

2018 -  
2019

# Annual Report







**Safe Railways for Australia**

# Contents

<b>Letter of Transmission</b>	<b>2</b>
<b>About this Report</b>	<b>3</b>
<b>Overview</b>	<b>4</b>
Chief Executive's Message	4
About Our Organisation	6
ONRSR's Performance	13
<b>Part A: Corporate Performance</b>	<b>17</b>
<b>Part B: Regulatory Performance</b>	<b>29</b>
South Australia	30
Western Australia	32
Victoria	34
Tasmania	36
Queensland	38
New South Wales	40
Australian Capital Territory	42
Northern Territory	44
<b>Financial Report</b>	<b>45</b>
Financial Summary	45
Financial Statements	49
<b>Appendices</b>	<b>69</b>
Appendix 1: Key Performance Indicators	70
Appendix 2: Freedom of Information 2018–2019	72

# Letter of Transmission

## TRANSPORT AND INFRASTRUCTURE COUNCIL

Dear Ministers,

It is my pleasure to submit to you the annual report of the Office of the National Rail Safety Regulator (ONRSR). The report is separately provided to all participating jurisdictional Ministers for Transport for tabling in their respective parliaments. The ONRSR Annual Report 2018–2019 has been prepared in accordance with the requirements of the *Rail Safety National Law 2012* (RSNL) and associated regulations. The report is structured to reflect ONRSR's delivery against the ONRSR Statement of Intent 2018–2021 and Corporate Plan 2018–2021 which have been endorsed by the Transport and Infrastructure Council and promoted to stakeholders.

Yours sincerely,



Sue McCarrey

**Chief Executive / National Rail Safety Regulator**



# About this Report

ONRSR is a body corporate established under the RSNL and, under the law, is not subject to ministerial direction in the exercising of its functions and powers. The RSNL requires the regulator to deliver to the responsible ministers a report on ONRSR's activities for each financial year. This report covers the activities of ONRSR during 2018–2019. The report is structured in five parts. The overview section includes our purpose, governance structures, summary of major achievements and summary financial report. Part A covers corporate performance and Part B covers regulatory performance. Financials and appendices follow.

## FEEDBACK

ONRSR welcomes feedback on its report,  
please email [contact@onrsr.com.au](mailto:contact@onrsr.com.au)



# Chief Executive's Message



IT'S HARD TO THINK OF A MORE INTERESTING AND EXCITING TIME TO BE PART OF AUSTRALIA'S RAIL SECTOR, SUCH IS THE UNPRECEDENTED RATE OF DEVELOPMENT AND THE ACCOMPANYING SENSE OF POSITIVE CHANGE EVIDENT RIGHT ACROSS THE COUNTRY.

For the Office of the National Rail Safety Regulator (ONRSR) it's something that we are not only a witness to but, as we mark passage of another financial year, can also genuinely relate to. At the time of writing we are moving ever closer to enjoying status as a fully national rail safety regulator by completing the process to welcome our Victorian-based staff and open the doors to our Melbourne office.

While it will be the culmination of many years of work it will be particularly reflective of the significant achievements of the last 12 months, where what were once reforms are now realities and what was merely possible is now entirely plausible. More than ever before ONRSR is operating as a high performing, value-adding safety regulator honing a fundamentally risk-based approach that combines the use of quality data collection and analysis with infield experience, intelligence and education. Underpinning it is our commitment to the co-regulatory model through which we have worked closely with government and industry stakeholders alike to deliver landmark projects in 2018-2019. At a time when the power and quality of data has never been more important, the continued development of ONRSR's data collection and analytics capability and the advent of the ONRSR Portal are initiatives that can set new standards in safety and efficiency.

Together with our continued progression of national priority projects and safety improvement programs, implementing outcomes of the drug and alcohol management review, and the development of balanced and informed positions on major policy matters such as cost recovery, these achievements are reinforcing the strong relationships and foundations upon which ONRSR has been built. All of this has complemented the day to day work of our national team of Rail Safety Officers and technical specialists that have once again delivered our risk-based national work program and provided safety assurance to a host of major rail projects in all states and territories.



More than ever before ONRSR is operating as a high performing, value-adding safety regulator honing a fundamentally risk-based approach that combines the use of quality data collection and analysis with infield experience, intelligence and education.

