

# RTSA SA Chapter AGM & Dinner

First year  
for  
ONRSR

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4 December 2013



# 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

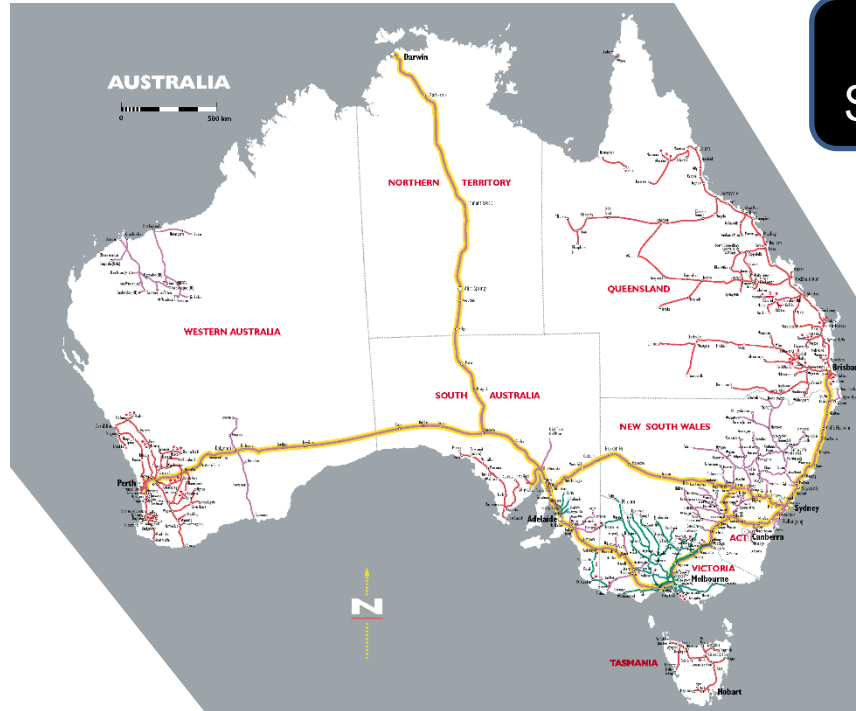
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# Australian Railway Infrastructure

34,000 km track  
Australia-wide

16b passenger  
kms/yr

260b tonne-  
km/yr of freight  
carried



Rail contributes  
\$10b to the GDP

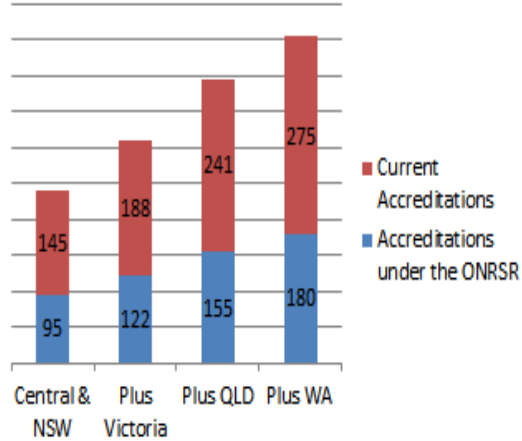
Rail employs  
0.4% of the  
Australian  
workforce



