

National Rail Safety Regulation

CQU Rail Safety Course

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National Rail Safety Regulator

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Presentation overview

- ❑ Transport Reform Agenda intent
- ❑ Current state of implementation
- ❑ Establishing ONRSR
- ❑ Co-regulatory approach
- ❑ Corporate Plan
- ❑ Annual Safety Report
- ❑ Next steps in our vision for our industry



Transport Reform Agenda Intent

COAG Rail Reform Agenda (2009):

- ❑ One National Safety Regulator
- ❑ One National Law -RSNL(South Australia) Act 2012
- ❑ All Jurisdictions to adopt or mirror RSNL.
- ❑ ONRSR and Jurisdictions may agree to regulation via SLA.
- ❑ Initial funding arrangement for ONRSR- Cost neutral.
- ❑ Full industry cost recovery proposals to be developed 2016.

INTERGOVERNMENTAL AGREEMENT ON RAIL SAFETY REGULATION AND INVESTIGATION REFORM

Council of
Australian
Governments

An agreement between

- the Commonwealth of Australia and
- the States and Territories, being:
 - The State of New South Wales
 - The State of Victoria
 - The State of Queensland
 - The State of Western Australia
 - The State of South Australia
 - The State of Tasmania
 - The Australian Capital Territory
 - The Northern Territory of Australia

An agreement to establish a national system of rail safety regulation and investigation to include uniform regulation and a single national rail safety regulator, complemented by a national rail safety investigator.

ONRSR – Functions and Objectives

- ❑ Facilitate safe operations of rail transport.
- ❑ Exhibit independence, rigour and excellence in regulatory functions.
- ❑ Promote safety and safety improvement as a fundamental objective.
- ❑ Administer, audit and review accreditation regime.
- ❑ Work with rail transport operators and others to improve rail safety nationally.
- ❑ Conduct research, collect and publish information.
- ❑ Provide or facilitate the provision of advice, education and training.
- ❑ Monitor, investigate and enforce compliance with the RSNL.
- ❑ To engage in, promote and co-ordinate the sharing of information.

Version: 20.1.2013

South Australia

Rail Safety National Law (South Australia) Act 2012

An Act to make provision for a national system of rail safety; to repeal the *Rail Safety Act 2007*; to make related amendments to the *Rail Commissioner Act 2009*, the *Railways (Operations and Access) Act 1997* and the *Terrorism (Surface Transport Security) Act 2011*; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Application of Rail Safety National Law

- 4 Application of Rail Safety National Law
- 5 Interpretation of certain expressions
- 6 No double jeopardy
- 7 Exclusion of legislation of this jurisdiction

Part 3—National regulations

- 8 National regulations

Part 4—Provisions relating to drug and alcohol testing

Division 1—Preliminary

- 9 Interpretation
- 10 Approval of couriers
- 11 Approval of apparatus for purposes of breath analysis etc

Division 2—Procedures relating to testing and analyses

- 12 Conduct of preliminary breath test or breath analysis
- 13 Conduct of drug screening tests, oral fluid analyses and blood tests
- 14 Breath analysis where drinking occurs after rail safety work is carried out
- 15 Oral fluid analysis or blood test where consumption of alcohol or drug occurs after rail safety work is carried out
- 16 Compulsory blood testing following a prescribed notifiable occurrence
- 17 Processes relating to blood samples
- 18 Processes relating to oral fluid samples

