



Rail Safety (General) Amendment (Disclosure of Information) Regulation 2012

under the

Rail Safety Act 2008

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Rail Safety Act 2008*.

GLADYS BEREJIKLIAN, MP
Minister for Transport

Explanatory note

The object of this Regulation is to authorise the disclosure or communication by certain persons of certain information obtained in the administration of the *Rail Safety Act 2008* to the National Rail Safety Regulator Project Office and the Office of the National Rail Safety Regulator.

This Regulation is made under the *Rail Safety Act 2008*, including sections 77, 78, 162 and 174 (the general regulation-making power).

2012 No 527

Clause 1 Rail Safety (General) Amendment (Disclosure of Information)
Regulation 2012

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1 Name of Regulation

This Regulation is the *Rail Safety (General) Amendment (Disclosure of Information) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Rail Safety (General) Regulation 2008

Clause 44A

Insert after clause 44:

44A Disclosure of certain information to National Rail Safety Regulator Project Office or Office of the National Rail Safety Regulator

- (1) For the purposes of sections 77, 78 and 162 (2) (f) of the Act, an authorised person is authorised to disclose or communicate information (including information given in confidence) in the possession or control of the Independent Transport Safety Regulator, and obtained in connection with the administration of the *Rail Safety Act 2008*, to:
 - (a) the National Rail Safety Regulator Project Office, or
 - (b) the Office of the National Rail Safety Regulator, or
 - (c) any person authorised on behalf of the National Rail Safety Regulator Project Office or the Office of the National Rail Safety Regulator to receive such information.
- (2) Such an authorised person may disclose or communicate that information:
 - (a) at the initiative of the Independent Transport Safety Regulator, or
 - (b) at the request of the National Rail Safety Regulator Project Office, or
 - (c) at the request of the Office of the National Rail Safety Regulator.
- (3) In this clause:

authorised person means any of the following:

 - (a) the Independent Transport Safety Regulator,
 - (b) a person authorised by the Independent Transport Safety Regulator to disclose or communicate information in accordance with this clause,
 - (c) a person who is a delegate of the Independent Transport Safety Regulator,
 - (d) a person who is employed by, or engaged to provide services to or on behalf of, the Independent Transport Safety Regulator,

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- (e) a person who is employed by, or engaged to provide services to, a person or body engaged to provide services to the Independent Transport Safety Regulator.

Independent Transport Safety Regulator means the Independent Transport Safety Regulator constituted under the *Transport Administration Act 1988*.

National Rail Safety Regulator Project Office means the National Rail Safety Regulator Project Office:

- (a) formed to oversee and facilitate the development and establishment of the Office of the National Rail Safety Regulator and the National Rail Safety Investigator under the Rail Safety National Law, and
- (b) that is responsible to the Rail Safety Regulation Reform Project Board, which is a subgroup of the Transport and Infrastructure Senior Officials' Committee, and
- (c) that is hosted by the South Australian Department for Planning, Transport and Infrastructure.

Office of the National Rail Safety Regulator means the Office of the National Rail Safety Regulator established under the Rail Safety National Law.

Rail Safety National Law means the Rail Safety National Law set out in the Schedule to the *Rail Safety National Law (South Australia) Act 2012* of South Australia.