




Speech By
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MEMBER FOR TOOWOOMBA SOUTH

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RAIL SAFETY NATIONAL LAW (QUEENSLAND) BILL

 **Mr JANETZKI** (Toowoomba South—LNP) (7.51 pm): The passing of the Rail Safety National Law (Queensland) Bill 2016 will achieve the outcomes sought by the intergovernmental agreement from 2011 relating to the harmonisation of rail safety regulation and investigation. The Rail Safety National Law currently applies in all states and territories and in Queensland.

The bill will repeal the Transport (Rail Safety) Act 2010 and amend numerous other Queensland acts, including the Coal Mining Safety and Health Act 1999 and the Work Health and Safety Act 2011, to guarantee that the Rail Safety National Law prevails over those acts to the extent that both may apply. The Queensland Rail Transit Authority Act 2013 will also need to be amended to clarify the operation of the Rail Safety National Law to Queensland Rail Limited and the Queensland Rail Transit Authority.

A range of benefits will come from this harmonisation. Rail safety in Queensland will no longer be regulated by the Department of Transport and Main Roads. Going forward, the Office of the National Rail Safety Regulator, ONRSR, will manage rail safety. The objectives of the ONRSR include the facilitation of safe operations of rail transport; to exhibit independence, rigour and excellence in carrying out their regulatory functions; and the promotion of safety improvements in the management of rail transport throughout Queensland. An office will be established in Queensland. There will be challenges to address various administrative hurdles in rail safety regulations, and it is hoped that they will be swiftly overcome.

As part of the national rail safety investigation reforms project, in 2013 the Australian Transport Safety Bureau became the national no-blame safety investigator. In the future, all no-blame rail safety investigations on intrastate tracks will be conducted by the ATSB. It will also have a role in selectively investigating some accidents where the outcome of those investigations might enhance rail safety.

Currently, Queensland police officers may drug and alcohol test train drivers. The bill will expand drug and alcohol testing to all rail safety workers including train drivers. The law will demand the highest standards, with any person exhibiting any alcohol reading committing an offence. Now it will be not just Queensland police officers testing rail safety workers. Testing will randomly also be undertaken by the ONRSR, thereby providing a second line of defence to assist in the safeguarding of Queenslanders.

Benefits will also accrue from the ONRSR being obliged to undertake a cost-benefit analysis if a decision is likely to result in significant costs or expenses to rail transport operators. The best public policy is always built on strong analysis. Let us hope that it bears out in practice.

Rail transport operators have the primary safety responsibility for the loading or unloading of rolling stock under existing regulation. There are no particular obligations imposed on parties engaged in the loading or unloading of rolling stock. The bill recognises that there is now a shared responsibility for safety, and a new duty with an associated penalty framework will be brought into effect for any parties loading or unloading rail freight.

These rail safety harmonisation laws will benefit all rail transport operators by introducing consistent national requirements while diminishing the overarching regulatory burden. I support the bill before the House.