



AUSTRALASIAN RAILWAY ASSOCIATION INC

Association Number A03958 ABN 64 217 302 489

22 September 2011

Mr Gary Banks AO
Chairman
Productivity Commission
Level 12, 530 Collins Street
MELBOURNE VIC 3000

Dear Chairman

**RAIL INDUSTRY CONCERN ABOUT PRODUCTIVITY COMMISSION REPORT –
IMPACTS OF COAG REFORMS 30 AUGUST 2011**

I refer to the recent Productivity Commission Report titled "Impacts of COAG reforms – business regulation, and vocational education and training and transitions from school – Circular COAG 1".

In this report at page 3, a summary of Reforms is provided under the heading "Progress with Implementation". Rail Safety Regulation is reported as being in the category of "Reforms fully or largely complete". Industry strongly disagrees with this categorisation of the status of reform in Rail Safety Regulation.

Whilst rail safety legislation has indeed been passed in every jurisdiction, there has been no State or Territory that has adopted the legislation in a manner that replicates the full intent of the model legislation.

The variances are not insignificant. A few examples are detailed below:

1. Victoria – legislation was passed even before the National Model Legislation was approved. A significant variation example is around the notion of including "loading and unloading" of rolling stock in the definition of rail safety work. This was not in the Model legislation and made a significant impact on the extent of safety duties for Industry.
2. Queensland – drug and alcohol management provisions were not included in the Queensland legislation, contrary to the Model Legislation.

3. New South Wales – this state established a schedule in the Regulations that enshrined fixed shift limits and rest periods for train drivers, again contrary to the Model legislation with very significant impacts on rail operations.
4. Fees – these varied across all jurisdictions

Industry requests that a correction be made to the Productivity Commission Circular COAG 1 dated 30 August 2011 to note that the Rail Safety Regulation reform is in the category of “substantial progress” as opposed to “fully or largely complete”.

We look forward to your advice.

Yours sincerely

Bryan Nye
CEO
Australasian Railway Association