

TRANSPORT PORTFOLIO — CORRESPONDENCE

5446. Hon Giz Watson to the Minister for Finance representing the Minister for Transport

I refer to section 15 of the *Rail Safety Act 2010*, and to the email to me dated 16 March 2012 from the Manager Ministerial and Government Business at the Department of Transport, and to the letter to me dated 21 March 2012 from the Chief of Staff at the Department of Transport, both in answer to my correspondence of 7 December 2011 to the Director of Rail Safety, and I ask —

- (1) Is the Minister aware of section 15(3) of the *Rail Safety Act 2010* which states ‘Despite any other written law, the Rail Safety Regulator is not subject to the direction or control of any person in relation to the manner in which the Regulator performs his or her functions under this Act’?
- (2) If yes to (1), is it appropriate for correspondence addressed to the Director of Rail Safety to be answered by —
  - (a) your Manager Ministerial and Government Business; or
  - (b) your Chief of Staff?
- (3) Is it appropriate for your Manager Ministerial and Government Business to request that issues within the purview of independent agencies such as the Office of Rail Safety ‘be addressed through the relevant Minister’s Office’?
- (4) If yes to (2) and/or (3), please provide an explanation.

Hon SIMON O’BRIEN replied:

The Department of Transport advises:

- (1)–(3) Yes
- (4) The Minister’s communications agreement with the Department of Transport requires that correspondence from Members of Parliament sent directly to his department is referred for the attention of the responsible Minister.