

Transport Safety Investigation Amendment (Rail Transport) Regulations 2019

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.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.

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