - (3) A person who is required under subsection (2) to make available documents for inspection must maintain a register of those documents for inspection. In the case of a natural person In the case of a body corporate	\$967.00 \$967.00	6.00 6.00	\$5,000.00 \$25,000.00	n/a n/a
76(1) Offence relating to prescribed concentration of alcohol or prescribed drug - (1) A rail safety worker must not carry out, or attempt to carry out, rail safety work— (a) while there is present in his or her blood the prescribed concentration of alcohol; or (b) while a prescribed drug is present in his or her oral fluid or blood; or (c) while so much under the influence of alcohol or a drug as to be incapable of effectively discharging a function or duty of a rail safety worker.	n/a	n/a	\$10,000.00	n/a
77(2) Additional offences involving alcohol and drugs - (2) A rail safety worker who is guilty of an offence under subsection (1) is liable to a fine not exceeding \$10 000.	n/a	n/a	\$10,000.00	n/a
83(3) Transport safety officer and police may require preliminary breath test or breath analysis - (3) A rail safety worker must immediately comply with a direction given by a transport safety officer or police officer for the purpose of requiring the worker to submit to a preliminary breath test or breath analysis.	n/a	n/a	\$10,000.00	n/a
84(5) Additional matters for preliminary breath tests - (5) A transport safety officer must comply with a request made under subsection (4).	n/a	n/a	\$10,000.00	n/a
85(13) Additional matters for breath analysis - (13) A person must not hinder or obstruct a registered medical practitioner or an approved health professional attempting to take a sample of the blood of any other person in accordance with subsection 10.	n/a	n/a	\$10,000.00	n/a
86A(3) Transport safety officer or police officer may require drug screening test, oral fluid analysis and blood test - (3) A rail safety worker must immediately comply with a direction given by a transport safety officer or police officer for the purpose of requiring the worker to submit to a drug screening test, oral fluid analysis or blood test (or any combination of these).	n/a	n/a	\$10,000.00	n/a
86D(5) Oral fluid analysis and blood tests - (5) A person must not hinder or obstruct a registered medical practitioner or an approved health professional attempting to take a sample of the blood, or be furnished with a sample of oral fluid, of any other person in accordance with this section.	n/a	n/a	\$10,000.00	n/a
86G(7) Destruction of identifying information - (7) A person who knowingly (a) fails to destroy; or (b) uses, or causes or permits to be used a video-recording or related material and information required by this section to be destroyed is guilty of an offence punishable by a fine of not more than 120 penalty units or to imprisonment for a term of not more than 12 months.	n/a	n/a	\$19,343.00	120.00
86G(8) Destruction of identifying information - (8) A person who at any time uses, or causes or permits to be used, or otherwise disseminates information derived from any video-recording or related material and information required by this section to be destroyed except in good faith for the purposes of a relevant offence is guilty of an offence punishable by a fine of not more than 120 penalty units or to imprisonment for a term of not more than 12 months.	n/a	n/a	\$19,343.00	120.00
86H(2) Blood samples to be taken in certain cases - (2) If a rail safety worker enters or is brought to a place for examination or treatment in consequence of a notifiable occurrence (whether within Victoria or not), the rail safety worker must allow a doctor or approved health professional to take from the rail safety worker at that place a sample of his or her blood for analysis.	n/a	n/a	\$10,000.00	n/a

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Relevant legislations and description of penalties	Infringement Penalty from 1 July 2018		Maximum Court Penalty From 1 July 2018	
	(\$)	Units	(\$)	Units
86H(6) Blood samples to be taken in certain cases - (6) A person must not hinder or obstruct a doctor or approved health professional attempting to take a sample of the blood of any other person in accordance with this section.	n/a	n/a	\$10,000.00	n/a
Rail Safety (Local Operations) (Accreditation and Safety) Regulations 2017				
20(1) Keeping, maintaining and testing an emergency plan - (1) A rail transport operator must ensure, so far as is reasonably practicable, that training in the relevant elements of the plan is provided to rail safety workers, rail contractors and employees of the rail transport operator who may be required to implement the emergency plan.	n/a	n/a	\$1,612.00	10.00
20(5) Keeping, maintaining and testing an emergency plan - (5) A rail transport operator must ensure that the emergency plan is comprehensible, and is readily accessible, to (a) all employees of the operator, rail safety workers and rail contractors engaged by the operator, who may be required to implement any emergency response procedures in the emergency plan; and (b) any utilities that may be required to implement any part of the emergency plan; and (c) emergency services.	n/a	n/a	\$1,612.00	10.00
