INDUSTRY Q&A’s ON RAIL SAFETY
NATIONAL LAW & REGULATIONS

DISCLAIMER
Please note that while all best endeavours have been used to ensure the accuracy of the information provided within these questions and answers for Industry use, readers are reminded that they hold a responsibility to read the National Rail Safety Law and Regulations to ensure a clear understanding and applicability of this general information to their own individual circumstances.

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1. **TIMETABLE / SCHEDULE**

1.1 **When will the new National Rail Safety Law commence?**
It is expected to commence during January 2013.

1.2 **When and which Jurisdiction will be the first to pass the new Rail Safety National Law (RSNL)?**
South Australia was the first jurisdiction to pass the new National Rail Safety Law and this occurred in May 2012. However, this new law will not be enacted until January 2013. The law is *Rail Safety National Law (South Australia) Act 2012* and can be found at www.legislation.sa.gov.au.

1.3 **When will the other jurisdictions pass the new RSNL?**
With the exception of WA, it is expected that the other jurisdictions will pass the new RSNL in the coming months but prior to the end of December 2012. In the case of WA, legislation mirroring the RSNL will not be in place until late 2013 or early 2014.

1.4 **Will there be any new Rail Safety Regulations?**
Yes, new national Rail Safety Regulations have also been developed and are currently being finalised and are intended to commence at the same time as the RSNL.

1.5 **When will the new National Rail Safety Regulator office commence operation?**
The National Rail Safety Regulator Project Office is currently operating from Adelaide. The Office of the National Rail Safety Regulator (ONRSR) will be established progressively through 2012 to enable it to support the National Rail Safety Regulator Project Office in the lead up to the Rail Safety National Law being enacted in December 2012. Certain provisions of the *Rail Safety National Law (South Australia) Act 2012* were commenced early in South Australia on 7 June 2012 to establish the legal entity ONRSR, and to enable administrative matters to begin, such as appointment of the National Regulator, and employment of staff. No ‘regulatory’ functions of the Law have commenced.

1.6 **When will a rail transport operator have to be fully compliant to the new Rail Safety National Law?**
Transitional provisions and associated time frames are currently being negotiated to provide a reasonable time period (thought to be 2 years) for all currently accredited rail transport operators to be able to transition to full compliance with the new provisions of the National Rail Safety Law.

1.7 **When will the new National Rail Safety Regulator be appointed?**
Mr Rob Andrews from the UK has been appointed to the position of National Rail Safety Regulator (‘the Regulator’) and he commenced in the role on 2 July 2012, however, his powers under the law will not commence until the new RSNL is enacted in January 2013. The provisions of the RSNL relating to the ONRSR entity have been commenced early to enable Mr Andrews to begin certain administrative matters. However he cannot officially regulate as those provisions are not to commence until January 2013.

1.8 **If the legislation establishing the NRSR has already been passed does this mean that the NRSR can operate?**
No, the NRSR can only operate under the legislation once it has been enacted. In South Australia this will take place towards in January 2013 and will give the NRSR powers to operate in that State only. As other jurisdictions pass the legislation over the coming months the NRSR will have the powers to regulate nationally.
2. PURPOSE, PRINCIPLES & FUNCTION

2.1 What is the purpose of the new Rail Safety National Law?
The main purpose of the new law and regulations is to provide for safe railway operations in Australia, in addition to providing consistency in law and its application across the rail industry.

2.2 What does the new Rail Safety National Law aim to achieve?
The RSNL aims to achieve the following:

- **Safety** - more effective and consistent rail safety outcomes, including the ability to adapt quickly to changing safety knowledge;
- **Efficiency** - a common set of laws for rail safety in all states and territories;
- **Service** – a single point of contact for all rail safety regulation in Australia;
- **Compliance and enforcement** – a unified strategy and approach; and
- **Accreditation** – a single national rail safety accreditation system for industry.

2.3 What are the guiding principles of the new Rail Safety National Law?
The guiding principles under this Law are:

- To assist rail transport operators to achieve productivity by the provision of a national scheme for rail safety;
- To operate the national scheme in a timely, transparent, accountable, efficient, effective, consistent and fair way; and
- That fees required to be paid for the provision of the national scheme are to be reasonable having regard to the efficient and effective operation of the scheme.

