

## FACT SHEET

### *Rail Safety Bill 2009*

- The purpose of the Bill is to introduce best practice and nationally consistent rail safety legislation.
- Rail safety regulation in Australia is based on co-regulation. The key characteristics of the 'co-regulatory' approach are that rail industry participants accept accountability for achieving required safety outcomes in return for the flexibility to identify and implement the most effective and efficient means of addressing risks to safety.
- Under the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport, the National Transport Commission (NTC) developed nationally consistent model legislation to improve and strengthen the co-regulatory system for rail safety. The model legislation was approved by Commonwealth, State and Territory Transport Ministers in June 2006.
- Tasmania has agreed to implement the model rail safety legislation by the end of 2009 in accordance with the Council of Australian Government's timetable.
- The *Rail Safety Bill 2009* does not fundamentally alter the existing approach to rail safety regulation in Tasmania provided through the *Rail Safety Act 1997* and supporting regulations. Rather it builds on the existing co-regulatory approach through the implementation of a number of regulatory best practices.
- The major elements of the *Rail Safety Bill 2009* include:
  - General duties that require all rail industry participants that form the 'chain of responsibility' to ensure the safety of their railway operations.
  - A system of accreditation to provide assurance that rail organisations have the competency 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 by rail organisations and other persons.

- An array of checks and balances on regulator behaviour is included to ensure that regulatory decision-making processes are 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 has interfaces in the form of road and rail intersections.
- An obligation for rail organisations to have and implement security management plans and emergency management plans as part of their safety management system.
- An obligation on rail organisations to assess the competency of rail safety workers with reference to recognised units of competence or qualifications and to maintain records of competency of rail safety workers.
- Mandatory reporting and publishing requirements.