

Memorandum of Understanding

Establishing regulatory responsibilities in the transportation of dangerous goods by rail in Queensland

between

Queensland Department of Transport and Main Roads

and

Queensland Department of Education

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Document control options

Departmental approvals

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Title	Memorandum of Understanding – Establishing regulatory responsibilities in the transportation of dangerous goods by rail between Department of Transport and Main Roads (Land Transport Safety and Regulation) and the Department of Education (Office of Industrial Relations)
Version	0.4
Status	Final
Branch & Division	Land Transport Safety and Regulation Branch, Customer Services, Safety & Regulation
DMS ref. no.	490/00170

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1. Introduction

1.1 Purpose

The purpose of this Memorandum of Understanding (MOU) is to formalise an agreement between the Department of Transport and Main Roads through Land Transport Safety and Regulation Branch and Department of Education through the Office of Industrial Relations about the establishment and communication of collaborative arrangements with responsibilities for safety in the rail industry in Queensland relating to the transportation of dangerous goods by rail.

This MOU seeks to:

- ensure that the Parties are aware of each other's regulatory obligations
- facilitate the provision of advice and the sharing of information between the Parties in a timely and efficient manner
- acknowledge the expertise of the Parties in their specific spheres of activity
- provide for a framework for cooperation between the Parties in relation to statutory, operational and administrative interactions
- recognise each Party's independent regulatory mandate and role.

1.2 Legislative scope

This MOU applies to all rail operations covered by the:

- *Transport Infrastructure Act 1994 (Chapter 14)*
- *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011.*

1.3 Related Memorandums of Understanding

Parties acknowledge the following related MOUs:

- Memorandum of Understanding between the Office of the National Rail Safety Regulator and Heads of Workplace Safety Authorities (HWSA).
- Memorandum of Understanding between the Office of the National Rail Safety Regulator and Dangerous Goods by Rail Competent Authorities (which includes the Department of Transport and Main Roads).

1.4 Parties to the Agreement

The Parties to this MOU are the:

- Department of Transport and Main Roads (Land Transport Safety and Regulation), and
- Department of Education (Office of Industrial Relations)

1.5 Definitions

Certain terms used in this MOU are defined in Schedule 1. However, if a term in Schedule 1 is defined by legislation, the definition in the relevant legislation, as amended from time to time, prevails over the definition in Schedule 1.

2. Responsible parties for this Memorandum of Understanding

2.1 Role of the parties

As the Dangerous Goods Competent Authority in Queensland, the Director-General (Chief Executive) for the Department of Transport and Main Roads is responsible for the compliance and enforcement of dangerous goods legislation.

The legislation for the safe transport of dangerous goods by rail is the *Transport Infrastructure Act 1994* and *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018*.

The Land Transport Safety and Regulation Branch, Department of Transport and Main Roads:

- is responsible for regulating the transportation of dangerous goods by rail under the *Transport Infrastructure Act 1994* and the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018*
- develops, implements and maintains state rail safety policy and legislation to enhance rail safety
- participates in the maintenance of national rail safety legislation
- reviews rail operator's incident reports for the transportation of dangerous goods by rail
- assesses applications for exemptions from rail operators responsible for the transport of dangerous goods by rail
- monitors the activities and safety outcomes of individual rail operators responsible for the transport of dangerous goods by rail
- coordinates and undertakes risk-based safety inspections of individual rail operators responsible for the transport of dangerous goods by rail.

Office of Industrial Relations (OIR), Department of Education

- The OIR includes the agencies of Workplace Health and Safety Queensland (WHSQ) and the Electrical Safety Office (ESO). The OIR administers the *Work Health and Safety Act 2011*, the *Safety in Recreational Water Activities Act 2011*, and the *Electrical Safety Act 2002*.
- WHSQ's goal is to foster safe and healthy work environments for all workers in Queensland. The key outcome is a reduction in work-related death, injury and illness in Queensland.

2.2 Nominated representatives of the parties

Department of Transport and Main Roads:

- General Manager, Land Transport Safety and Regulation

OIR, Department of Education

- Deputy Director-General, OIR

3. Co-operation between the parties

3.1 Advice and assistance

The Parties to which this MOU applies acknowledge that both the Department of Transport and Main Roads and OIR, Department of Education are the owners of this MOU.

The Parties agree to observe and comply with this MOU.

The Parties will provide advice and assistance to each other as required and agree to share technical capabilities and collectively develop such advice and guidance where appropriate.

Should each Party require advice, the Parties are to contact the nominated representative of the Party to discuss the issue and agree on a timeframe. Where assistance is provided, each Party will normally bear its own costs.

3.2 Policy development

The Parties acknowledge that issues concerning safety in transporting dangerous goods by rail require specific policy development for effective management, and therefore:

- agree to consult and collaborate, where appropriate, in relation to state based rail safety policy that may affect work health and safety
- agree to share information resources or interventions supporting rail safety policy
- agree that, so far as is practicable, standards, industry liaison bodies and consultative arrangements should be made as consistent and harmonious as is possible with respect to safety issues in the rail industry
- undertake to evaluate proposed legislative and/or policy changes to determine whether they will affect the operation and/or implementation of the MOU
- undertake to inform each other of all policy and legislative changes which may impact on the operation or implementation of the MOU
- undertake, where practicable and appropriate, to ensure that their respective policies are consistent with and supportive of this MOU
- agree that where proposed legislative and/or policy changes have the potential to affect the operation of the MOU, the agencies will work together to resolve these issues.

3.3 Incident notification

When one Party becomes aware of a Dangerous Situation that occurs in the transport of dangerous goods, the initial Party will notify the other Party in a timely manner via the following email address:

- Office of Industrial Relations: whsq.aaa@oir.qld.gov.au
- Land Transport Safety and Regulation Branch: railsafety@tmr.qld.gov.au

The Parties will advise each other in writing and in a timely manner if an investigation is to be conducted in response to these incidents.

- Office of Industrial Relations: whsq.aaa@oir.qld.gov.au
- Land Transport Safety and Regulation Branch: railsafety@tmr.qld.gov.au

3.4 Lead agent

The following table outlines the role of each Party in relation to rail related activities involving dangerous goods.

Lead Agent	Role
Land Transport Safety and Regulation Branch	<ul style="list-style-type: none"> • Regulate the safe transport of dangerous goods by rail in Queensland • Administer the Dangerous Goods by Rail legislation