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# Memorandum of Understanding

**between**

The Office of the National Rail Safety Regulator  
(ONRSR)

**and**

National Transport Commission  
(NTC)

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2025 - 2028

<b>Version No. 1</b>	<b>Details</b>	<b>Effective Date</b>
1.0	Execution of MOU	The date it is signed by both parties

## 1 Introduction

### Background

The National Transport Commission (NTC) and the Office of the National Rail Safety Regulator (ONRSR) recognise that they have a shared mutual interest in improving national rail safety reform.

The NTC and ONRSR recognise that the work undertaken by both organisations contributes to the way individual strategic goals and objectives are achieved.

An effective and supportive partnership between the NTC and ONRSR will improve collaboration and share knowledge and expertise on matters of mutual interest, including but not limited to:

- > proposed changes to the Rail Safety National Law (RSNL),
- > proposed national transport reform initiatives affecting safety, including the National Rail Action Plan.
- > proposed changes to operational policy settings affecting the rail sector.

This Memorandum of Understanding (MOU) supersedes the MOU of January 2021 and sets out the principles and objectives upon which the NTC and ONRSR will work together, and how the responsibilities for mutual rail reform are shared.

## 2 Purpose

The purpose of this MOU is to support a cooperative and collaborative working arrangement between ONRSR and NTC.

This MOU seeks to:

- a) Support National Cabinet's priority to advance rail interoperability to reduce differences and support a safer and more seamless rail system
- b) Foster a strategic relationship between both parties and align work activities where mutually beneficial.
- c) Recognise the distinct and complementary roles of both parties in the ongoing maintenance of the RSNL and rail reform policy, including any amendment, repeal or variation to the RSNL and subordinate legislation.
- d) Promote stakeholder confidence in both parties.
- e) Facilitate timely collaboration and information sharing on rail reform. The

parties to this MOU:

- f) Agree that rail safety outcomes are best achieved through mutual support, cooperation, openness and professional relationships.
- g) Acknowledge that ONRSR and NTC each have separate and independent mandates and roles.
- h) Are committed to the common pursuit of safe, efficient and sustainable growth of the railway industry.

The NTC and ONRSR will seek to uphold the values of this MOU and fulfil their respective commitments. However, both parties acknowledge that this MOU is not legally binding and that nothing in this MOU can legally restrict the statutory duties, discretions and powers of either party under relevant legislation.

## 3 Roles

### 3.1 The Office of the National Rail Safety Regulator

The Office of the National Rail Safety Regulator (ONRSR) is an independent body corporate established under the *Rail Safety National Law (South Australia) Act 2012* and has responsibility for

regulatory oversight of rail safety across all of Australia, on behalf of Australian Governments.

ONRSR's purpose is to enhance rail safety for the Australian community through targeted, risk based regulation, and by proactively sharing insights and information arising from our work.

Consistent with its functions under the RSNL, ONRSR's strategic directions are to:

- > Leverage data and intelligence to enhance their approach to risk- based regulation
- > Ensure its people are valued, skilled and engaged
- > Cultivate strong and collaborative relationships with key stakeholders
- > Position ONRSR as a future-focused and sustainable regulator
- > Influence safety practices and build safety knowledge among rail transport operators.

To achieve these goals, ONRSR aims to maintain and improve rail safety through consistent risk-based application of the law across jurisdictions, advocating for national harmonisation of legislative requirements and industry standards, sharing and improving regulatory practice and developing strong stakeholder relationships and engagement.

ONRSR administers the RSNL. In doing so, ONRSR administers the accreditation regime under the RSNL and works with rail transport operators, rail safety workers, and others involved in railway operations, to improve rail safety nationally. In addition, ONRSR monitors, investigates and enforces compliance with the RSNL.

ONRSR is governed by the Regulator (Chief Executive) and two non-executive members appointed by responsible Ministers. ONRSR works closely with State; Territory and Commonwealth transport agencies, and reports to Ministers directly via Infrastructure and Transport Ministers' Meetings (ITMM) and individually as required.

### **3.2 The National Transport Commission**

The NTC leads national land transport reform in support of Australian governments to improve safety, productivity, environmental outcomes, provide for future technologies and improve regulatory efficiency.