21 Review and revision of emergency plan - A rail transport operator must review, and if necessary revise, the emergency plan (a) at intervals specified in the emergency plan; and (b) following the occurrence of a major incident; and (c) if testing of the emergency plan reveals that the plan should be reviewed.	n/a	n/a	\$806.00	5.00
24(1) Review and revision - (1) An accredited rail operator must ensure that its Safety Management System (SMS) is reviewed - (a) at intervals that do not exceed 5 years; or (b) at shorter intervals as specified in its SMS.	\$484.00	3.00	\$2,418.00	15.00
24(2) Review and revision - (2) An accredited rail operator must review, and revise where necessary, its SMS if (a) the accredited rail transport operator is required to apply for a variation of accreditation under section 54(1) of the Act; or (b) a major incident occurs; or (c) a recommendation of a safety audit is that the SMS should be reviewed.	\$484.00	3.00	\$2,418.00	15.00
24(3) Review and revision - (3) The accredited rail transport operator must record the date the SMS is reviewed.	n/a	n/a	\$806.00	5.00
25(1) Review and revision of systems and arrangements for exempt rail operators - (1) A rail transport operator who is registered under section 69F of the Act must ensure that its system and arrangements are reviewed - (a) at intervals that do not exceed 5 years; or (b) at shorter intervals as specified in its system and arrangements.	n/a	n/a	\$2,418.00	15.00
25(2) Review and revision of systems and arrangements for exempt rail operators - (2) A rail transport operator who is registered under section 69F of the Act must review, and revise where necessary, its system and arrangements if - (a) a major incident occurs; or (b) a recommendation of a safety audit is that the system and arrangements should be reviewed.	n/a	n/a	\$2,418.00	15.00
25(3) Review and revision of systems and arrangements for exempt rail operators - (3) The rail transport operator who is registered under section 69F of the Act must record the date the system and arrangements are reviewed.	n/a	n/a	\$806.00	5.00
26(2) Provision of SMS to Safety Director - (2) An accredited rail transport operator must comply with a request under sub-regulation 15(1) within 7 days after receiving the request.	n/a	n/a	\$2,418.00	15.00
27 Copies of SMS to be kept - An accredited rail transport operator must keep an up to date copy of the SMS.	n/a	n/a	\$2,418.00	15.00
28 Copies of safety interface agreements to be kept available to public - For the purposes of keeping and maintaining a safety management system, an accredited rail transport operator must keep a copy of a safety interface agreement that forms part of the safety management system established and maintained by that rail transport operator available for inspection free of charge by any person affected by that agreement.	n/a	n/a	\$1,612.00	10.00
29 Copies of system and arrangements to be kept - An exempt rail transport operator must keep an up to date copy of the system and arrangements established under section 28B of the Act.	n/a	n/a	\$2,418.00	15.00
30 Rail transport operator to ensure workers are fit to carry out rail safety work - A rail transport operator must ensure, so far as is reasonably practicable, that a rail safety worker who is employed or engaged by the rail transport operator, or a rail contractor who supplies railway operations to that rail transport operator, is of sufficient good health and fitness to carry out that rail safety work.	n/a	n/a	\$1,612.00	10.00
31(1) Fatigue management - (1) A rail transport operator must develop and implement strategies for the control of any risks to safety associated with the fatigue of rail safety workers carrying out rail safety work for the rail transport operator.	n/a	n/a	\$1,612.00	10.00
31(3) Fatigue management - (3) A rail transport operator, when developing strategies under subregulation (1) must consult, so far as is reasonably practicable, with rail safety workers who carry out rail safety work for the rail transport operator and any other persons who are or are likely to be directly affected, in relation to the development and implementation of those strategies.	n/a	n/a	\$1,612.00	10.00
32(1) Health assessments - (1) A rail transport operator must have, and must implement, a health and fitness program for rail safety workers who carry out rail safety work for the operator that complies, so far as is reasonably practicable, with of the health assessment national standard.	n/a	n/a	\$1,612.00	10.00
32(3) Health assessments - (3) If, as part of a health and fitness program referred to in subregulation (1), a rail transport operator conducts a health assessment of a rail safety worker, the rail transport operator must pay for that assessment.	n/a	n/a	\$1,612.00	10.00
33(1) Competence of rail workers - (1) A rail transport operator must ensure, so far as is reasonably practicable, that a person does not carry out rail safety work for the operator unless the person is competent to do so.	n/a	n/a	\$2,418.00	15.00
