

Policy

Safety Improvement

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- > Format review

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1. Purpose

The purpose of this policy is to:

- > Support the overarching ONRSR Regulatory Approach Document; and
- > State how the Office of the National Rail Safety Regulator (ONRSR) intends to implement its safety improvement functions under the Rail Safety National Law consistent with the co-regulatory framework for rail safety.

2. Background

In addition to its compliance and enforcement functions under the Rail Safety National Law, the ONRSR has a number of broad legal safety improvement functions, including:

- > “To work with rail transport operators, rail safety workers, and others involved in railway operations, to improve rail safety nationally
- > To conduct research, collect and publish information relating to rail safety
- > To provide, or facilitate the provision of, advice, education and training in relation to rail safety
- > To engage in, promote and coordinate, the sharing of information to achieve the objects of this law, including the sharing of information with a prescribed authority”.

In exercising its functions, including those described above, the ONRSR must:

- > “Facilitate the safe operations of rail transport in Australia
- > Exhibit independence, rigor and excellence in carrying out its regulatory functions
- > Promote safety and safety improvements as a fundamental objective in the delivery of rail transport in Australia.”

The ONRSR Regulatory Approach states that:

“Consistent with our functions and objectives in the law, the ONRSR works with rail transport operators, rail safety workers, and others involved in railway operations to promote and improve rail safety nationally. We prefer to achieve outcomes by providing support and collaboration on risk-based safety improvement initiatives, to encourage industry to build the capacity to improve its performance voluntarily and collectively. Importantly the ONRSR does not set the standards and codes for safety, it is up to duty- holders to do this at an industry level (through RISSB) and at individual operator level using the industry products while demonstrating that they are fit for purpose.

In support of this, and through enactment of our Safety Improvement Policy, we seek to:

- > *Influence industry to work together to identify and manage railway risks as an industry, including through dedicated forums, such as the CEO industry reference group and RISSB’s Safety Managers Group;*
- > *Support the development of RISSB standards to reduce risk;*
- > *Support the adoption of RISSB products by rail transport operators;*
- > *Supplement industry and other available Standards with ONRSR guidance or Approved Codes of Practice (ACoPs) or recommended changes to legislation;*
- > *Provide advance notice to rail transport operators of the areas that we judge are of greatest national or local risk so that opportunity for reasonably practicable improvements can be made.”*

3. Scope

This policy sets out and defines the ONRSR's approach to implementing its safety improvement functions.

This policy applies to the ONRSR and its officers including those staff operating under Service Level Agreements or any other such agreements or arrangements that require persons to act as an agent of the ONRSR.

The document is intended to be read in conjunction with the legislation and other relevant ONRSR policies. The policy itself imposes no legal duty and where actions or requirements are described as mandatory these reflect requirements in the RSNL or National Regulations. It is not intended to replace the legislation, or to limit or expand the scope of the legislation. In the event of an inconsistency between this policy and the legislation, the legislation will prevail.

4. Definitions

Definitions provided by the RSNL and *the Rail Safety National Law National Regulations 2012* (National Regulations) apply within this policy.

- > **RSNL** - means the *Rail Safety National Law* which has been enacted as a Schedule to the *Rail Safety National Law (South Australia) Act 2012* (SA) as it applies in each state and territory.
- > **National Regulations** – means the *Rail Safety National Law National Regulations 2012*.

Where terms are not defined within the legislation or regulations the Macquarie Dictionary definition applies.

Use of the word 'should' indicates a recommendation of the ONRSR. However, the rail transport operator is free to follow a different course of action provided it complies with the legislation. Use of the word 'must' indicates a legal requirement where compliance is necessary.

5. Safety improvement vision and strategy

In a co-regulatory environment ONRSR sees economic and safety advantage in the rail industry seeking to act as a single industry to the extent practicable

5.1 Vision

The ONRSR will work with the Australian Rail Industry, through the Co-Regulatory model, to continuously improve rail safety and ensure that industry:

- > Understands and improves safety so far as is reasonably practicable;
- > Collects and reports safety performance data that can contribute to improved safety;
- > Identifies individual operator safety risks;
- > Identifies collective industry safety risks nationally, or in grouping of similar operators (Network Groups), that are appropriate for risk mitigation strategy development purposes;
- > Prioritises National or Network Group safety improvements which are reasonably practicable;
- > Develops clear and agreed measures against which 'reasonably practicable' can be measured, including national agreement on the values to be assigned to preventing a fatality in cost benefit analysis;

- > Develops and adopts safety related National or Network Group standards that improve safety so far as is reasonably practicable; and
- > Undertakes appropriate research to underpin the development of risk identification and such innovation and knowledge as is necessary to reduce risks so far as is reasonably practicable.

The ONRSR will:

- > Provide the industry with a consistent and clear regulatory platform to support the enhancement of rail safety where reasonably practicable
- > Reduce regulatory burden on industry
- > Not set out to duplicate safety activities that are being demonstrably undertaken with due quality and rigour by Industry.
- > Agree pragmatic mechanisms and timeframes with industry for implementation of safety standards.

5.2 Strategy

The ONRSR Strategy for continuous safety improvement requires ONRSR to:

- > Encourage industry to develop and implement a National Rail Safety Strategy and National Rail Safety Program (NRSP).
 - The objective of the NRSP being “to ensure the system of administering rail safety is coordinated and effective in identifying and managing both current and emerging risk, while accommodating safety improvement, growth and the range of activities in the industry”. The NRSP should achieve this through a systematic approach to managing both current and emerging safety risks, which at the National level encompasses organisational structures, policies and procedures to achieve strong mutually supporting systems.
- > Work with industry stakeholders to develop an industry owned National Rail Safety Risk Model
- > Work with industry to develop an agreed approach to identification of the benefits arising from improved management of risks (including the balancing of reputational loss, maintaining public and political confidence and support, as well as savings from operational costs arising from reduced safety incidents) for the purposes of establishing a direct nexus between safety improvement initiatives and the range of benefits to industry from their adoption.
- > Work jointly with industry stakeholders to develop a National Data Strategy including an improved data collection strategy that will include the collection of industry and safety data to support the development and maintenance of the National Rail Safety Risk Model.
- > Support industry stakeholders to develop and implement safety improvement initiatives, which will comprise priority rail safety improvement projects identified on the basis of safety and economic benefits to industry.
- > Oversee industry’s on-going implementation of a National Rail Safety Program and strategy consistent with the co-regulatory framework for rail safety.
- > Strongly encourage industry to fund RISSB to satisfy its remit to identify and advance risk based improvements in rail safety and in harmonising the Australian Rail Industry.
- > Work with industry and particularly RISSB and ACRI, as the current industry standards development and research bodies, on safety related matters to influence their priorities and outputs for regulatory purposes.
- > Oversee and collaborate with industry stakeholders on targeted risk based safety improvement programs:
 - ONRSR will agree annually with RISSB those priority industry initiatives (e.g. Standards or Guidelines) where it would be beneficial for ONRSR to work closely with industry;

- ONRSR will continue to generate its own Guidance, Safety Bulletins or other safety improvement initiatives ranging from campaigns to proposals to amend the law where it sees the need for such activity; and
 - ONRSR will declare its intentions for major initiatives to industry through existing stakeholder forums and look for collaborative mechanisms to achieve its aims and avoid duplication wherever possible.
- > Strongly encourage the adoption by industry of quality RISSB products.
 - > Work with industry to improve the safety actions and outputs of industry bodies to justify appropriate levels of industry funding to those bodies, and to provide greater assurance to the ONRSR of the quality of industry's safety outputs so as to reduce regulatory intervention.