

**ASSOCIATION OF
TOURIST AND HERITAGE RAIL AUSTRALIA**

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ATHRA ALERT #22 - June 2006

Transport Ministers approve Rail Safety Model Bill

Transport Ministers voted to approve the NTC Rail Safety Model Bill at the Australian Transport Council meeting in Sydney on 2 June, 2006. The vote obliges State and territory governments to implement legislation in their jurisdiction that achieves consistent outcomes although not necessarily word for word conformity. A case in point is how jurisdictions will handle the interface with their OH&S legislation which varies between States. The Council of Australian Governments (COAG) has set a target for State and Territories to implement the Rail Safety Bill by July 2007.

Ministers also agreed to progress with a package of work to support implementation of the rail safety legislation, including continuing current work on drafting of Model Regulations. ATHRA, through the ARA has ongoing involvement in this work.

Key Messages

In Victoria the recent enactment of the Rail Safety Act 2006, due to come into effect on 31 July 2006 already substantially implements the national model bill and the government (subject to election processes) has undertaken to undertake any necessary amendments, most likely in first quarter of 2007. The associated draft Victorian regulations (and Regulatory Impact Statement) were released for 28 days of public comment concluding on 3rd July.

The impacts, transitional arrangements and support being offered to Victorian Tourist & Heritage operators will be outlined by guest speakers from the Dept of Infrastructure and from PTSV at the ATR (V) meeting on 15th June and at the ATR (V) Seminar/workshop on 29-30 July (see www.atr.org.au for registration details). Interstate participation is welcome but it ought to be noted that the primary focus of the seminar will be on Victorian issues.

In other States/Territories, implementation will almost certainly require legislative and regulatory change. This will be over and above the currently phase in of AS 4292.1:2006 in WA, SA, Tasmania & Queensland and NAP in NSW but likely to be reasonably consistent with the general direction of those changes. Until the national model regulations are complete it is not possible to determine whether the further changes will have significant impact in the tourist & heritage sector.

Recommended Actions:

Use of the SMS guidance material published by the Rail Safety Regulators (see ATHRA Alert #20 – May 2006 provides a firm foundation to deal with the main thrust of the national model bill.

It should be noted that the Bill involves more than upgrading of your SMS. T&H operators will need to liaise with their State regulators in due course (when model regulations are finalised and State implementation plans are determined) to deal with these other issues that may vary depending on current State requirement and government policies.

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