The *National Transport Commission Act 2003* (the NTC Act) and the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport (IGA) establish the NTC and define its role. The NTC has a legislative requirement to develop, monitor and maintain uniform or nationally consistent regulatory and operational arrangements for road, rail and intermodal transport.

As a key contributor to the national reform agenda, the NTC is accountable to Commonwealth, state and territory ministers responsible for transport and infrastructure who make up membership of ITMM. The NTC works closely with ITMM's advisory body, the Infrastructure and Transport Senior Officials' Committee (ITSOC), which includes the heads of Commonwealth, state and territory agencies.

## **4 Interactions between parties**

In delivering their obligations under the RSNL and NTC Act the parties acknowledge their roles in the following interactions:

### **4.1 Business and Strategic Planning - harmonising and complementary work programs**

The NTC and ONRSR will consult each other in a timely manner before embarking on a strategic or operational review. If there is opportunity and benefit to aligning priorities and/or projects, including as part of the NTC Work Program and ONRSR Statement of Intent (supported by the Corporate Plan), this should be pursued.

### **4.2 Publications affecting both parties**

The NTC and ONRSR will invite comment from each other and collaborate as appropriate,

on the development of or response to publications and other documents of mutual interest, particularly where the subject matter overlaps or makes commentary on the responsibilities or performance of the other party.

#### **4.3 Maintenance of the RSNL and National Regulations - improve collaboration and share knowledge and expertise**

The NTC and ONRSR share responsibility for the ongoing identification, review and response to maintenance items for the RSNL. Parties will consult on any proposed changes to the RSNL.

The roles of each party and joint responsibilities of the NTC and ONRSR regarding matters relating to the maintenance of the RSNL and National Regulations are agreed as follows.

##### **Role of ONRSR**

Where a maintenance matter constitutes operational policy or streamlining business processes or is part of an ITMM directed review in which the ONRSR has been directed by ITMM to progress a policy initiative, this will be progressed by ONRSR. ONRSR will seek input from NTC and keep NTC informed of the proposed outcomes.

ONRSR will lead the drafting and production of any documentation or guidance relating to operational policy or streamlining business processes resulting from maintenance initiatives.

##### **Role of the NTC**

The NTC will lead all other maintenance programs other than those involving operational policy or streamlining business processes.

The NTC will invite ONRSR's input on the timing, process and any matters of interest on NTC lead maintenance programs and keep ONRSR informed of the proposed outcomes, including through the Rail Safety National Law Maintenance Advisory Group.

The NTC will lead the drafting of any maintenance or other reforms, where amendments to the RSNL or National Regulations are required.

##### **Joint responsibilities**

The NTC and ONRSR are responsible for the development of options, consultation with stakeholders and engage with the ITSOC and the ITMM on the progress of maintenance items, for which they have the lead role, as per the terms of reference for those committees and consistent with the NTC's and ONRSR's current roles.

ONRSR and the NTC, where mutually beneficial, will work together to undertake and direct stakeholder exposure of proposed changes to the RSNL.

The parties will discuss and agree the appropriate approach where a need for a Regulatory Impact Statement is required in relation to the RSNL or the National Regulations.

ONRSR and NTC will agree on the approach to leading the progression of any amendments to the RSNL through the South Australian Parliament depending on which party brings the greatest institutional knowledge of the relevant policy proposals. The responsible party will ensure the changes are made to commence on an agreed commencement date.

In meeting these respective responsibilities ONRSR and NTC will provide feedback in a timely manner and agree to work together in setting the times and locations of meetings with mutual stakeholders to avoid scheduling clashes and to minimise inconvenience to parties involved in such meetings.

#### **4.4 Setting Annual Fees in the National Regulations**

For the existing cost recovery model, ONRSR will adjust the rate payable by rail transport operators in the National Regulations annually, with the endorsement of the revised regulation from participating Ministers at the ITMM each year as applicable.

ONRSR will expose the rates to stakeholders through members of the Senior Government Policy Group for consultation before making a submission to the ITMM and will liaise with Parliamentary Counsel to develop and publish the rate in the National Regulations as

appropriate.

ONRSR will consult and collaborate with the NTC on any changes to the RSNL or National Regulations to establish a revised cost recovery model, should it be approved by ITMM.