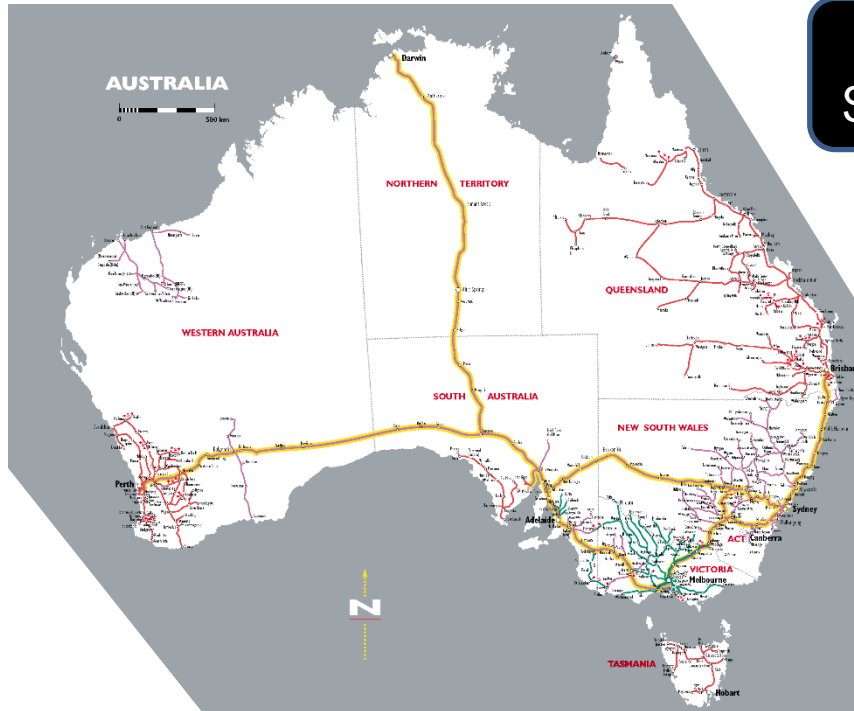
[18.1.2013] This version is not published under the *Legislation Revision and Publication Act 2002* 1

Australian Railway Infrastructure

34,000 km track
Australia-wide

16b passenger
kms/yr

260b tonne-
km/yr of freight
carried



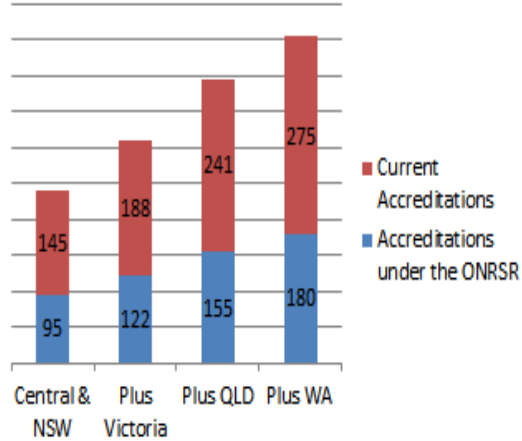
Rail contributes
\$10b to the GDP

Rail employs
0.4% of the
Australian
workforce

Current State of Implementation

- ❑ RSNL enacted in SA, NSW, NT and TAS on 20 January 2013.
- ❑ RSNL (Vic) passed (April)
- ❑ Remaining States expected to pass law in 2014.
- ❑ NSW deliver services to ONRSR under an integrated management structure arrangement (SLA)
- ❑ Vic to deliver services to ONRSR under a SLA – Being developed.
- ❑ Head Office (Adelaide ~ 80% staffed) + 5 Branches:
 - Central Branch in Adelaide covers SA, TAS and NT (and ACT).
 - Sydney (Melbourne, Perth and Brisbane to follow).

