



Transport Safety Investigation Amendment Act 2012

No. 134, 2012

An Act to amend the *Transport Safety Investigation Act 2003*, and for other purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 134, 2012

An Act to amend the *Transport Safety Investigation Act 2003*, and for other purposes

[Assented to 21 September 2012]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Transport Safety Investigation Amendment Act 2012*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	21 September 2012
2. Schedule 1	The later of: (a) the day after this Act receives the Royal Assent; and (b) 18 December 2012.	18 December 2012

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Transport Safety Investigation Act 2003

1 Paragraph 11(3)(b)

Repeal the paragraph.

2 Before subparagraph 11(3)(c)(i)

Insert:

(ia) within a Territory, or to or from a Territory; or

3 After section 21

Insert:

21A State or Territory Minister may request investigation of certain transport safety matters

- (1) A Minister of a State or Territory who is responsible, or principally responsible, for the administration of matters relating to the safety of transport by rail vehicles may request the ATSB to investigate a transport safety matter if the matter:
 - (a) relates to a rail vehicle; and
 - (b) occurs in the State or Territory.
- (2) The request must be made in writing and set out the reasons for the request.
- (3) If a request is made under subsection (1), the ATSB must decide whether to investigate the transport safety matter under paragraph 21(1)(a).
- (4) In deciding whether to investigate the transport safety matter, the ATSB must take into account:
 - (a) the reasons set out in the request; and
 - (b) the sufficiency of any funding and resources that are, or will be, available in relation to the investigation.
- (5) If the ATSB decides not to investigate the transport safety matter, the ATSB must give written notice of the decision to the Minister

who made the request under subsection (1). The notice must set out the reasons for the decision.

4 Paragraph 53(3)(a)

Repeal the paragraph, substitute:

- (a) anything done by a person in performing functions or exercising powers under, or in connection with, this Act or the regulations; or

5 Paragraph 60(4)(a)

Repeal the paragraph, substitute:

- (a) anything done by a person in performing functions or exercising powers under, or in connection with, this Act or the regulations; or

6 Application provision—investigations

Section 21A of the *Transport Safety Investigation Act 2003*, as inserted by this Schedule, applies in relation to a transport safety matter occurring on or after the commencement of this item.

*[Minister's second reading speech made in—
House of Representatives on 27 June 2012
Senate on 16 August 2012]*

(115/12)
