



## **Transport Safety Investigation Amendment (Rail Transport) Regulations 2019**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 27 June 2019

Peter Cosgrove  
Governor-General

By His Excellency's Command

Michael McCormack  
Deputy Prime Minister and Minister for Infrastructure, Transport and Regional  
Development

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## 1 Name

This instrument is the *Transport Safety Investigation Amendment (Rail Transport) Regulations 2019*.

## 2 Commencement

- (1) Each provision of this instrument 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	1 July 2019.	1 July 2019

Note: This table relates only to the provisions of this instrument as originally made.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

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

## 3 Authority

This instrument is made under the *Transport Safety Investigation Act 2003*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Transport Safety Investigation Regulations 2003*

#### **1 Regulation 1.3 (after the heading)**

Insert:

- Note: A number of expressions used in this instrument are defined in the Act, including the following:
- (a) ATSB;
  - (b) immediately reportable matter;
  - (c) investigable matter;
  - (d) nominated official;
  - (e) reportable matter;
  - (f) responsible person;
  - (g) routine reportable matter;
  - (h) staff member;
  - (i) transport safety matter.

#### **2 Regulation 1.3**

Insert:

*National Rail Safety Regulator*: see regulation 4.2.

*Rail Safety National Law*: see regulation 4.2.

*rail transport operator*: see regulation 4.2.

#### **3 Regulation 4.2 (heading)**

Repeal the heading, substitute:

#### **4.2 Definitions for Part 4**

#### **4 Regulation 4.2**

Omit “this Part”, substitute “this instrument”.

#### **5 Regulation 4.2**

Insert:

*National Rail Safety Regulator* means the National Rail Safety Regulator, or an Acting National Rail Safety Regulator, appointed under the Rail Safety National Law.

#### **6 Regulation 4.2 (at the end of the definition of *Rail Safety National Law*)**

Add:

Note: For paragraph (c), in 2019, these regulations were known as the Rail Safety National Law National Regulations.

#### **7 Regulation 4.2 (definition of *Regulator*)**

Repeal the definition.

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## **8 Regulation 4.3**

Repeal the regulation, substitute:

### **4.3 Rail transport—immediately reportable matters**

For the purposes of the definition of *immediately reportable matter* in subsection 3(1) of the Act, investigable matters that are Category A notifiable occurrences, within the meaning of the Rail Safety National Law, as in force from time to time, are prescribed.

Note: For what is a Category A notifiable occurrence, see paragraph 57(1)(a) of the Rail Safety National Law National Regulations.

### **4.3A Rail transport—routine reportable matters**

For the purposes of the definition of *routine reportable matter* in subsection 3(1) of the Act, investigable matters that are Category B notifiable occurrences, within the meaning of the Rail Safety National Law, as in force from time to time, are prescribed.

Note: For what is a Category B notifiable occurrence, see paragraph 57(1)(b) of the Rail Safety National Law National Regulations.

## **9 Regulation 4.4 (heading)**

Repeal the heading, substitute:

### **4.4 Rail transport—responsible person**

## **10 Regulation 4.5 (heading)**

Repeal the heading, substitute:

### **4.5 Rail transport—particulars for reports of reportable matters**

## **11 Subregulation 4.5(1)**

Repeal the subregulation, substitute:

- (1) For the purposes of sections 18 and 19 of the Act, the following particulars are prescribed in relation to a report:
  - (a) if information is required to be provided under the Rail Safety National Law, as in force on 1 July 2019, for the purpose of providing the report to the National Rail Safety Regulator about a notifiable occurrence—the information so required;
  - (b) if information is not so required—the particulars set out in subregulation (2).

## **12 Subregulation 4.5(2)**

Omit all the words before paragraph (a), substitute:

- (2) For the purposes of paragraph (1)(b), the particulars are the following:

## **13 Regulations 4.6, 4.7 and 4.8**

Repeal the regulations, substitute:

#### **4.6 Rail transport—nominated official for reportable matters**

For the purposes of subsection 20(1) of the Act:

- (a) the following are the nominated officials in relation to immediately reportable matters reported under section 18 of the Act:
  - (i) the National Rail Safety Regulator;
  - (ii) a staff member; and
- (b) the National Rail Safety Regulator is the nominated official in relation to routine reportable matters and immediately reportable matters reported under section 19 of the Act.

#### **4.7 Rail transport—certain reports to be given to National Rail Safety Regulator**

If a responsible person gives a report to a staff member under section 18 of the Act, the staff member may, as soon as practicable after receiving the report, give the report to the National Rail Safety Regulator.

#### **4.8 Rail transport—certain reports to be given to staff member**

If a responsible person gives a report to the National Rail Safety Regulator under section 18 or 19 of the Act, the Regulator may, as soon as practicable after receiving the report, give the report to a staff member.

### **14 Regulation 4.9 (heading)**

Repeal the heading, substitute:

#### **4.9 Rail transport—kinds of recordings that are not on-board recordings**