

Australian Capital Territory

# Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017 (No )

Subordinate law SL[2018]–

made under the

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

## EXPLANATORY STATEMENT

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### Introduction

This explanatory statement relates to the *Heavy Vehicle (General) National Amendment Regulation* (the Amendment Regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation. 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 regulation. It is not, and is not meant to be, a comprehensive description of the regulation. 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* (SA). 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 *Rail Safety National Law (South Australia) Act 2012* (SA), schedule, 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 Ministers sitting as the Transport and Infrastructure Council, are progressed through the South Australian Parliament and apply automatically in the ACT. Amendments to the Rail Safety National Law Regulations are also automatically adopted in the ACT. However, the national regulations are required to be presented to the Legislative Assembly within

six sitting days of being notified on the NSW Legislation website to have effect in the ACT (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 this regulation.

### **Amendments by the *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulation***

The *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017* amends section 56 and schedule 3 of the Rail Safety National Law regulations. In November 2016 the Transport and Infrastructure Council approved a revised cost recovery model for the national rail safety regulator. As a result, the requirement to report information in an annual return is not required from 1 July 2017 and all information required under section 56 will need to be reported monthly.

This Regulation was published on the NSW website on 9 June 2017 and commenced on 1 July 2017 in all jurisdictions where the Rail Safety National Law applies, including the ACT.

### **Notes on clauses**

#### **Part 1 Preliminary**

##### **Clause 1 Short title**

This clause provides that the regulation may be cited as the *Rail Safety National Law National Regulations (Fees and Returns) Variation Regulations 2017*.

##### **Clause 2 Commencement**

This clause provides that the regulation commences on 1 July 2017.

##### **Clause 3 Variation provisions**

This clause sets out the provisions being amended by this Regulation.

#### **Part 2 Variation of *Rail Safety National Law National Regulations 2012***

##### **Clause 4 Variation of regulation 56—Periodic information to be supplied**

This clause amends section 56 to clarify the information that is required to be contained in a monthly return to the Regulator and removes a requirement to report monthly on the number of employees of a rail transport operator that were engaged to undertake rail safety work.

**Clause 5****Variation of Schedule 3—Fees**

This clause provides an increase in the annual fees payable by a rail transport operator, in accordance with the cost recovery model agreed by the Transport and Infrastructure Council, to address the capacity of the Office of the National Rail Safety Regulator to undertake regulatory oversight.