

FACT SHEET

Rail Safety National Law (Tasmania) Bill 2012

The purpose of the Bill is to implement in Tasmania a single National Law for the safety regulation of railways across the country. It also establishes a single National Rail Safety Regulator to oversee the safety of Australia's railway industry, replacing seven State based regulators.

The Bill is introduced pursuant to the Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform signed by the Council of Australian Governments on 19 August 2011. This reform represents a key component of the National Partnership Agreement to deliver a Seamless National Economy.

The *Rail Safety National Law (South Australia) Act 2012* passed the South Australia Parliament without amendment and received Royal Assent on 10 May 2012. In accordance with the Intergovernmental Agreement, this Bill seeks to adopt that legislation as legislation of the Tasmanian Parliament (as will all other States and Territories).

Rail safety is currently regulated in Tasmania under the *Rail Safety Act 2009* which is based on a National Model Bill developed by the National Transport Commission. Because the *Rail Safety Act 2009* is closely aligned to the National Law, it does not alter the existing approach to rail safety regulation in Tasmania. Rail operators in Tasmania will see little change in the way safety is regulated in this State. There will continue to be a small regulatory presence based in Tasmania.

The major elements of the *Rail Safety National Law (Tasmania) Bill 2012* include:

- Establishes the Office of the National Rail Safety Regulator, the national office of which will be based in Adelaide with a regional office in Hobart.
- Adopts the *Rail Safety National Law (South Australia) Act 2012* as a law of this jurisdiction. In doing so it maintains the major elements of the *Rail Safety Act 2009*:
 - General duties to require all rail industry participants to ensure the safety of their railway operations.
 - A system of accreditation to provide assurance that rail organisations have the competence and capacity to operate safely before they are permitted to do so.
 - Audit and inspection powers necessary to enable the Rail Safety Regulator to monitor the compliance of duty holders with statutory duties and related accreditation requirements.

- A hierarchy of compliance and enforcement powers and sanctions to facilitate an effective and proportionate regulatory response to detected forms of non-compliance.
- An array of checks and balances on regulator behaviour to ensure that regulatory decision making is timely, transparent and nationally consistent.
- An obligation on road authorities to develop and implement an interface co-ordination plan with the rail organisation with which the road authority interfaces (i.e. road and rail intersections).
- An obligation for rail organisations to have and implement security and emergency management plans as part of their safety management system.
- An obligation on rail organisation to assess, and maintain records of, the competence of rail safety workers with reference to recognised units of competence or qualifications.
- Mandatory reporting requirements.