# 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).

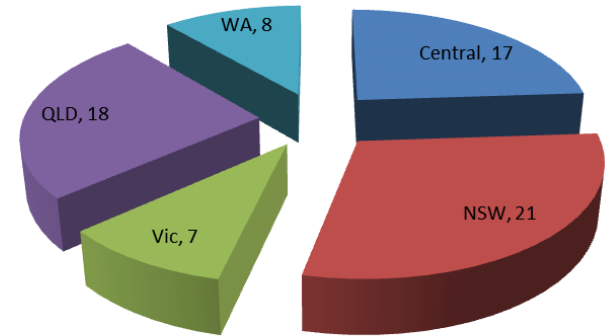
# Coverage of ONRSR Operations



Total number of Accreditations



## 71 T&H Accredited Operators



# Establishing ONRSR -The Challenge

## Establishing new company

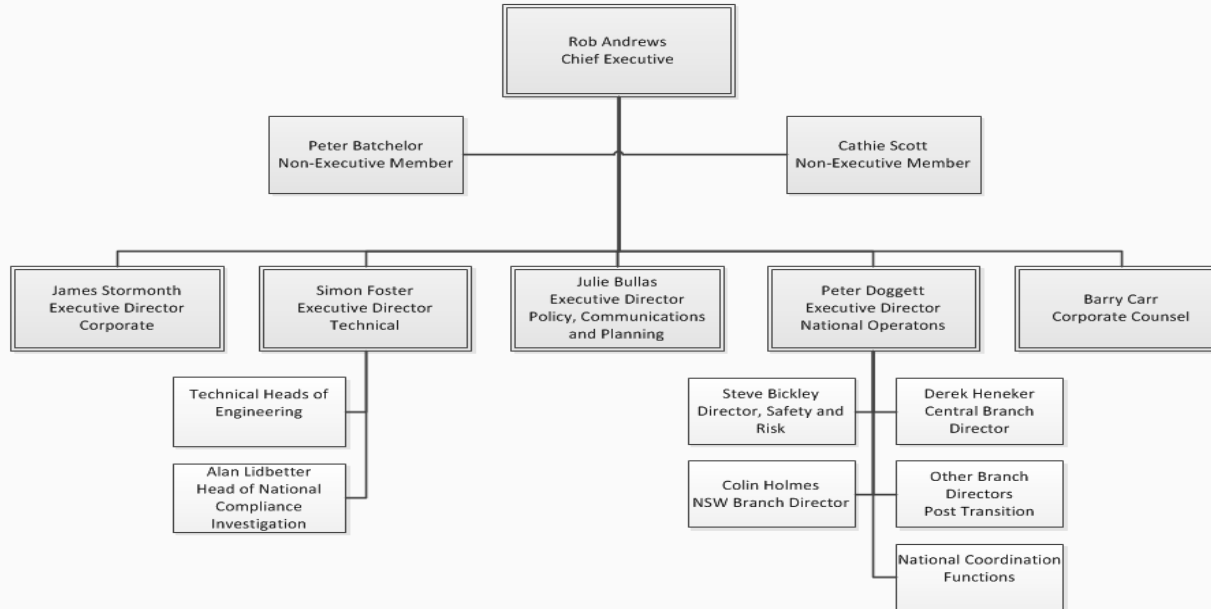
- ☐ Finance
  - Budget, income, insurance...
- ☐ People
  - Structure, recruitment, L&D, JCC, WH&S, EBAs...
- ☐ Systems
  - IT, Payroll,...
- ☐ Strategy & Direction
- ☐ Work Plans
- ☐ Governance, S/H etc
- ☐ Policies, Processes, Procedures
- ☐ Accommodation & facilities
- ☐ ....

## Within some constraints

- ☐ Inconsistent past practice
- ☐ Change in individual authorities and positions
- ☐ Maintaining oversight in each state whilst being risk based and national
- ☐ Answerable to 9 Ministers.
- ☐ Some SLA states, some not
- ☐ Variable enactment of RSNL
- ☐ Staggered entry of states
- ☐ Transition burdens
- ☐ Demonstrating Vfm & making a difference
- ☐ Co-Regulatory regime