35 Records of competence and training - A rail transport operator must prepare and maintain records of the following activities, matters or things that relate to rail safety— (a) the training undertaken by each rail safety worker carrying out rail safety work for the operator, including the date of training and duration of that training; and (b) the qualifications of each rail safety worker carrying out rail safety work for the operator, including— (i) units of competence undertaken to achieve the qualification; and (ii) the level of qualification attained; and (iii) if and when re-training is due; and (iv) the date any re-training is undertaken; and (c) the name of the organisation conducting the training or re-training; and (d) the results of any assessment of competence of the rail safety worker carrying out rail safety work for the operator; and (e) the name and qualifications of the person who assesses the competence of the rail safety worker carrying out rail safety work for the operator.	\$161.00	1.00	\$806.00	5.00
38(1) Duty to notify railway accidents or incidents - (1) An accredited rail transport operator must notify the Safety Director immediately after becoming aware that a railway accident or incident has occurred.	n/a	n/a	\$3,224.00	20.00
38(2) Duty to notify railway accidents or incidents - (2) An accredited rail transport operator must give the Safety Director a record of the railway accident or incident in an approved form within 72 hours after the railway accident or incident, unless the Safety Director agrees in writing to an extension of time.	n/a	n/a	\$806.00	5.00
39 Duty to notify notifiable circumstances - A rail transport operator must notify the Safety Director in an approved form of a notifiable circumstance that has occurred in relation to the railway operations for which the rail transport operator is accredited within 72 hours after becoming aware of the notifiable circumstance.	n/a	n/a	\$2,418.00	15.00
40(1) Investigation report - (1) For the purposes of section 67 of the Act, an accredited rail transport operator must prepare a report containing the information specified in column 3 of the Table in Schedule 4 for a railway accident or incident of a severity level set out in column 2 of that Table opposite that information.	n/a	n/a	\$1,612.00	10.00
40(2) Investigation report - (2) An accredited rail transport operator must provide the Safety Director with a copy of the report as soon as practicable after completing the report.	n/a	n/a	\$1,612.00	10.00
40(4) Investigation report - (4) An accredited rail transport operator must comply with a requirement under sub-regulation 45(3) within 7 days after the request.	n/a	n/a	\$1,612.00	10.00
44(1) Duty to preserve accident or incident site - (1) An accredited rail transport operator who is required to notify the Safety Director of an accident or incident under regulation 43(1) must ensure that the site where the accident or incident occurred is not disturbed until directed by (a) a transport safety officer; or (b) the Safety Director.	n/a	n/a	\$1,612.00	10.00
45(1) Annual reviews and reports - (1) An accredited rail transport operator must each year conduct an annual review of all of the rail transport operator's railway operations carried out under the operator's accreditation in the preceding financial year.	n/a	n/a	\$1,612.00	10.00
45(2) Annual reviews and reports - (1A) An accredited rail transport operator must prepare an annual report detailing the findings of the review under subregulation (1) and that includes the things required under subregulation (2).	n/a	n/a	\$806.00	5.00
45(3) Annual reviews and reports - (3) A copy of the annual report must be provided to the Safety Director by the date specified by the Safety Director.	\$322.00	2.00	\$1,612.00	10.00
Rail Safety (Local Operations) (Drug and Alcohol Controls) Regulations 2017				
31 Duty to provide indicative positive results to Safety Director - (1) A rail transport operator must, within 48 hours after becoming aware, notify the Safety Director if a rail safety worker carrying out rail safety work for the rail transport operator has undergone a preliminary breath test, drug screening test or an assessment of drug impairment and the test statement indicates or shows a positive result.	n/a	n/a	\$1,612.00	10.00

RAIL SAFETY - FEES AND PENALTIES

In accordance with the *Monetary Units Act 2004*, the value for **2018-19** is:
Fee unit
Penalty unit

\$14.45
\$161.19

The amount of fees are determined by multiplying the number of fee units contained in the legislation by the current value of the fee unit (section 7(1)) and rounded to the nearest 10 cents (section 7(3))
The amount of penalties are determined by multiplying the number of penalty units contained in the legislation by the current value of the penalty unit (section 7(2)) and rounded to the nearest dollar (section 7(4))

Relevant legislations and description of fees	Fee	
	From 1 July 2018 (\$)	Units
Rail Safety Act 2006		