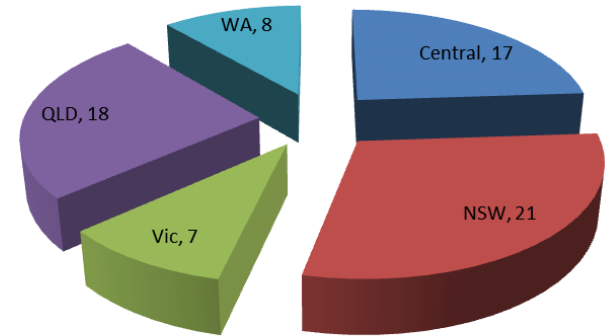
Coverage of ONRSR Operations



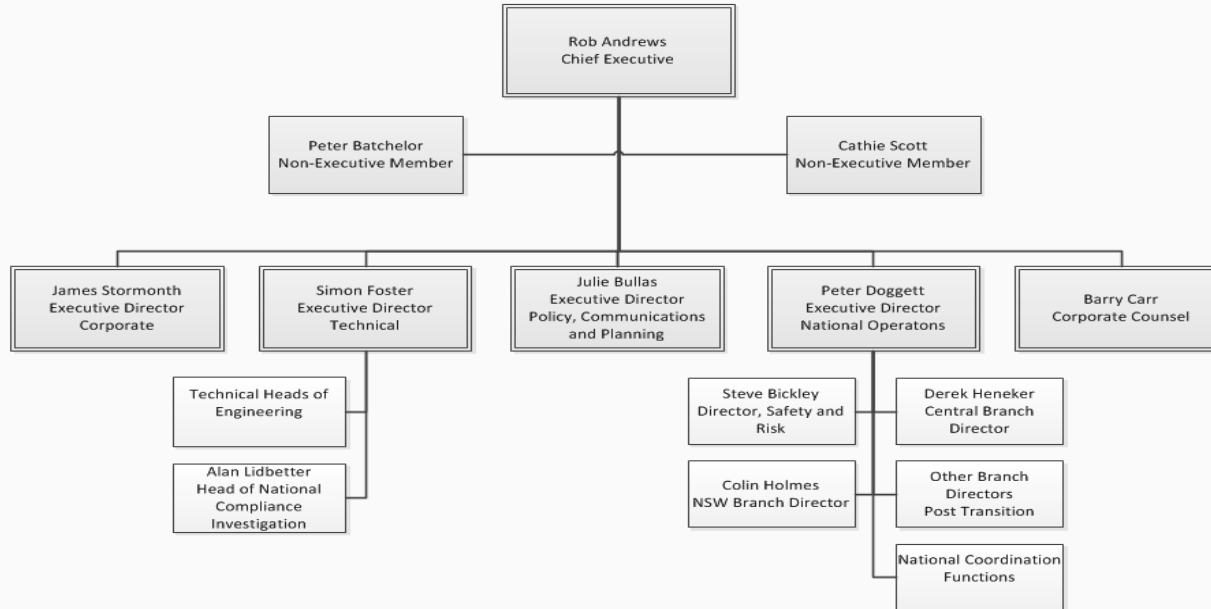
Total number of Accreditations



71 T&H Accredited Operators

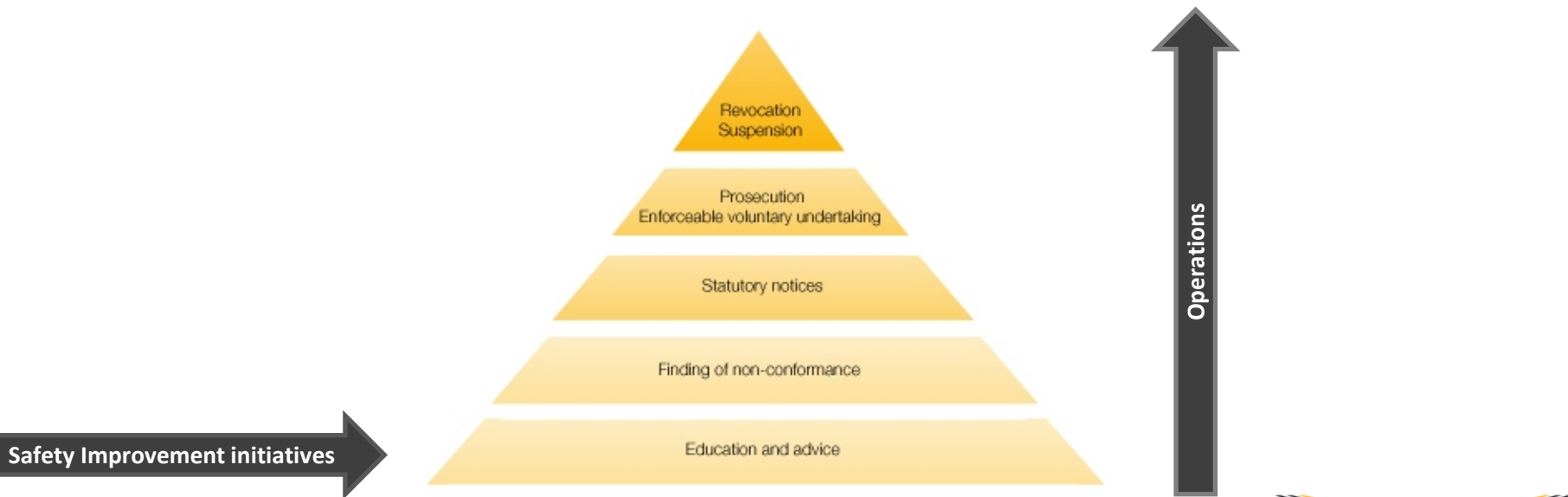


Office of the National Rail Safety Regulator



Co-Regulatory Approach

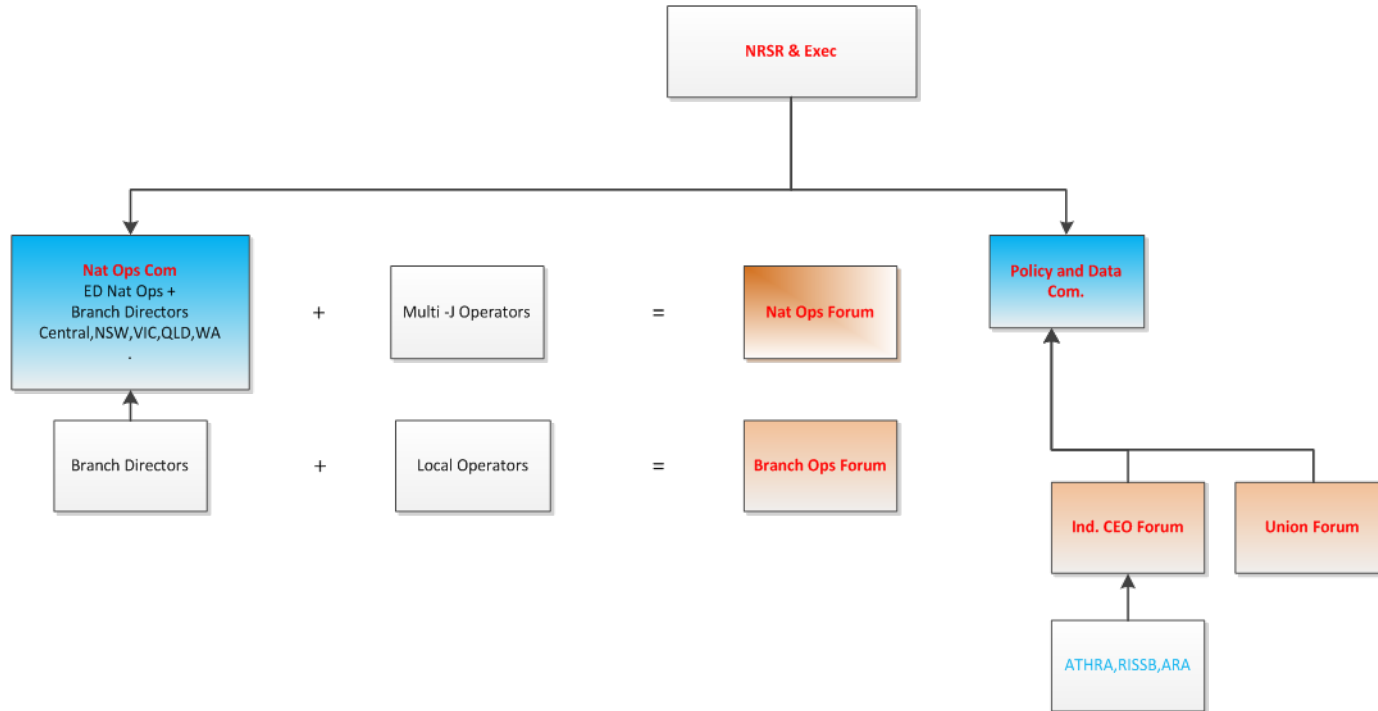
- ❑ Supporting operators to deliver on obligations and enforcing the Law where this has failed.



See Regulatory Approach on the internet

Co-Regulatory Approach

❑ Establishing National Stakeholder Forums



Co-Regulatory Approach

- ❑ Promoting industry leadership on national standards – supporting, endorsing, encouraging industry take-up of RISSB products.
- ❑ Developing tools for industry
 - ❑ RRV
 - ❑ Asset Management
- ❑ Promoting data acquisition and Safety Risk Models.
- ❑ Supporting industry innovation
- ❑ Reducing red-tape and providing freedom of dealing with one national regulator – One Stop Shop.
- ❑ Desire to build T&H support and expertise
- ❑ Robust, engaging, transparent and honest.

