



Information Alert



RAIL SAFETY ACT 2008 AND REGULATIONS COMMENCE 1 JANUARY 2009

The *Rail Safety Act 2008* commences on **1 January 2009**. It replaces the *Rail Safety Act 2002* and implements the National Model Rail Safety legislation in NSW.

The *Rail Safety (General) Regulation 2008*, *Rail Safety (Drug and Alcohol Testing) Regulation 2008* and *Rail Safety (Offences) Regulation 2008* will replace the 2003 Regulations.

Transitional arrangements for some requirements

As advised in the Information Alert issued on 3 December 2008 ([New rail safety act expected to commence in NSW on 1 January 2009](#)), the following transitional arrangements apply:

- Continuing accredited operators will have 12 months to comply with the **safety management system** (SMS) requirements. The *Rail Safety (Safety Management Systems) Guideline 2006 – No 1* will apply during the transition.
- Rail infrastructure managers of **private sidings** will have 2 years to register private sidings.
- Requirements in relation to **rail or road crossings interface coordination agreements** between rail infrastructure managers and roads authorities will come into effect in 3 years.
- New **competency** requirements will come into effect in 2 years. The *Guidelines for Certification of Competency* will apply during the transition.

Current accredited operators

Operators who require accreditation under the *Rail Safety Act 2008* **do not need to reapply** for accreditation but will be issued with a new notice of accreditation in the months after the Act has commenced.

Existing notices of accreditation will continue to apply until new notices have been issued. Any current conditions and/or restrictions of accreditation and outstanding statutory notices will be carried over to the new notice of accreditation.

ITSRR is reviewing all current accreditation notices to assess which operators need to be accredited under the *Rail Safety Act 2008*. Operators will be contacted progressively over the next few months.



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Forms

Various forms available on ITSRR's website (including the application for accreditation; and notifications for changes to railway operations, occurrences and drug and alcohol testing incidents) have been updated in line with the *Rail Safety Act 2008*. The forms can be accessed by going to the Publications menu on the website homepage.

More information

New fact sheets on key topics are available on ITSRR's website – go to www.transportregulator.nsw.gov.au and look under the Publications tab on the menu. Additional fact sheets will be published over the coming weeks.

ITSRR will conduct an industry information session in Sydney in early February 2009 in Sydney. Further details will be provided in January 2009.

In the meantime, if you have questions, email ITSRR at contact@transportregulator.nsw.gov.au or call Natalie Pelham on (02) 8263 7192 or Celia Murphy on (02) 8263 7123.

ITSRR Christmas/New Year operating hours

ITSRR's office will be closed from 25 December 2008 to 2 January 2009 inclusive. In the event of a rail-related emergency during this time, contact the duty officer on 1800 725 546.

Carolyn Walsh
Chief Executive