

# RAIL SAFETY REGULATION SAFETY ALERT

## NOTICE TO ACCREDITED RAIL TRANSPORT OPERATORS

### THIS ADVICE IS EFFECTIVE IMMEDIATELY

#### 03/12 – Rail Corridors on Mine Sites

### Background

The *Transport (Rail Safety) Act 2010* (TRSA) prescribes for rail safety obligations related to particular work undertaken within rail corridors. The Department of Transport and Main Roads, the Queensland Mines Inspectorate and Workplace Health and Safety Queensland have obligations relating to rail corridors which are on, adjacent to, or contiguous with a mine.

The TRSA covers ‘rail operations, rail safety work or other activities associated with railway operations’. Importantly, the TRSA outlines how ‘associated track structures’ and ‘rail infrastructure’ are regulated. The *Coal Mining Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999* respectively apply to mining operations at mines. The TRSA does not apply to railway operations, rail safety work or another activity relating to a railway that is part of, or used solely for, mining operations and is not connected to a railway used to transport passengers or freight.

However, for railways to which the TRSA applies, in conjunction with the *Work Health and Safety Act 2011*, there are safety obligations for the construction, maintenance, operation and modification of associated track structures. For example, a train load-out facility on a mine site may interface with a railway in order to enable the loading of product into rolling stock. Such a facility may enable safe railway operations by preventing excess product from derailing rolling stock. This type of facility may fall into the category of an ‘associated track structure’ and, accordingly, may be regulated by the TRSA. Depending upon the circumstances, the rail transport operator may have specific obligations under a number of acts.

The existence of a rail corridor may not automatically invoke the TRSA. For example, a conveyor will carry coal to a train load-out facility which then loads the coal into rolling stock. Although part of the conveyor may be within the rail corridor, the conveyor works in association with the load-out facility and may not be in the immediate vicinity of a railway track.

An incident within a rail corridor that is on, adjacent to, or contiguous with a mine may involve investigators from the Queensland Mines Inspectorate, Workplace Health and Safety Queensland and the Department of Transport and Main Roads’ Rail Safety Regulation Branch.

### Action

Rail transport operators should seek independent legal advice regarding the suite of legislation applicable to the particular circumstances relating to their railway operations.

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