
GENERAL NOTICE

NOTICE 622 OF 2008

DEPARTMENT OF TRANSPORT

NOTICE OF INTENTION TO INTRODUCE THE BILL INTO PARLIAMENT

The Minister of Transport intends introducing the Bill listed below into Parliament during the third term of 2008.

National Railway Safety Regulator Amendment Bill, 2008.

The objects of the Bill are as follow;

To-

amend the National Railway Safety Regulator Act, 2002 to amend certain definitions and to insert a new definition; to include unsafe behaviour as well as conditions in the scope of the Act; to empower the Minister to include monorail systems, trams, systems running on pneumatic tyres and railways running on narrow gauges in the ambit of the Act; to allow the Regulator to exempt railways rather than the Minister; to make it clear that operators remain responsible for railway safety; to remove the duty to promote the use of rail directly from the Regulator's objects; to allow the Regulator to enter into more informal arrangements with role players rather than only having to conclude formal agreements; to clarify the role of operator associations; to clarify the role of the Regulator in relation to the transportation of dangerous goods by rail; to delete a duplicated paragraph; to provide that Minister of Finance will no longer have to approve the terms and conditions of service of the Chief Executive Officer (CEO); to require the Regulator's annual report to be submitted within five months after the financial year end rather than three, in line with the Public Finance Management Act; to provide that the CEO may appoint staff members rather than the Board; to provide that the Minister will no longer be required to approve conditions of service of staff members; to empower the CEO to delegate his or her powers and duties; to provide that the Regulator's funds will include penalties and fees; to provide that the Regulator may charge fees for administering safety permits; to clarify the types of permits in connection with which standards may be imposed; to empower the Minister to make regulations to adopt and accept existing standards as well as to develop new ones; to provide that the CEO rather than the Minister may appoint inspectors; to empower inspectors to audit, inspect and investigate the transportation of dangerous goods prior to their transportation by rail should a railway occurrence have happened; to provide that operators must investigate railway occurrences and to empower the Regulator to take steps if they fail to do so; to empower the Board of the Regulator to subpoena witnesses and documents in connection with investigations; to clarify the circumstances in which the Regulator may request information; to empower the Minister to make regulations for the payment of penalties by operators who default; and to provide for incidental matters.

Subsequent to the introduction of the Bill into Parliament, copies of the Bill can be obtained from;

The Department of Transport

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