

South Australia

# **Rail Safety National Law National Regulations (Fees) Variation Regulations 2013**

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

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Rail Safety National Law National Regulations (Fees) Variation Regulations 2013*.

### **2—Commencement**

These regulations will come into operation on 1 July 2013.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Rail Safety National Law National Regulations 2012***

### **4—Variation of Schedule 3—Fees**

- (1) Schedule 3—before its present contents insert:

#### **Part 1—Application fees**

- (2) Schedule 3—after its present contents (as varied by subregulation (1)) insert:

## **Part 2—Annual fees**

### **1—Annual fees**

- (1) Pursuant to section 76(1) of the Law, the annual fee payable by an accredited person in respect of a financial year is to be calculated by adding the fixed component (*F*) to the relevant variable component (*V*) for each of the jurisdictions in which the accredited person carries out railway operations. For example, if the accredited person carries out railway operations in 4 jurisdictions in a financial year, the annual fee payable in respect of that year would be calculated as follows:

$$A = F + V_{\text{jurisdiction 1}} + V_{\text{jurisdiction 2}} + V_{\text{jurisdiction 3}} + V_{\text{jurisdiction 4}}$$

where—

*A* is the annual fee

*F* is the fixed component (\$15 000) of the annual fee

**Note—**

If an accredited person is both a rail infrastructure manager and a rolling stock operator, the fixed component of the annual fee is payable only once in respect of each financial year.

*V*, in respect of a particular jurisdiction, is the variable component of the annual fee (see explanation and formula set out below as to how to calculate the variable component)

The variable component (*V*), in respect of each jurisdiction in which the accredited person carries out railway operations, is the product of the relevant rates as set out in the table below and either (or both) of the following as relevant:

- (a) in the case of an accredited person who is a rail infrastructure manager—the number of kilometres of track over which the manager has effective management and control within the jurisdiction;
- (b) in the case of an accredited person who is a rolling stock operator—the number of kilometres travelled within the jurisdiction by trains over which the operator has effective management and control,

and is to be calculated as follows:

$$V_{\text{jurisdiction}} = (T \times R_T) + (t \times R_t)$$

where—

*V*, in respect of a particular jurisdiction, is the variable component of the annual fee

*T* is the kilometres of track managed by a rail infrastructure manager

$R_T$  is equal to the rate per kilometre of track managed by a rail infrastructure manager

$t$  is the kilometres travelled by trains of a rolling stock operator

$R_t$  is equal to the rate per kilometre travelled by trains of a rolling stock operator

	ACT	NSW	NT	SA	TAS	VIC
Rate per kilometre of track managed by a rail infrastructure manager (\$/km) ( $R_T$ )	90.19	90.19	28.99	100.33	54.52	31.71
Rate per kilometre travelled by trains of a rolling stock operator (\$/km) ( $R_t$ )	0.033	0.033	0.069	0.061	0.106	0.011

- (2) Pursuant to section 95(1) of the Law, the annual fee payable by a registered person is \$500 (regardless of the number of private sidings in respect of which the person is registered and the participating jurisdiction or participating jurisdictions in which the private sidings are located).
- (3) For the purposes of section 76(2) and 95(2) of the Law, the prescribed date for the payment of annual fees is 31 October in each year.
- (4) For the purposes of section 76(4)(d) and 95(4)(d) of the Law, an additional fee of an amount equivalent to 15% of the annual fee is payable if the annual fee is not paid on or before the prescribed date.

**Made by the Governor**

on the unanimous recommendation of the responsible Ministers and with the advice and consent of the Executive Council  
 on 27 June 2013

No 172 of 2013

MTR13/016SC