

## Changes to the Rail Safety National Law 2014

From 1 July 2015 changes to the Rail Safety National Law (RSNL) and National Regulations will apply. The changes were approved by Ministers in November 2014. A summary of the changes as they will apply to accredited and registered operators is provided here.

Provision	Description of the change	Who is impacted
<p><b>Drug and alcohol reporting</b> Amendment of regulation 56(1)(a)(i) Amendment of regulation 57(1)(b)(xxi) New regulation 57(1)(b)(xxia)</p>	<p>Accredited operators are required to report:</p> <ul style="list-style-type: none"> <li>- positive drug or alcohol test results by a rail safety worker (either contracted or directly employed)</li> <li>- refusals by a rail safety worker (either contracted or directly employed) to submit to testing</li> </ul> <p>These are required in both monthly returns and written notifiable occurrence reports (Category B).</p>	<p>Accredited operators (for testing under their drug and alcohol management plan)</p>
<p><b>Suspension for not paying annual fees</b> Amendment of section 76</p>	<p>The process for suspending an accredited operator for failing to pay their annual fees is now prescribed in the Act. This will impact accredited operators who do not pay their annual fees after notice has been given by the ONRSR.</p>	<p>Accredited operators</p>
<p><b>Annual activity statements</b> New section 96A and section 233 (4A)</p>	<p>The broad requirements for content and timeframes are now prescribed in the RSNL. These requirements do not represent a significant change as they reflect what is currently being reported, however penalties may now be applied (including an infringement fine). Current reporting dates specified in the operator's notice of registration will continue to apply, unless otherwise agreed.</p>	<p>Registered persons (rail infrastructure managers of private sidings)</p>

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<p><b>Power to waive exemption fees</b> New section 214A</p>	<p>The ONRSR now has the power to waive or refund fees payable under part 6, division 2. This power already existed for accreditation and registration application fees.</p>	<p>Accredited and registered operators</p>
<p><b>Powers to obtain information</b> New section 168A Deletion of section 20(4)</p>	<p>ONRSR rail safety officers can obtain documents without the limitation of entering a premise (s168A); and under s20 the Regulator can require a person to appear without having to first request and receive written information.</p>	<p>Accredited and registered operators</p>
<p><b>Change in terminology</b> Multiple changes throughout</p>	<p>The term 'revoke' has been replaced by 'cancel', and 'revoked' to 'cancelled' throughout the legislation. This creates consistency throughout the RSNL.</p>	<p>Accredited and registered operators</p>

### Where to find the legislation

The *Rail Safety National Law (South Australia) (Miscellaneous) Amendment Act 2015* is available at <http://www.austlii.edu.au/au/legis/sa/bill/rsnlaab2015634/>

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