2.4 Will there be one single Rail Safety National Act?
No, this is part of an ‘applied law’ scheme. The new RSNL has already been passed in the South Australian Parliament, and will be passed in all other States and Territories (except for Western Australia) by passing legislation referring to the SA RSNL as the rail safety law for that state or territory. In Western Australia they will draft their own legislation mirroring the SA Rail Safety National Law.

2.5 Will the Australian Capital Territory be included in coverage by the National Rail Safety Law?
Arrangements for the ACT are still being clarified.

2.6 Will there be one single rail safety regulator?
Yes. The new law establishes a single position for a national rail safety regulator.

2.7 What other positions will be established in support of the single rail safety regulator?
The new law also establishes two part time non executive members of the Office of the National Rail Safety Regulator (ONRSR).
2.8 Where will the new National Rail Safety Regulator be located?
The national rail safety regulator will be based in Adelaide where the head office is located.

2.9 Haven't the various jurisdictions already adopted nationally consistent rail safety legislation?

The answer is yes but only in part, this followed the 2006 Transport Ministers agreement on national model law for rail safety regulation for adoption in all jurisdictions. However, the model law allowed for jurisdictional variations, which meant that even though the majority of clauses from the model bill were reflected in jurisdictional law, there continued to be differences.
3. **EXCLUSIONS**

3.1 **Have any class of railways currently included under State based rail safety law been excluded from coverage by the new National Rail Safety Law?**

Yes, the Victorian Government has stated that it will exclude the all light rail tramways in Victoria from the new RSNL. Some tourist and heritage isolated railways in Victoria may also be excluded from the RSNL, however, only on an "opt out" basis that will require the individual isolated tourist and heritage operator to apply to the Victorian Minister to be excluded from the new law.

3.2 **Will a tourist and heritage railway that operates on a main rail network within Victoria be able to gain exemption from the new National Rail Safety Law?**

No, any tourist and heritage railway that operates on a rail network in Victoria must be accredited under the new RSNL and will not be granted an exemption.

3.3 **Are there any railways to which the new Rail Safety National Law does not apply?**

Yes, section 7 of the RSNL states a number of railways to which the Law does not apply, including a railway in a mine that is underground or chiefly underground, a slipway, a railway used to guide a crane, an aerial cable operated system, a railway used only by a horse drawn tram, or a railway used only for a static display.
4. REGIONAL ADMINISTRATION

4.1 How will the various jurisdictions be administrated once the National Rail Safety Regulator comes into force?
Each jurisdiction, whether delivering the regulatory function as direct employees of the Office of National Rail Safety Regulator (ONRSR) or under a Service Level Agreement (SLA), will have a senior person, known as the Branch Director who reports to the ONRSR.

4.2 Where will the Branch Directors and their staff be located?
Branch offices will be located in Brisbane, Sydney, Melbourne, Adelaide and Perth. Regulatory staff in Tasmania and the Northern Territory will report to the Branch Director of the South Australian Branch Office.

4.3 Will National Rail Safety Regulator staff be located in the Northern Territory and Tasmania?
Yes, national rail safety regulator staff will be maintained in Darwin and Hobart and managed through the South Australian Branch Office.

4.4 How will the State and NT regions be administered by the National Rail Safety Regulator?
Currently Victoria and New South Wales have advised that they will be delivering the regulatory function on behalf of the NRSR through a Service Level Agreement (SLA). Queensland and Western Australia are still considering the options for delivery. Staff within South Australia, Northern Territory and Tasmania will be reporting directly to the ONRSR.

4.5 Will jurisdictions operating under Service Level Agreements impact on consistency?
No. Jurisdictions operating under a Service Level Agreement (SLA) will not have an impact on consistency. When undertaking rail regulatory functions on behalf of the ONRSR the involved jurisdictional staff will be required to adhere to the ONRSR’s policies, procedures, processes and forms.