#### **4.5 Strategic policy reforms**

The requirements for the NTC to progress reforms are outlined in the NTC Act and the IGA.

Any major strategic policy reforms that form part of an ITMM directed review (outside of the maintenance process outlined in clause 3.3) will be progressed by the party directed by ITMM to lead the strategic policy initiative.

The NTC will however lead the drafting of any major strategic policy reforms where amendments to the RSNL or National Regulations are required and lead the progression of any amendments to the RSNL through the South Australian Parliament.

#### **4.6 The National Rail Action Plan (NRAP)**

The current four-year NRAP interoperability program was approved by ITMM in June 2023 and builds on the initial foundational work that brought governments, rail and education together to improve skills, standards harmonisation and interoperability of train communication and control systems.

Ministers have tasked the NTC with delivering these outcomes, with a focus on five key areas:

1. Locking in national rail standards to advance interoperability
2. Aligning train control and signalling technology on the eastern seaboard
3. Reducing the burden on drivers, crew and maintenance workers
4. Streamlining rolling stock approval processes
5. Creating workplace solutions to meet future rail skills demand

The NTC delivers the program alongside all governments, industry, unions, representative bodies and regulators.

A Memorandum of Cooperation has been signed by governments, rail operators, infrastructure managers and manufacturers, demonstrating the shared commitment for reform.

#### **4.7 Review of the RSNL**

The RSNL review approved by ITMM in June 2024 was jointly led by the NTC and independent consultant and subject matter expert Tom Sargant. The review considered whether the functions of the RSNL adequately reflect the regulatory requirements of the rail sector 11 years post-implementation of the RSNL.

The NTC will lead in the implementation of the legislative recommendations of the review including managing impact assessments with the Office of Impact Analysis, stakeholder consultation, drafting the legislative and regulatory reforms and in seeking unanimous approval by Transport and Infrastructure Ministers.

ONRSR will play a crucial role in leading the development and implementation of the non-regulatory recommendations identified in the RSNL review including preparing guidance documents and developing policies, as well as supporting the NTC's stakeholder engagement process.

The NTC and ONRSR will work collaboratively in delivering the review reforms in accordance with this Memorandum of Understanding.

#### **4.8 Monitoring and reporting of reform objectives**

The NTC is responsible for monitoring, evaluating and reporting on progress against National Cabinet's objectives for rail reform and will work with ONRSR to identify and

progress reviews and recommendations, including the annual reform monitoring reports.

ONRSR will report to the ITSOC and the ITMM on the progress of ONRSR and such other matters as directed.

Both parties may publish reports on their progress against their respective roles, such as Annual Reports, but will consult with the other party where the other party may be impacted or when otherwise appropriate.

## **5 Information Sharing, Privacy and Confidential Information**

The NTC and ONRSR agree that they will share information relevant to the powers and functions of each organisation in accordance with law.

Unless required by law, the NTC and the ONRSR undertake not to disclose information received in confidence from the other organisation to a third party without obtaining the prior consent of the other organisation.

## **6 MOU Management**

This MOU is effective from the date it is executed by both parties or a nominated post- date and will remain effective for a period of 3 years or until such time as it is terminated by the parties.

The parties agree to meet at least once a year to discuss the effectiveness of the arrangements in this MOU and will formally review this MOU in 2027.

This MOU may be terminated or varied at any time by agreement in writing by the Chief Executive Officer (NTC) and the Chief Executive (ONRSR).

In the event a dispute arises regarding the performance of any obligations under this MOU, it will be referred to the parties' Chief Executives.

The parties shall each bear their own costs of administering this MOU.

This MOU may be made publicly available in the interests of transparency and accountability.

## Definitions

<b>IGA</b>	<i>Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport</i>
<b>National Regulations</b>	<i>Rail Safety National Law National Regulations 2012 approved by ITMM and made under the RSNL.</i>
<b>NTC Act</b>	<i>National Transport Commission Act 2003</i>
<b>ONRSR</b>	Office of the National Rail Safety Regulator established under section 12 of the Rail Safety National Law
<b>Parties</b>	Means the parties to this MOU, being ONRSR and NTC jointly or separately
<b>RSNL</b>	The Rail Safety National Law enacted as a Schedule to the Rail Safety National Law (South Australia) Act 2012 (SA).