



Rail Safety (General) Amendment (Disclosure of Information) Regulation 2003

under the

Rail Safety Act 2002

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2002*.

CARL SCULLY, M.P.,
Minister for Transport

Explanatory note

The object of this Regulation is to enable train safety records to be disclosed, published and communicated for the purposes of the Special Commission of Inquiry being held into the Waterfall train accident.

This Regulation is made under the *Rail Safety Act 2002*, including sections 72 and 73 and section 117 (the general regulation-making power).

2003 No 222

Clause 1 Rail Safety (General) Amendment (Disclosure of Information) Regulation
2003

Rail Safety (General) Amendment (Disclosure of Information) Regulation 2003

under the

Rail Safety Act 2002

1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Disclosure of Information) Regulation 2003*.

2 Amendment of Rail Safety (General) Regulation 2003

The *Rail Safety (General) Regulation 2003* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 2)

Clause 62A

Insert after clause 62:

62A Disclosure of train safety records

- (1) For the purposes of section 72 (2) (c) of the Act, a train safety record (other than a train safety recording) may be disclosed or produced to the Commissioner of the Waterfall Special Commission of Inquiry, or a person assisting or acting on behalf of the Commissioner or that Special Commission, during or for the purposes of proceedings of that Special Commission.
- (2) For the purposes of section 73 (e) of the Act, a train safety recording, or any information obtained from a train safety recording, may be published or communicated:
 - (a) to the Commissioner of the Waterfall Special Commission of Inquiry, or a person assisting or acting on behalf of the Commissioner or that Special Commission, during or for the purposes of proceedings of that Special Commission, and
 - (b) by the Commissioner or any such person during or for the purposes of proceedings of the Waterfall Special Commission of Inquiry or in any report of the Commissioner related to that Special Commission.
- (3) In this clause:

Waterfall Special Commission of Inquiry means the Special Commission of Inquiry established by letters patent on 3 February 2003 under the *Special Commissions of Inquiry Act 1983* authorising the Honourable Peter Aloysius McInerney to inquire into certain matters.
- (4) In this clause, a reference to a train safety record or a train safety recording includes a reference to a part of any such record or recording.