Vision for industry contribution to Co-Regulation

- Greater self regulation – Reduced regulatory intervention
- Strong industry body – Railway first - Company second
- Quantitative risk model – supporting CBA decisions
- Nationally adopted safety standards
- Harmonisation of standards for economic gain.

Corporate Plan 2013-2016

Goals

1. Maintain & improve rail safety through risk based approach to regulation
2. Reduce regulatory burden on industry
3. Promote greater self regulation by industry
4. Prepare for and support entry of other states regulators into the ONRSR
5. Promote safety awareness & safety improvement initiatives and research
6. Develop & enable our people to optimise internal capability and organisational effectiveness

Some milestones achieved

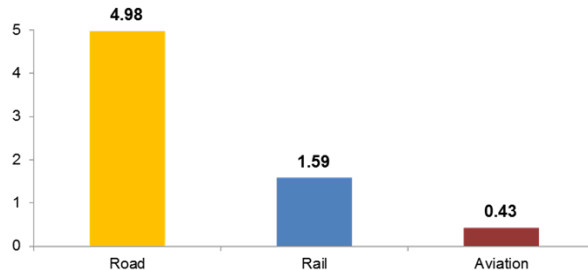
- Statement of Intent
- Safety Bulletins
- Annual Report
- Regulatory Approach & C&E Policy
- Budgets for 2014/15
- Fee Regulations
- RRV Workshops
- SFAIRP Guidance
- Stakeholder Forums in place
- Annual Safety Report
- Accreditation of new Operators (e.g. Sydney Trains) etc.
- Consolidation of multiple accreditations
- Removal of operator accreditation and Notices issued
- Positive engagement and support to RISSB



Annual Safety Report

- 28 Fatalities
 - 26 Trespass related
 - 1 Passenger fatality at Station
 - 1 Public fatality at LX
 - No worker fatalities
- 530 Non-Fatal injuries (5% to workforce)

Fatality Rate (deaths per billion passenger km travelled) by Transport Mode (Australia, 2009)



Switzerland, July 2013



Russia, July 2013



Spain, July 2013

Annual Safety Report & Risk Based Regulation

- Fatal and injury count does not give true picture of underlying risk
- Too many near-hits
- Data quality poor
- Need a quantitative risk model
- Reference made to the UK Safety Risk Model to identify precursors to hazardous events
- Presents data for occurrences that most likely to contribute to Australian risk

Summary of Estimated Risk for UK mainline railways, excluding suicide

Hazardous Event Group	Modelled Risk (FWI / year)	Contribution (%)
Slip, trip, fall	46.5	33.4
Train strike person – member of public	32.5	23.4
Miscellaneous hazardous events	16.8	12.1
Assault – passenger, workforce, member of public	11.6	8.3
Electric shock	9.1	6.6
Train strike person – at level crossing	6.8	4.7
Train strike person – passenger	3.3	2.4
Level crossing collision – passenger train and road vehicle	3.0	2.1
Train strike person – workforce	2.2	1.5
Derailment – passenger train	1.9	1.4
Collision between trains – involving passenger train	1.2	0.8
Collision between train and object (excluding buffer stop)	0.6	0.4
Explosion	0.6	0.4
Derailment – other than freight train	0.6	0.4
Level crossing collision – other than passenger train	0.5	0.3
Struck /Crush by structural collapse or large object	0.4	0.3
Toxic release / exposure	0.3	0.2
Fire	0.2	0.1
Collision between trains – not involving passenger train	0.1	0.1
Collision between train and buffer stop	0.1	0.1
Grand Total	139.2	100

Developing an Australian safety risk model

- ONRSR and RISSB and ARA all committed to developing an Australian Risk model
- 'Australianise' the UK SRM
- Identify the input data requirements
- Redefine the National Data Strategy

Next Steps

- ☐ Continue to support remaining states to develop RSNL legislation.
- ☐ Enact RSNL in remaining states.
- ☐ Prepare for integration of state based regulators into ONRSR.
- ☐ Deliver Corporate Plan.
- ☐ Develop with industry approach to national data capture, analysis and reporting.
- ☐ Support Industry and RISBB in standards development.
- ☐ Maintain focus on risk based regulatory compliance.
- ☐ Consistency of regulatory approach.
- ☐ Support operators to become a single industry rather than a collection of individual operators.



END