Training on these ONRSR issues will be provided to jurisdictional staff to ensure a consistent understanding and approach is undertaken across Australia, whether by a SLA State or those jurisdictions becoming a direct part of the NRSR. Major decisions such as approving an application for accreditation or variation, or approving any progression of investigations to the court system will solely rest with the National Regulator.
5. **RISK MANAGEMENT & SFAIRP**

5.1 **How will the new Rail Safety National Law manage risk?**
The new law provides the same duty as rail transport operators currently have, that is, a duty on a person to ensure, so far as is reasonably practicable, to eliminate risks to safety, and if it is not reasonably practicable to eliminate risks to safety, to minimise those risks so far as is reasonably practicable. However in the RSNL, more rigour has been put in the regulations, specifically around fatigue, to guide a rail transport operator in areas of risk, to ensure better safety and compliance outcomes.

5.2 **What does “so far as is reasonably practicable” mean?**
The duty to ensure safety is not absolute but to the standard ‘so far as is reasonably practicable’ (SFAIRP) for rail transport operators and contractors. What is reasonably practicable is always a judgement based on all relevant facts of each case, including the consequences and likelihood of the relevant risk and the measures available to manage that risk. Please also refer to Section 47 of the NRSL for a meaning of "reasonably practicable".

5.3 **Are there any guidelines for “so far as is reasonably practicable”?**
Yes, some guidance material on the SFAIRP principle is available on the National Transport Commission (NTC) web site, in addition to some SFAIRP definition guidance material on the Transport Safety Victoria (TSV) web site.

5.4 **Will the National Rail Safety Regulator be issuing any risk management guidance material?**
Yes. The NRSR is currently prioritising the development of risk management guidance material and this will be issued in the coming months.
6. TRANSITIONAL ARRANGEMENTS

6.1 Will an existing accredited rail transport operator have to re-apply for accreditation under the new Rail Safety National Law?
No, the rail safety accreditation of existing rail transport operators will be recognised and automatically receive coverage under the new RSNL transitional arrangements.

6.2 What will be the immediate impact on existing accredited rail transport operators on the commencement of the Rail Safety National Law?
There will be minimal immediate impact on day one of the new RSNL as it and the associated transitional arrangements have been designed to assist the rail industry through the introduction period and gradual two year transition to full compliance.

6.3 What are the Rail Safety National Law transitional arrangements?
All existing accredited rail transport operators will receive a two year transitional period to become fully compliant with the new law.

Those entities that do not require accreditation under existing State law but will require to become accredited under the new RSNL may be given a longer three year transition time to those that are already accredited.

6.4 Will new accreditation applicants receive any transitional time periods?
No, any new accreditation applicants after the new RSNL is introduced will not be entitled to any transitional time periods.

6.5 What will existing rail transport operators need to do as an early step within the transitional process?
Each rail transport operator will need to undertake a gap analysis of its existing SMS for its ability to fully comply with the new NRSL.

6.6 How can a rail transport operator prepare for the introduction of the National Rail Safety Law?
Ensure your organisation is linked into and has access to information on the RSNL from the National Rail Safety Regulator Project Office and through the ARA, and that you are providing regular internal update briefings of all involved staff.

6.7 How can I find a copy of the new Rail Safety National Law?
Please see the following link to the South Australian Government web site for a copy of the new Rail Safety National Law:


Please note: you will need to copy and paste the full URL above into a new browser or, click here.
7. **GENERAL PROVISIONS**

7.1 *In relation to private sidings, does the new Rail Safety National Law differ from the previous model law?*
In general, no, however, the new RSNL provides further clarification.

7.2 *Will private sidings need to be accredited under the new Rail Safety National Law?*
Private sidings are defined under the RSNL and will be assessed using a risk based approach. A set of criteria has been developed that will assist in determining whether a siding is to be accredited. Any current sidings fitting the definition within the RSNL that are not currently accredited will be assessed and if requiring accreditation will be afforded a transition period to achieve full accreditation.

7.3 *What will happen when a Private Siding manager applies for accreditation?*
An officer from the National Rail Safety Regulator will undertake an assessment to determine if an accreditation will be needed.

7.4 *Are there any new duties imposed under the Rail Safety National Law on designers, manufacturers & suppliers?*
No, the provisions in relation to duties of designers, manufacturers, suppliers etc are based on the previous Model Rail Safety Law provisions already in most current rail safety acts, and these provisions will continue under the new RNSL.