46A Initial and annual accreditation fees - (1) An accredited rail operator must pay to the Safety Director - (a) for being accredited - (i) an initial accreditation fee of 500 fee units; or (ii) an initial accreditation fee specified or determined under the regulations in relation to that operator, if that fee is greater than 500 fee units; and (b) an annual accreditation fee of 500 fee units or an annual accreditation fee specified or determined under the regulations in relation to that operator, if that fee is greater than 500 fee units. <i>Note:</i> An accredited tourist and heritage railway operator may apply to the Safety Director for an exemption from the requirement to pay a fee under section 46A.	\$7,225.00	500 fee units
Rail Safety (Local Operations) (Accreditation and Safety) Regulations 2017		
Schedule 1 - Fees		
1. Fee to accompany an application for accreditation		
Unless the application under regulation 9 is made by a tourist and heritage rail operator, the fee to accompany an application for accreditation	\$7,225.00	500 fee units
Fee to accompany an application made by a tourist and heritage operator under regulation 9	\$1,445.00	100 fee units
2. Fee for temporary accreditation		
Fee for issue of a temporary accreditation under sub-section 47(2) of the Act	\$722.50 for each week or part of a week, but not exceeding an amount of \$7225.00	50 fee units for each week or part of a week, but not exceeding an amount of 500 fee units
3. Exemption		
Fee for application for an exemption under regulation 11		0 fee units
4. Fee for registration of a private siding		
Fee to accompany an application for registration of a private siding under regulation 48	\$722.50	50 fee units
5. Fees to be paid after accreditation granted		
(a) In the case of an accredited rail infrastructure manager	a pro rata fee of \$28.90 for each kilometre of railway track to be managed by the rail infrastructure manager in Victoria for the coming year	a pro rata fee of 2 fee units for each kilometre of railway track to be managed by the rail infrastructure manager in Victoria for the coming year <i>note:</i> a minimum fee of 500 fee units is payable if the total pro rata amount payable under this formula is less than 500 fee units (refer section 46A, Rail Safety Act 2006 (VIC))
(b) In the case of an accredited rolling stock operator	\$27.50 for each 1,000 kilometres, or part thereof, anticipated to be travelled for each freight train to be operated by the rolling stock operator in Victoria for the coming year; and \$14.50 for each 1000 kilometres, or part thereof, anticipated to be travelled by each passenger train or tramway car (including a light rail vehicle) to be operated by the rolling stock operator in Victoria for the coming year	(i) 1.9 fee units for each 1000 kilometres, or part thereof, anticipated to be travelled by each freight train to be operated by the rolling stock operator in Victoria for the coming year; and (ii) 1 fee unit for each 1000 kilometres, or part thereof, anticipated to be travelled by each passenger train or tramway car (including a light rail vehicle) to be operated by the rolling stock operator in Victoria for the coming year. <i>note:</i> a minimum fee of 500 fee units is payable if the total pro rata amount payable under this formula is less than 500 fee units (refer section 46A, Rail Safety Act 2006 (VIC))
(c) In the case of an accredited tourist and heritage operator		0 fee units
5. Annual fees for accredited operators		
<i>The annual accreditation fee with respect to -</i>		
(a) an accredited rail infrastructure manager	\$28.90 for each kilometre of railway track managed by that person in Victoria based on the previous financial year	2 fee units for each kilometre of railway track managed by that person in Victoria based on the previous financial year; <i>note:</i> a minimum fee of 500 fee units is payable if the total pro rata amount payable under this formula is less than 500 fee units (refer section 46A, Rail Safety Act 2006 (VIC))
(b) an accredited rolling stock operator	\$27.50 for each 1,000 kilometres, or part thereof, anticipated to be travelled for each freight train to be operated by the rolling stock operator in Victoria for the coming year; and \$14.45 for each 1000 kilometres, or part thereof, anticipated to be travelled by each passenger train or tramway car (including a light rail vehicle) to be operated by the rolling stock operator in Victoria for the coming year	(i) 1.9 fee units for each 1,000 kilometres, or part thereof, travelled by each freight train operated by the operator in Victoria during the previous financial year; and (ii) 1 fee unit for each 1,000 kilometres, or part thereof, travelled by each passenger train or tramway car (including light rail) to be operated by the person in Victoria for the coming year. <i>note:</i> a minimum fee of 500 fee units is payable if the total pro rata amount payable under this formula is less than 500 fee units (refer section 46A, Rail Safety Act 2006 (VIC))
(c) an accredited tourist and heritage rail operator		0 fee units
(d) In the case of a person acquiring an existing business to manage rail infrastructure or operate rolling stock, a pro rata fee calculated in accordance with the fees specified in items (a) and (b) above with reference to operations that formed part of the previous business in the previous year ending 30 June.		0 fee units