

TABLING NOTE FOR SUBORDINATE LEGISLATION

RAIL SAFETY NATIONAL LAW NATIONAL REGULATIONS (QUEENSLAND FATIGUE PROVISIONS) VARIATION REGULATIONS 2017 NO. 259

RAIL SAFETY NATIONAL LAW NATIONAL REGULATIONS (MISCELLANEOUS) VARIATION REGULATIONS 2017 NO. 258

RAIL SAFETY NATIONAL LAW NATIONAL REGULATIONS (FEES AND RETURNS) VARIATION REGULATIONS 2017 NO. 257

Purpose

The purpose of tabling the *Rail Safety National Law National Regulations (Queensland Fatigue Provisions) Variation Regulations 2017*, *Rail Safety National Law National Regulations (Miscellaneous) Variations Regulations 2017* and the *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017*, is to ensure amendments to the *National Rail Safety National Law National Regulations 2012* apply in the Northern Territory.

Summary of key provisions

- The current requirements for rail transport operators' fatigue risk programs in regulation 29 of the *Rail Safety National Law Regulations 2012 (SA)* includes a special requirement for New South Wales rail safety workers. The *Rail Safety National Law National Regulations (Queensland Fatigue Provisions) Variation Regulations 2017*, includes additional special requirements for rail safety work carried out in connection with rail operations in Queensland. There are no implications for rail safety operations in the Northern Territory.
- The *Rail Safety National Law National Regulations (Miscellaneous) Variations Regulations 2017*, relates to a specific exempt railway in New South Wales. In addition there is a change to the fees charged by the Rail Safety National Regulator for a complex application for accreditation. A new 'project component fee' has also been created where operations conducted have changed which requires the Regulator to assess the changes as an additional element of assessing an application.
- The *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017*, removes the need for operators to provide annual returns and substitutes an obligation to provide monthly employee numbers. In addition the variation adjusts the fees payable by infrastructure managers and rolling stock operators. The fees have been reduced for the Northern Territory.

These amendments have been approved by all jurisdictions.

Legislative Authority

Section 8(1) of the *Rail Safety (National Uniform Legislation) Act*.

South Australia

Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017

under the *Rail Safety National Law (South Australia) Act 2012*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Rail Safety National Law National Regulations 2012*

- 4 Variation of regulation 56—Periodic information to be supplied
 - 5 Variation of Schedule 3—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 July 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Rail Safety National Law National Regulations 2012*

4—Variation of regulation 56—Periodic information to be supplied

- (1) Regulation 56(1)—delete "The following returns of information are required under section 120(3) (Power of Regulator to obtain information from rail transport operators) of the Law" and substitute:

For the purposes of section 120(3) (Power of Regulator to obtain information from rail transport operators) of the Law, a rail transport operator must provide the Regulator with a monthly return that sets out the following information

- (2) Regulation 56(1)(a)—delete "a monthly return that sets out in respect of the month" and substitute:
- in respect of the whole of the month
- (3) Regulation 56(1)(b)—delete paragraph (b) and substitute:
- (b) as on the last working day of the month—the number of employees of the rail transport operator engaged to undertake rail safety work in respect of a railway over which the operator has effective management and control.
- (4) Regulation 56(2)—before "return" insert:
- monthly
- (5) Regulation 56(3)—delete "by subregulation (1)(a)" and substitute:
- under subregulation (1)
- (6) Regulation 56(4)—delete subregulation (4)

5—Variation of Schedule 3—Fees

Schedule 3, Part 2, clause 1(1), table—delete the table in clause 1(1) and substitute:

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Rate per kilometre of track managed by a rail infrastructure manager (\$/km) (R_T)	185.75	185.75	44.93	154.30	113.81	66.49	115.20	90.96
Rate per kilometre travelled by trains of a rolling stock operator (\$/km) (R_r)	0.064	0.064	0.138	0.080	0.092	0.183	0.040	0.045

Made by the Governor

on the unanimous recommendation of the responsible Ministers and with the advice and consent of the Executive Council
on 7 June 2017

No 80 of 2017

MTR/17/018