7.5 *What will happen in jurisdictions that did not previously mirror the model rail safety law?*
In jurisdictions that did not mirror the previous model rail safety law some variances may occur.

7.6 *Are there any new duties imposed under the Rail Safety National Law on persons who load or unload freight?*
Yes, under new general duties provisions (section 54), a person who loads or unloads freight on or from rolling stock in relation to the transport of freight by a railway must ensure, so far as is reasonably practicable, that the loading or unloading is carried out safely and so as to ensure the safe operations of the rolling stock.

7.7 *What obligation will a rail transport operator have under the Rail Safety National Law in relation to managing an interface?*
Section 105 to 111 inclusive of the RSNL place a range of very specific obligations upon a rail transport operator in relation to the requirements for and scope of interface agreements. Included within these obligations is the requirement for rail infrastructure managers to have an interface agreement with all applicable interfacing road managers, and to maintain a register of all interface agreements.
8. **DRUG & ALCOHOL MANAGEMENT**

8.1 **Under the new Rail Safety National Law are there any changes to the existing drug & alcohol testing requirements for operators?**

As is currently the case, under the RSNL, rail transport operator’s must manage risks to safety associated with drug and alcohol use.

Under the RSNL, a rail transport operator’s drug and alcohol management program (DAMP) must include details of the drug and alcohol testing regime, including testing procedures. To be effective, testing should support other aspect of the DAMP. A rail transport operator (except those operating in NSW who will have different requirements) should determine, through a risk-based approach, the types of testing and testing procedures that are appropriate to their operations and risk profile. Notwithstanding this advice, rail transport operators should test to an appropriate standard, such as an Australian Standard.

Tests results should be used for in-house monitoring and treatment in accordance with the DAMP.

8.2 **Will a different D&A process be applied in NSW?**

Yes, NSW at this stage will be retaining the current obligation upon accredited rail transport operators to undertake their drug and alcohol testing to the full evidentiary standard. Testing to this standard will not be required in any other jurisdiction. These requirements will be outlined in a new part of the National Regulations relating to the DAMP.

8.3 **Will the decision in relation to the application of the NSW D&A process impact any other jurisdiction?**

No, the decision by NSW to retain its existing D&A processes will be reflected in the National Regulations, however, will only be applied in NSW.

8.4 **Under the Rail Safety National Law, will there be a numerical target set for the number of rail transport operator conducted D&A tests?**

With the exception of NSW, no, there will be no numerical target number applied. Each rail transport operator must specify within its DAMP how it proposes to undertake its drug and alcohol testing regime and manage the risks associated with drug and alcohol use. In relation to NSW, current requirements will be maintained.

8.5 **What drug & alcohol offences are included new Rail Safety National Law for rail safety workers?**

It is an offence for a worker to carry out or attempt to carry out rail safety work while any alcohol, cannabis, ‘speed’ or ‘ecstasy’ is present in his or her oral fluid or blood (s128). Additionally, rail safety workers must not attempt or carry out work when so much under the influence of alcohol or a drug so as to be incapable of effectively discharging a function or duty; this does not have to be an illegal drug – it could be over-the-counter medication or prescription medication from a doctor.
Rail safety workers should be aware that they may be tested for alcohol and other drugs by an Authorised Person (for compliance against the above offences) or by the rail transport operator. A rail safety worker must immediately comply with any reasonable from an Authorised Person and it is an offence for a rail safety worker to fail to comply and/or refuses a test.

8.6 **Under the new Rail Safety National Law does a rail transport operator have any duties in relation to drug & alcohol management?**

Yes, a rail transport operator must ensure, so far as is reasonably practicable, the safety of its railway operators and must therefore manage any risks associated with drug and alcohol use. Rail transport operator's are to ensure that rail safety workers do not carry out rail safety work in relation to the operator's railway operations, and are not on duty, while impaired by alcohol or a drug. Each rail transport operator must prepare and implement (section 115) a drug and alcohol management program (DAMP) for railway safety workers who carry out rail safety work in relation to railway operations in respect of which the operator is required to be accredited that complies with the prescribed requirements relating to D&A management programs.

