

WHAT'S THE DIFFERENCE BETWEEN ONRSR AND THE AUSTRALIAN TRANSPORT SAFETY BUREAU?

ONRSR enjoys a cooperative working arrangement with the Australian Transport Safety Bureau (ATSB), with the two parties having complementary but separate safety functions.

ONRSR acts as a safety watchdog, maintaining a constant presence in the rail industry and using its regulatory powers to facilitate and promote safe rail operations. The ATSB has a complementary role to improve safety and public confidence by investigating specific transport accidents.

It is important to understand that through its investigations the ATSB does not apportion blame for an accident. It focusses on what happened in the event of an accident. ONRSR has the power to investigate who was at fault and in some cases to prosecute if it believes there has been a breach of the *Rail Safety National Law*. The ATSB and ONRSR may request assistance from each other in the performance of their respective investigation functions.



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For more information, or to get a copy of the *Rail Safety National Law*, visit the ONRSR website at www.onrsr.com.au or email contact@onrsr.com.au

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A guide to RAIL SAFETY OFFICER WORKSITE VISITS



INTRODUCTION

The Office of the National Rail Safety Regulator's (ONRSR) rail safety officers work closely with rail operators and their rail safety workers to undertake ONRSR's function of monitoring safety performance, responding to issues and enforcing the law, as required, with the aim of maintaining and improving safety.

This brochure explains why a rail safety officer might visit railway premises and interact with rail safety workers; what the officer's role, responsibility and powers are when they visit; and what is required of an operator or their staff during a site visit or inspection.

Various sources of intelligence are used to inform ONRSR's risk-based decisions, including notifiable occurrence data, Australian Transport Safety Bureau investigation reports, Rail Voluntary and Confidential Reporting Scheme (REPCON) reports, Rail Transport Operator Safety Performance Reports and the outcomes of audits, inspections and other regulatory interactions.

ONRSR has responsibility for rail safety regulation in every Australian state and territory.

WHY WOULD A RAIL SAFETY OFFICER ATTEND ON-SITE?

ONRSR's rail safety officers have responsibility for providing the regulatory oversight necessary to ensure Australia's rail system is as safe as possible, and one of the key ways this is done is by conducting regular audits, inspections and site visits. These are on-site examinations of rail safety hazards and risks, and the processes in place to manage those risks. Audits, inspections and site visits can be initiated for various reasons, such as:

- > in response to an incident
- > as a result of a change in circumstances – particularly around accreditation
- > on the basis of information received by ONRSR
- > to conduct compliance activities such as education, inspections and audits.

The power for rail safety officers to conduct inspections is set out in the *Rail Safety National Law*.

The primary motivation in carrying out on-site inspections is to maintain or raise awareness of safety issues and make sure they are being addressed. In addition to inspection, a rail safety officer will also provide advice and education wherever they can. A rail safety officer's primary aim is to make high standards of rail safety 'business as usual' for all who work in the rail industry.

WHEN WILL AN ON-SITE VISIT OCCUR?

Operators are usually provided with advance notice of audits, inspections or site visits. However, unannounced inspections or site visits may occur.

HOW WILL AN ON-SITE VISIT BE CONDUCTED? WHAT WILL HAPPEN?

Rail safety officers have the legal power to enter a railway site without permission from the rail organisation. At all times rail safety officers must immediately identify themselves upon arrival at a site and provide proof of identity in the form of an ONRSR identification card. They will also provide on-site staff with a clear understanding of why they have attended and what is required of them. Rail safety officers can be asked to complete an induction to a site, or submit to a drug/alcohol test, but they do have the discretion to refuse. At all times rail safety officers are required to actively minimise the impact of their activities, and advice or direction may be given to assist these officers with this obligation.

WHAT POWERS DO RAIL SAFETY OFFICERS HAVE UNDER THE LAW?

The law gives a rail safety officer the power to:

- > enter a facility, site or rail corridor (railway premises) at any time
- > give directions to staff on-site
- > inspect and examine infrastructure and documentation
- > in some cases, take possession of material for further investigation (receipts are provided).

When a rail safety officer is on-site, it is the legal responsibility of operators and their staff to answer all relevant questions, provide assistance to the officer and not hinder an officer's work in any way. The answer to a question, or a document provided by a rail safety worker cannot be used as evidence against the rail safety worker in civil or criminal proceedings.

If personal information is provided it will be handled in accordance with the Privacy Act 1988 and the Australian Privacy Principles. More information is available on the ONRSR website.

It is an offence to provide false or misleading information (including verbal information) or documentation to a rail safety officer.

Transparent, fair and consistent in their approach, rail safety officers at all times focus their efforts where intelligence and information tell them concerns with safety or the management of risks to safety exist. While they do have the power to close down unsafe operations and will do so where there is a serious and immediate risk to safety, the intention is not to catch people out and punish them. The preference is to achieve outcomes through education by providing the support, tools and guidance operators need to strengthen their own performance and realise the benefits of a safer rail environment.

WHO CONDUCTS DRUG AND ALCOHOL TESTING?

In addition to testing performed by operators and police, ONRSR has appointed *AusHealth Work* to undertake drug and alcohol testing of rail safety workers. Testers are authorised persons appointed under the *Rail Safety National Law* and will hold an ONRSR-issued identification card. Only authorised persons can compel rail safety workers to submit to drug and alcohol testing, and it is an offence under the law for a rail safety worker to refuse a test or interfere with the testing process or samples. Rail safety officers may accompany authorised persons during drug and alcohol testing activities, mainly to assist with safe access to rail sites and identification of rail safety workers. A rail safety officer may ask a rail safety worker to move to a position of safety to enable the testing process to occur.

CAN I APPROACH A RAIL SAFETY OFFICER?

Yes, if it is safe to do so at the work site, rail safety officers may be approached with questions or for discussion on safety issues. Rail safety officers welcome the opportunity to learn more about an activity that is being undertaken. Where safety concerns are raised, rail safety officers will endeavour to keep a level of confidentiality regarding who raised concerns, but they are not required, or in some cases will not be able, to ensure the confidentiality of any person providing information.

