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REGULATOR

safe and reliable transport services for new south wales

Information Alert



RAIL SAFETY BILL 2008 INTRODUCED INTO NSW PARLIAMENT

NSW Minister for Transport, David Campbell, introduced the *Rail Safety Bill* into Parliament on Wednesday, 24 September 2008.

Debate on the Bill was adjourned for a future date. To view the Bill and the Minister's 'Agreed to in Principle' speech go to (www.parliament.nsw.gov.au) and follow the links to Bills and Hansard & Papers

The *Rail Safety Bill* introduces duties of safety in relation to railway operations based on the National Model Rail Safety Legislation. That is, the general duties of safety in the *Rail Safety Bill* will have the element of "reasonable practicability" in the body of the general duty offence.

Consistent with the National Model rail safety law, the NSW Bill will include guidance on what is required by a duty holder to ensure safety so far as is reasonably practicable.

Under the NSW Bill it will be for the defendant to prove, on the civil standard, that they did everything reasonably practicable in eliminating or minimising risks to the safety of their railway operations.

The New South Wales Occupational Health and Safety law will continue to apply to NSW rail operators, including in relation to their duties around workplace safety.

However, where there is any overlap or conflict between the Occupational Health and Safety provisions and the Rail Safety provisions, the Occupational Health and Safety legislation will apply.

ITSRR and WorkCover will continue to have arrangements in place to ensure that the most appropriate agency leads any investigation into breaches of safety obligations that overlap Occupational Health and Safety legislation.

Carolyn Walsh
Chief Executive