8.7 **Under the new Rail Safety National Law what obligation does a rail transport operator have in reporting D&A test results to the regulator?**

As with current obligations, each rail transport operator will be required to report the results of all positive D&A tests to the National Rail Safety Regulator as a notifiable occurrence. It should be noted that reporting the identity of a rail safety worker to the Regulator is not required under the Law.

8.8 **Under the new Rail Safety National Law what method of D&A testing will the National Rail Safety Regulator use?**

A person authorised by the Regulator may, on behalf of the Regulator, conduct drug and alcohol testing of rail safety workers in addition to the testing undertaken by the rail transport operator. The results of testing by an authorised person may be used to prosecute a rail safety worker if a breach of the offences in the law has occurred.

An Authorised Person of the Regulator (which includes Police) may use a range of sample collection methods including blood and saliva sampling. In addition, within NSW only, urine testing may also be used. These requirements will be contained in the Application Law part of each jurisdiction’s RSNL, and are intended to be aligned with the road traffic legislation of that jurisdiction in relation to testing procedures.

8.9 **What method of D&A testing will Rail Transport Operators use to undertake their own internal testing?**

With the exception of those operating in NSW, rail transport operators will be free to choose any of the available D&A testing methods that may best suit their needs and risks, provided that the selected methods are included and documented within the operator’s DAMP. Notwithstanding this advice, rail transport operators should test to an appropriate standard, such as an Australian Standard.
9. **ACCREDITATION CONDITIONS & CERTIFICATES**

9.1 **What is the purpose of accreditation under the Rail Safety National Law?**
The purpose of accreditation (Section 61) of a rail transport operator in respect of railway operations is to attest that the rail transport operator has demonstrated to the Regulator the competence and capacity to manage risks to safety associated with those railway operations.

9.2 **Will existing accredited rail transport operators be issued with a new national accreditation certificate?**
Yes, although not immediately upon the commencement of the new national law, but rather as a part of the planned two year transitional arrangements.

9.3 **What will happen in the case of a rail transport operator that holds more than one accreditation certificate?**
At commencement all accreditation certificates will transfer over to the ONRSR. During the transitional period representatives of the ONRSR will work with operators to prepare a single national accreditation certificate which accurately reflects the scope, nature and conditions of accreditation to apply to the national accreditation and a new certificate of accreditation will be issued.

9.4 **What will happen to the current rail transport operator conditions of accreditation?**
At the commencement of the new RSNL all existing rail transport operator conditions of accreditation will automatically transfer over and remain applicable.

9.5 **Will a rail transport operator be issued with a one single set of conditions of accreditation?**
Once the RSNL has been introduced and within the transitional period, each accredited rail transport operator will be issued with a new single set of national conditions of accreditation.

9.6 **What if there is any conflict between existing State issued conditions of accreditation?**
Prior to issuing the new national accreditation notice, ONRSR representatives will work with operators to resolve any possible conflict in the existing conditions, and to ensure the conditions and restrictions (if applicable) of the new certificate are appropriate for their purpose.
10. TRAINING & COMPETENCY ASSESSMENT

10.1 Does the Rail Safety National Law address the key issue of training and competency assessment?
Yes, section 117 of the Rail Safety National Law requires that a rail transport operator must ensure that each rail safety worker who is to carry out rail safety work in relation to railway operations in respect of which the operator is required to be accredited has the competence to carry out that work.

10.2 What are the requirements for assessing a rail safety worker?
Section 117 subsection (2) of the Rail Safety National Law requires that the competence of a rail safety worker to carry out rail safety work must be assessed (1) in accordance with the provisions of the AQTF and any qualification and units of competence recognised under the AQF applicable to that rail safety work, and (2) if (1) does not apply, in accordance with any qualifications or competencies prescribed by the national regulations.

In both cases, the assessment must be undertaken by reference to the knowledge and skills of the worker that would enable the worker to carry out the rail safety work safely.

10.3 What evidence may be presented by a rail safety worker in support of that worker's qualifications or competence?
Section 117 (3) of the Rail Safety National Law states that "a certificate purporting to have been issued under the AQF to a rail safety worker certifying that the worker has certain qualifications or units of competence is evidence that the worker has those qualifications or units of competence".