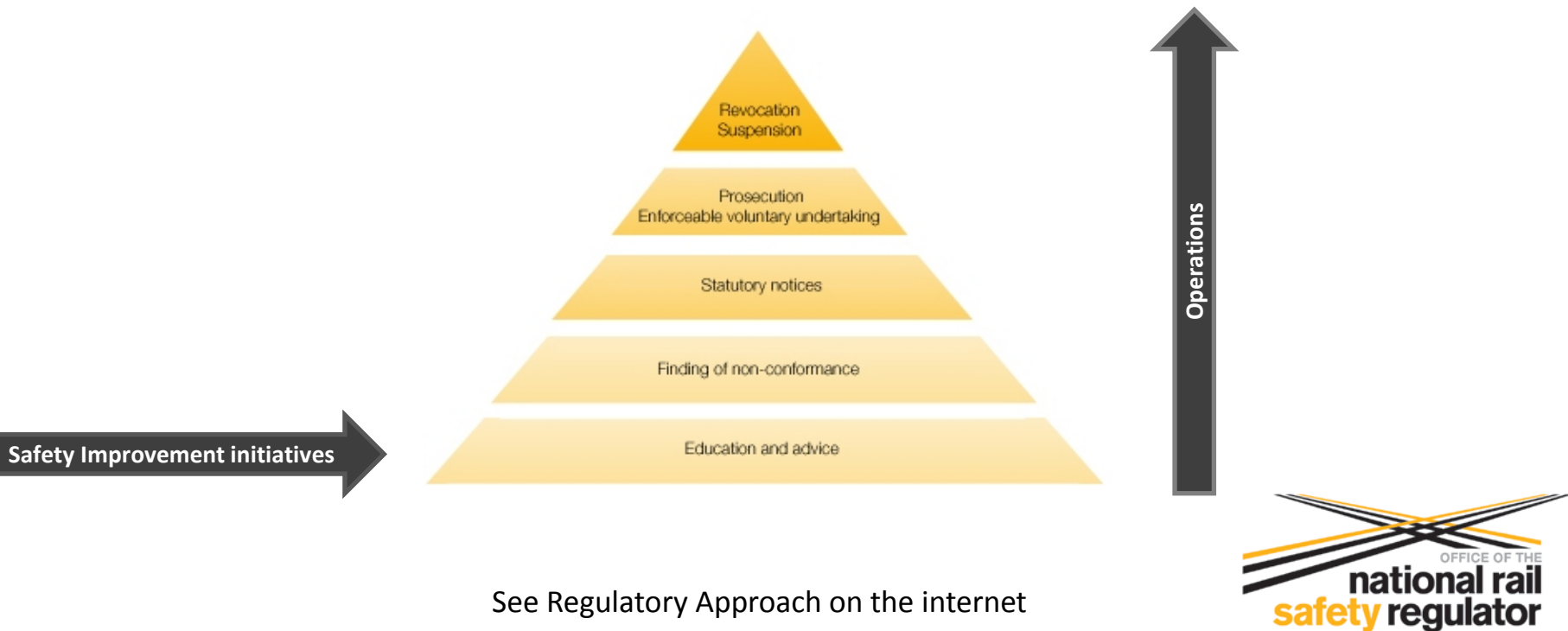


# Office of the National Rail Safety Regulator



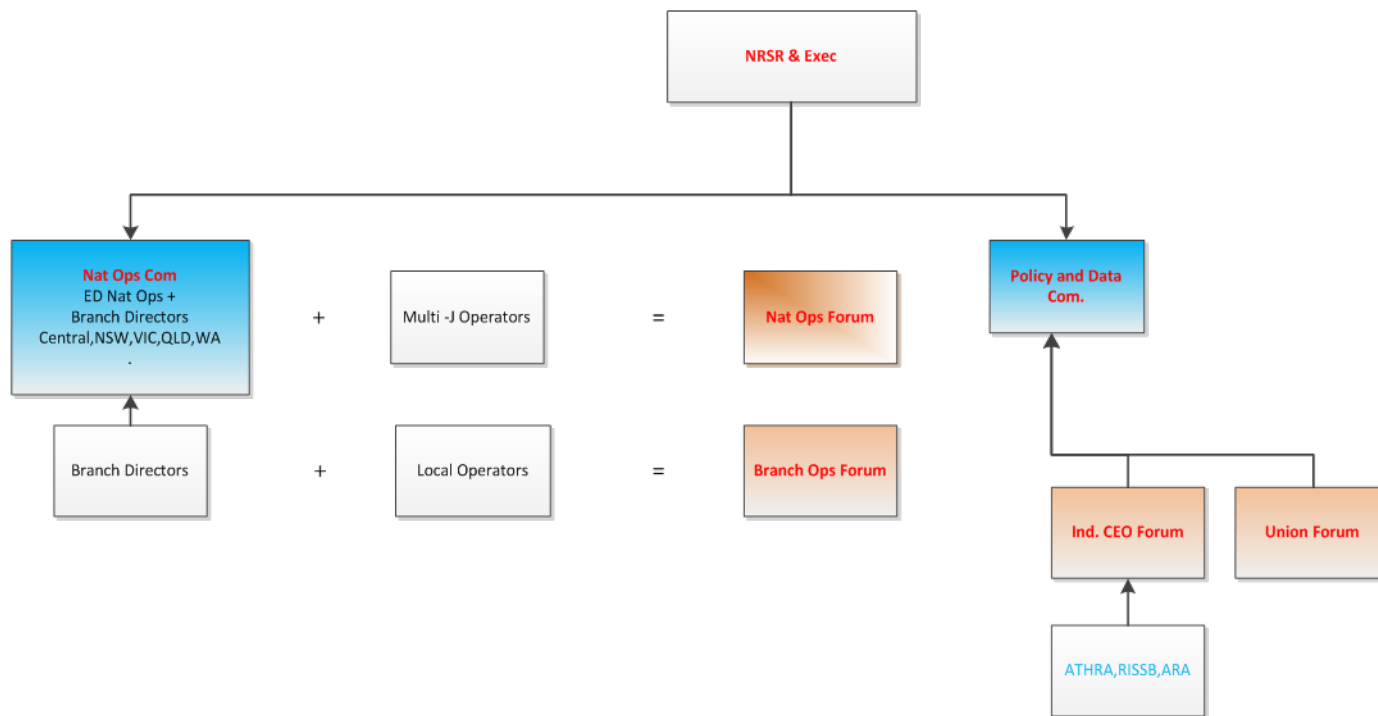
# Co-Regulatory Approach

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



# 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.
- ☐ SMS Maturity
- ☐ 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:

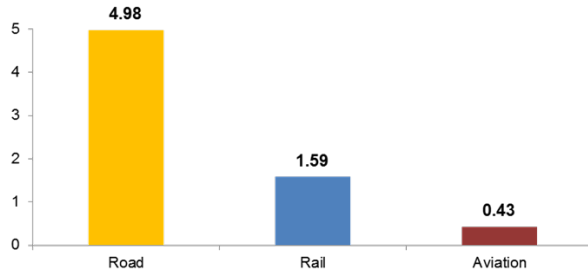
- ☐ Statement of Intent
- ☐ Safety Bulletins
- ☐ Annual Report
- ☐ Regulatory Approach & C&E Policy
- ☐ Budgets for 2014/15
- ☐ Fee Regulations
- ☐ RRV Workshops
- ☐ SFAIRP Guidance
- ☐ Stakeholder Forums in place
- ☐ Annual Safety Report (Next week)
- ☐ Accreditation of new Operators (e.g. Sydney Trains) 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

1

## Summary of Estimated Risk for UK mainline railways, excluding suicide

- ☐ 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

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
<b>Grand Total</b>	<b>139.2</b>	<b>100</b>

**Table 1: Freight train derailment rate – ONRSR and United Kingdom**

In-service freight trains and wagons on or affecting safety of running lines. Excludes light locomotives. Excludes derailments following collision with train.

		2010–11	2011–12	2012-13	Period
ONRSR (NSW, NT, SA, Tasmania)	Derailments	44	36	34	114
	Train km (million)	28.8	30.2	31.2	90.1
	<b>Rate</b>	<b>1.53</b>	<b>1.19</b>	<b>1.09</b>	<b>1.27</b>
United Kingdom <sup>1</sup>	Derailments	2	7	6	15
	Train km (million)	35.0	37.3	37.2	109.5
	<b>Rate</b>	<b>0.06</b>	<b>0.19</b>	<b>0.16</b>	<b>0.14</b>

# 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