

2025

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELEVENTH ASSEMBLY

**Rail Safety National Law National Regulations (Safety Management System) Amendment
Regulations 2025 – Explanatory Statement**

**Presented by
Tara Cheyne MLA
Minister for City and Government Services
December 2025**

Rail Safety National Law National Regulations (Safety Management System) Amendment Regulations 2025

made under the

Rail Safety National Law (ACT) Act 2014, s55 (Regulation-making power)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Rail Safety National Law National Regulations (Safety Management System) Amendment Regulations 2025* (the regulations) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulations. It does not form part of the legislation and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the regulations. It is not, and is not meant to be, a comprehensive description of the regulations. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Operation and amendment of the Rail Safety National Law

The Rail Safety National Law provides a national rail safety regulation scheme, including a national rail safety regulator and a national rail safety investigator. The Rail Safety National Law is set out in the *Rail Safety National Law (South Australia) Act 2012*. This Law is adopted in the *Rail Safety National Law (ACT) Act 2014*. Section 6 of the *Rail Safety National Law (ACT) Act 2014* applies the Rail Safety National Law set out in the schedule to the *Rail Safety National Law (South Australia) Act 2012* as if it were an ACT law called the Rail Safety National Law (ACT).

National regulations are made under section 264 of the *Rail Safety National Law (South Australia) Act 2012* and notified on the NSW legislation website.

Amendments to the Rail Safety National Law, once agreed by the responsible Ministers sitting as the Infrastructure and Transport Ministers' Meeting, are progressed through the South Australian Parliament and apply automatically in the ACT. Amendments to the *Rail Safety National Law National Regulations 2012* are also automatically adopted in the ACT. However, the amendment regulations are required to be presented to the Legislative Assembly within 20 sitting days of being

notified on the NSW legislation website to have effect in the ACT in accordance with section 7 of the *Rail Safety National Law (ACT) Act 2014*.

Human rights and climate change implications

There are no human rights or climate change implications arising from the regulations.

Amendments by the *Rail Safety National Law National Regulations (Safety Management System) Amendment Regulations 2025*

The *Rail Safety National Law National Regulations (Safety Management System) Amendment Regulations 2025* amends regulation 16 and Schedule 1 of the *Rail Safety National Law National Regulations 2012*.

The regulations were made by the Governor of South Australia on the unanimous recommendation of the responsible Ministers and with the advice and consent of the Executive Council of South Australia and gazetted on 18 September 2025.

The regulations were published on the NSW legislation website on 26 September 2025 and automatically commence on 1 November 2025 in all jurisdictions with application law, including the ACT.

Notes on clauses

Part 1 Preliminary

Clause 1 Short title

This clause provides that the regulations may be cited as the *Rail Safety National Law National Regulations (Safety Management System) Amendment Regulations 2025*.

Clause 2 Commencement

This clause provides that the regulations come into operation on 1 November 2025.

Clause 3 Amendment provisions

This clause sets out the provisions being amended by the regulations.

Part 2 Amendment of *Rail Safety National Law National Regulations 2012*

Clause 4 Amendment of regulation 16 – Prescribed requirements for safety management system

This clause provides that rail transport operators that are (a) a tourist and heritage railway operator, or (b) not part of the National Network for Interoperability are not required to comply with the requirements stipulated in the amendments to Schedule 1 of the *Rail Safety National Law National Regulations 2012* (clause 5 of the present amendment regulations). This clause also defines the National Network for

Interoperability and tourist and heritage railway operators for the purposes of the *Rail Safety National Law National Regulations 2012*.

Clause 5 Amendment of Schedule 1 – Content of safety management system

This clause amends the *Rail Safety National Law National Regulations 2012* to add an additional clause 20A “Interoperability of railway operations” to Schedule 1 “Content of safety management system” to require an eligible rail transport operator to include an interoperability management plan as part of their Safety Management System. This clause outlines interoperability matters as it relates to the *Rail Safety National Law National Regulations 2012* and requirements of interoperability management plans.

Schedule 1 Transitional provision

This schedule provides for a transition period from commencement on 1 November 2025 to 28 February 2026.