10.4 Does the Rail Safety National Law provide for any alternative method of assessing rail safety worker qualifications and competence?
Yes, section 117 (4) provides an alternative option in that subsection (2) does not apply if it is not "reasonably practicable" for a rail transport operator to assess the competence of a rail safety worker to carry out rail safety work in relation to the operator's rail infrastructure or rolling stock in accordance with that subsection.

In this case, the operator must satisfy the Regulator that the worker has otherwise acquired the necessary qualifications and competencies applicable to that rail safety work, and the worker has the knowledge and skills that would enable the worker to carry out the rail safety work safely.
11. INVESTIGATION OF RAIL INCIDENTS

11.1 What other kinds of reform are needed to give the Australian rail industry the best possible regulatory framework?
Running concurrently with the National Rail Safety Regulatory project is a project to achieve a single National Rail Safety Investigator. The National Rail Safety Investigator project is being led through the Australian Transport Safety Bureau (ATSB), which also reports through the Rail Safety Regulation Reform Project Board. The National Rail Safety Regulatory Project Office is working closely with the ATSB in progressing both these important reforms.

11.2 What does the ATSB do?
The ATSB undertakes independent, objective and systemic investigation of transport accidents and other safety occurrences, it identifies safety related issues through research and analysis, and it promotes safety awareness.

11.3 Are there any changes to the current ATSB investigation of rail safety incidents on the interstate rail network?
No, the ATSB will continue to have the power to investigate on the interstate rail network, however from 1 January 2013 it will also have the power to undertake investigations of all rail safety incidents irrespective of where they occur across Australia.

11.4 How will the ATSB expanded role change the scope of investigations?
For the first time the ATSB will be conducting investigations on the metropolitan passenger and freight rail networks which will result in an increase in the overall number of ATRS investigation across a wide range of safety matters, but under a consistent approach and one single piece of investigation legislation.

11.5 How will the new expanded ATSB investigation activities impact on the existing State based transport investigation agencies in NSW and Victoria?
Once implemented, the new ATSB transport safety investigation law will become the over arching investigation law in all jurisdictions including NSW and Victoria, and the existing NSW Office of Transport Safety Investigation (OTSI) and Victorian Office of Chief Investigator (OCI) will become agents of the ATSB through a service level agreement, and in relation to rail safety investigations operate under the amended ATSB transport safety investigation law.

11.6 What does this mean for the staffing of the ATSB?
The expanded role of the ATSB within the rail environment means that more rail investigators have been recruited and they are currently working through additional training to gain a Diploma in Transport Safety Investigations. Also, the ATSB rail team in Adelaide has moved into a larger office and the Brisbane team may also need to move to accommodate the staffing increase.

11.7 Are there any other national reform changes at the ATSB?
Yes, at the same time as the new national rail safety and amended transport safety investigation laws are implemented, the ATSB will be launching Australia’s first national confidential safety incident reporting scheme for the rail industry.

11.8 **Does the confidential reporting scheme replace mandatory incident reporting?**
No, the confidential safety incident reporting scheme does not replace mandatory incident reporting, but rather seeks to gather additional information that other incident reporting systems may not capture.

11.9 **Are there any changes to how major incidents are to be reported?**
Yes, under the new arrangements when a serious or category A type rail safety incident occurs, the rail transport operator will call the ATSB (on-call officer) to provide an initial verbal incident report. However, all rail transport operator written incident notification reports must be sent to the National Rail Safety Regulator.

11.10 **Following a Category A major incident, will rail transport operators be required to verbally notify the National Rail Safety Regulator?**
No. Immediate verbal notification of all Category A major incidents is to the Australian Transport Safety Bureau.

11.11 **Will the ATSB and the National Rail Safety Regulator be sharing safety data and information?**
Yes, the ATSB and the Office of National Rail Safety Regulator will be sharing safety data and information and are currently working together to further develop information management systems to handle rail safety incident data on a nationwide basis.
12. WORKPLACE HEALTH & SAFETY

12.1 What is the relationship between the new Rail Safety National Law and WH&S legislation?
If a provision of the Workplace Health & Safety (WH&S) legislation applies to railway operations, that provision continues to apply and must be observed, in addition to this national rail safety law (section 48). If a provision of the national rail safety law is inconsistent with a provision of the WH&S legislation, the provision of the WH&S legislation prevails to the extent of any inconsistency.

