

South Australia

# Rail Safety National Law (South Australia) (Transitional Arrangements) Regulations 2012

under section 32 of the *Rail Safety National Law (South Australia) Act 2012*

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## Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Rail safety officers
- 5 Authorised persons
- 6 Assessment of competence
- 7 Refund of fees

## Legislative history

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### 1—Short title

These regulations may be cited as the *Rail Safety National Law (South Australia) (Transitional Arrangements) Regulations 2012*.

### 2—Commencement

These regulations will come into operation on the day on which Part 5 of the *Rail Safety National Law (South Australia) Act 2012* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Rail Safety National Law (South Australia) Act 2012*;

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

*relevant day* means the day on which the *Rail Safety Act 2007* is repealed;

*repealed Act* means the *Rail Safety Act 2007*.

### 4—Rail safety officers

- (1) A person holding an appointment as an authorised officer under section 22 of the repealed Act immediately before the relevant day will, for a period of 6 months commencing on the relevant day, be taken to hold an appointment as a rail safety officer under Part 4 Division 2 of the Law subject to such conditions as applied to the appointment under the repealed Act and subject to any variations or new conditions, as the Regulator may, by notice in writing to the officer, determine.

- (2) An identification card held by an authorised officer immediately before the relevant day for the purposes of the repealed Act will be taken to have been issued by the Regulator for the purposes of the Act.

### **5—Authorised persons**

- (1) A person holding an appointment as an authorised person under Schedule 2 clause 2 of the repealed Act immediately before the relevant day will, for a period of 6 months commencing on the relevant day, be taken to hold an appointment as an authorised person under Part 3 Division 9 of the Law subject to such limitations as applied to the appointment under the repealed Act, and subject to any variations or new conditions, as the Regulator may, by notice in writing to the person, determine.
- (2) A certificate of appointment held by an authorised person immediately before the relevant day for the purposes of the repealed Act will be taken to be the identification card issued by the Regulator for the purposes of the Act.

### **6—Assessment of competence**

The competence of a rail safety worker that has, immediately before the relevant day, been assessed in accordance with section 69 of the repealed Act will, for a period of 24 months commencing on the relevant day, be taken to have been assessed in accordance with section 117 of the Law.

### **7—Refund of fees**

If a rail transport operator, immediately before the relevant day, holds an accreditation under the repealed Act in respect of railway operations carried out by or on behalf of the operator but is not, on the commencement of this regulation, required to hold an accreditation under the Law with respect to the same operations, the Minister may, in his or her absolute discretion, refund the whole or any part of a fee paid by the person with respect to the accreditation under the repealed Act.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2012	257	<i>Gazette 13.12.2012 p5600</i>	20.1.2013: r 2