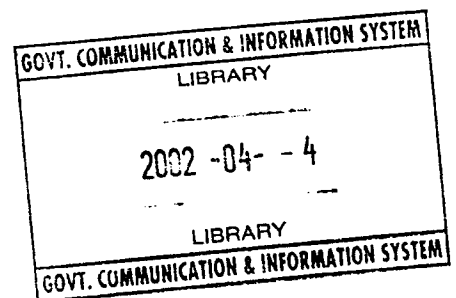


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NATIONAL RAILWAY SAFETY
REGULATOR BILL**

[B 7—2002]

*(As agreed to by the Portfolio Committee on Transport
(National Assembly))*



[B 7A—2002]

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AMENDMENTS AGREED TO

NATIONAL RAILWAY SAFETY REGULATOR BILL
[B 7—2002]

CLAUSE 1

1. On page 5, after line 24, to insert:
 - (iv) “human factors” means factors which include the perceptual, physical and mental capabilities of people and the interaction of individuals with their job and working environments, the influence of equipment and system design on human performance, and the organisational characteristics that influence safety-related behaviour at work;
2. On page 5, in line 29, to omit “track structure” and to substitute “civil infrastructure”.
3. On page 5, from line 29, to omit “overhead electrification equipment” and to substitute “electric traction infrastructure”.
4. On page 5, in line 49, after “such” to insert “which could include criminal activity”.
5. On page 6, in line 5, after “circumstances” to insert “, and does not include security”.
6. On page 6, after line 5, to insert:
 - (xix) “security” means freedom from intentional harm or damage to persons or property;
 - (xx) “safety” means the lack of railway occurrences, fatalities, injuries or damage within railway operations;
7. On page 6, in line 30, to omit “rule or”.
8. On page 6, in line 38, after “which” to insert “illness or injury to, or death of,”.
9. On page 6, from line 38, to omit “could be injured or which could cause illness to a person”.

CLAUSE 2

1. On page 6, in line 53, to omit “harmonise” and to substitute “promote the harmonisation of the”.

CLAUSE 6

1. On page 7, in line 33, to omit “including” and to substitute “in particular”.
2. On page 7, in line 34, after “Labour” to insert “and the National Department of Safety and Security,”.

CLAUSE 7

1. On page 8, after line 55, to insert:

 (p) collect and disseminate information relating to safe railway operations; and

CLAUSE 8

1. On page 9, in line 12, to omit “proven managerial capabilities and have”.
2. On page 9, after line 17, to insert:

 (v) transportation of dangerous goods;
3. On page 9, after line 26, to insert:

 (vi) the Department of Safety and Security.

CLAUSE 14

1. On page 12, in line 30, after “Minister” to insert “within one month of approval of the minutes”.

CLAUSE 15

1. On page 12, in line 40, to omit the second “the” and to substitute “an”.
2. On page 12, in line 41, after “association,” to insert “organised labour,”.

CLAUSE 18

1. On page 13, in line 24, to omit “January” and to substitute “April”.
2. On page 13, from line 24, to omit “December of that year” and to substitute “March of the following year”.
3. On page 13, from line 25, to omit “December of that year” and to substitute “March”.

CLAUSE 22

1. On page 13, in line 48, after “undertake” to insert “any”.

CLAUSE 23

1. On page 14, in line 11, to omit “prescribed form” and to substitute “format determined by the Regulator”.

CLAUSE 24

1. On page 14, in line 47, to omit “, subject to subsection (3),”.

CLAUSE 29

1. On page 15, in line 42, to omit “Minister” and to substitute “board”.

CLAUSE 30

1. On page 16, from line 9, to omit paragraphs (b), (c) and (d) and to substitute:
 - (b) any matter relating to the design, construction, manufacture, alteration, commissioning, maintenance and operation of rolling stock, infrastructure and stations;
 - (c) human factors and requisite skills;
 - (d) the safety of persons, including persons with disabilities, on board stationary or moving rolling stock, infrastructure or at a station;
2. On page 16, after line 17, to insert:
 - (f) any other safety-related matter that the Minister considers necessary.

CLAUSE 31

1. On page 16, after line 30, to insert:
 - (h) security matters;

CLAUSE 32

Clause rejected.

CLAUSE 34

1. On page 17, from line 10, to omit subsection (1) and to substitute:
 - (1) A railway safety inspector may, at any time, enter or cross property under control of an operator in order to carry out—
 - (a) an inspection;
 - (b) an audit of the operator’s safety management system, in respect of railway operations provided for under a safety permit.
2. On page 17, in line 15, to omit “on the”.
3. On page 17, from line 15, to omit all the words after “notice,” up to and including “necessary” in line 17 and to substitute:

enter a property under the control of an operator
4. On page 17, in line 21, to omit “accurate” and to substitute “inaccurate”.
5. On page 17, from line 22, to omit subsections (3) and (4).

CLAUSE 39

1. On page 18, after line 26, to insert:
 - (4) The board may disseminate any information that it considers to be in the public interest.

CLAUSE 40

1. On page 18, in line 44, to omit “may” and to substitute “must”.
2. On page 18, after line 48, to insert:
 - (b) railway occurrences;
 - (c) security matters;
 - (d) occupational health and safety matters; and

CLAUSE 44

1. On page 19, in line 24, before “safety” to insert “railway”.
2. On page 19, in line 30, to omit “for another decision”.
3. On page 19, in line 30, after “inspector” to insert “with the decision of the chief executive officer.”

CLAUSE 45

1. On page 19, in line 43, to omit “for another decision”.
2. On page 19, in line 43, after “officer” to insert “with the decision of the board”.

CLAUSE 46

1. On page 20, after line 9, to insert:
 - (3) Any person who contravenes or fails to comply with any other section of this Act is guilty of an offence.
 - (4) A person convicted of an offence in terms of subsection (3) is liable on conviction to a fine or imprisonment for a period not exceeding five years, or to both a fine and such imprisonment.

CLAUSE 59

1. On page 22, in line 39, to omit “and” and to substitute “or”.

PREAMBLE

1. On page 2, in line 12, after “safety” to insert:

ACKNOWLEDGING that railway safety has a relationship with occupational health and safety and with security;

ACKNOWLEDGING that safety and security matters are interconnected and that the regulator has a primary role to play in safe railway operations and a supporting role in occupational health and safety, and security;
2. On page 2, in line 13, to omit “involved” and “safe” and to substitute “that have a role to play”.
3. On page 2, in line 22, to omit “their” and to substitute “railway”.

4. On page 2, in line 24, to omit “railway safety” and to substitute “safe railway operations”.
5. On page 2, in line 25, to omit “harmonise” and to substitute “promote the harmonisation of”.