12.2 Can a rail transport operator be punished for an offence under both the Rail Safety National Law and OH&S legislation?
No, where an act or omission constitutes an offence under both the national rail safety law and under the OH&S legislation, the offender is not liable to be punished twice in respect of the offence (section 49), thereby ensuring a no double jeopardy outcome.
13. ACCREDITATION FEES

13.1 Under the Rail Safety National Law how will accreditation fees be applied to a rail transport operator accredited for operation in multiple jurisdictions?
Regardless of how many jurisdictions a rail transport operator is accredited for railway operations, only one single accreditation fee invoice will be levied and the accreditation fee process will be managed by the NRSR.

13.2 Will accreditation fees change under the new Rail Safety National Law?
Yes, the accreditation fees levied by the National Rail Safety Regulator will progressively be adjusted over a lengthy transitional period in accordance with the 2009 COAG decision to move to a 100% cost recovery model, and consist of both a fixed (application and variance fees) and variable (annual fee) component.

13.3 What will be the most immediate impact of the accreditation fee change?
Once the new National Rail Safety Law has been introduced it is likely that the current level of fees will increase by 5% through the transitional period between 2013 and 2016.

13.4 What is being done to limit the impact on rail transport operators as a result of the likely increase in the variable component of the accreditation fees?
The ARA is actively pursuing strategies and outcomes including lobbying the key decision makers in an attempt to mitigate the impact of any accreditation fee rise on industry members.

13.5 What else is the ARA doing to reduce the long term cost of rail safety regulation?
The ARA is lobbying the key decision makers and the National Rail Safety Regulator to rationalise the current high number of staff in some rail safety regulator jurisdictions, and to ensure that greater efficiencies are achieved under the national model, thereby reducing rail safety regulator operating costs, and the flow-on cost of accreditation fees to industry.

13.6 How will the annual accreditation fees be calculated under the new legislation?
The calculation of the annual accreditation fees is an issue of importance and keen interest for all accredited parties. The NRSR has provided a link to information providing an overview of the methodology on how annual fees will be calculated together with an example of how the variable component of the accreditation fees will be calculated.
14. COMMUNICATION & CONSULTATION

14.1 Has the rail industry been involved in the consultation and development of the new National Rail Safety Law?
Yes, the rail industry represented by the ARA and an industry advisory group has been involved, consulted and represented the industry views during the development process over a two year period leading up to this time.

14.2 Is there an existing web site to obtain information and news of the National Rail Safety Regulator?
Yes, the national Rail Safety Regulatory Project Office has a well established web site inclusive of newsletter, publications, related links, frequently asked questions and contact information. The website address is www.nrsrproject.sa.gov.au

14.3 How may I obtain a copy of the new Rail Safety National Law?

14.4 How may I obtain a copy of the new Rail Safety National Regulations?
The current draft of the National Rail Safety Regulations may be found on the National Transport Commission (NTC) web site. This draft of the Regulations was noted by SCOTI in November 2011.

14.5 When will the new Rail Safety National Regulations be finalised?
The consultation draft of the regulations is currently being finalised and once completed will be available on the web site of the National Rail Safety Regulator Project Office.

14.6 Will the new National Rail Safety Regulator be publishing guidance material?
Yes, the national rail safety regulator project office is currently developing a range of policy documents and other guidance material which will be published to assist industry members in complying with the new national rail safety legislative requirements.

14.7 How can people get involved or have input?
The ARA through an Industry representative working group led by Phil Sochon is working closely with the NRSR Project Office and are represented on all advisory groups having input into the development of the national legislation and regulations, and will continue to work with stakeholders to ensure the most effective implementation and transition for Industry to the new legislative arrangements.

Industry members are invited to provide feedback through their organisational representatives, the ARA, by participating in the various stakeholder forums, or directly to the NRSR Project Office.

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