

SESSION: THE ROLE OF THE REGULATOR IN RAIL TRANSPORT SAFETY

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This presentation was in the form of an overhead projector display. The text below has been written by the editor using the overhead projection slides as its basis

Railway Safety in New Zealand is based primarily upon two Acts of Parliament:

- The Transport Services Licensing Act 1989
- The Transport Services Licensing Amendment Act 1992

Other relevant Acts are:

- Railway Safety and Corridor Management Act 1992
- Health and Safety in Employment Act.

In order to gain a rail service licence, the 1992 Amendment Act requires that:

- *"Every application made under Section 6 of this Act for a rail service licence shall be accompanied by a description of the proposed safety system"*
- *"The operator of any rail service licence is to notify the LTSA of any accident or incident that occurs under the operator's management"*

The Director, LTSA, is responsible for administering the Act on behalf of the New Zealand Government.

The requirement is to promote railway safety "at a reasonable cost." Such safety requirements are based on the principle of co-regulation, with the regulations being appropriate to the scale of the operator's operations. The LTSA does not set technical standards, but does set minimum standards for the scope and content of the operator's safety system. Overall this is governed by the maxim "The person who creates the risk, carries the responsibility".

Railways in New Zealand have traditionally been departments of Government, and as a result have been self-regulating.