In the corporate space we have made strategic advances in relation to financial forecasting and cyber-security, and reviewed and recast our organisational key performance indicators. Collectively this has helped deliver the environment and systems that are facilitating the development of our national workforce. It is no better illustrated than by the success of our first Rail Safety Officer Trainee Program that saw three young rail professionals graduate into full time regulatory roles with ONRSR earlier this year.

By contrast we farewelled a long serving member of the ONRSR community during 2018–2019 when inaugural Non-Executive Member, Peter Batchelor stepped down. I would like to acknowledge Peter's fantastic contribution to our organisation, particularly in its infancy, and wish him all the best for the future.

And of course I want to recognise the entire ONRSR team for unwavering effort and commitment throughout 2018–2019 and for the integral role they all play in keeping Australians safe on our growing rail network. They share the industry-wide enthusiasm for the energising times ahead and a passion for making sure the coming years are as safe as they are exciting.

Sue McCarrey

**Chief Executive  
National Rail Safety Regulator**

June 2019





# About Our Organisation

## > Our Vision

Safe railways for Australia

## > Our Purpose

ONRSR strives to be a visible player in the rail industry, respected for conducting value-adding interactions that are informed by a strategic combination of industry intelligence, knowledge of operations and use of rail safety data. We have the dual, but complementary, roles of administrator of the *Rail Safety National Law* accreditation regime and the regulator of a duty-based safety management regime.

## > Our Values

### > Integrity

We have moral courage and are honest and straightforward in our approach.

### > Respect

We have respect for each other and our stakeholders.

### > Independence

Our decision making is responsive and free from bias and influence.

### > Diligence

We persevere and apply ourselves in a conscientious manner.

### > Excellence

We are professional, high performing and strive for continuous improvement.

## > Our Resources

ONRSR received funding from industry through fees of \$22.1m and from state and territory governments to the value of \$15m, together with major projects fees of \$1.3m. ONRSR's primary expenditure items were the service level agreement payments to Victoria, salaries and wages, and operational costs including rent payments and the development and maintenance of our information technology systems. In 2018-2019 ONRSR initiated a decrease to its annual operating budget of \$1m.



## » Our Governance

### The ONRSR (Board)

Under *Rail Safety National Law*, the ONRSR comprises the National Rail Safety Regulator, Sue McCarrey, and two non-executive members, Catherine Scott and Trish White. These three appointments are made by the South Australian Transport Minister on the unanimous recommendation of the responsible ministers. The ONRSR performs core governance functions including review of ONRSR performance reports and financial operation oversight. The legal authority for specific regulatory actions is vested in the National Rail Safety Regulator only. During 2018–2019, inaugural Non-Executive Member, Peter Batchelor stepped down (December 2018) and was replaced by Trish White. For the 12 month period the ONRSR met 11 times and endorsed ONRSR's budget, forward strategic directions, progress against its business plan and revised suite of key performance indicators.



Sue McCarrey

### Sue McCarrey // Chief Executive/National Rail Safety Regulator

Sue has been Australia's National Rail Safety Regulator since November 2014. Sue has overseen the formal entrance to the national scheme of New South Wales, Western Australia and Queensland. Under her leadership, ONRSR continues to take great strides toward becoming a fully-fledged national operation facilitating a safe, efficient and prosperous Australian rail industry.



Trish White

### Trish White // Non-executive member

Trish White has extensive experience in the fields of governance, risk and project management having served on the boards of several large Australian companies. She is a Fellow of the AICD and the College of Leadership and Management and is a former cabinet minister in the South Australian government, having held the infrastructure, development, transport, science and education portfolios.



Catherine Scott

### Catherine Scott // Non-executive member

Catherine is an experienced non-executive director and is the current Chair of Goulburn Valley Water. She has also operated as Deputy Chair across a portfolio of entities including government business enterprises. Her career combines investment banking and corporate experience in transport, infrastructure, natural resources and agriculture.

### Independent Audit and Risk Committee

An independent committee that oversees and reviews ONRSR's corporate risk, financial management, reviews statutory accounts subject to external audit and ONRSR's internal audit program. The committee comprises Catherine Scott, ONRSR non-executive member as Chair and Kevin Reid, an external appointment. The Auditor-General, or representative, is invited as a guest to each meeting to facilitate effective communication with the South Australian Auditor General's Office. During 2018–2019 4 meetings were held.



ONRSR Executive team from left to right: Jodie Lindsay, Simon Foster, Julie Bullas, Sue McCarrey, Dane Newton, Peter Doggett

## ➤ ONRSR Executive

The Executive team supports the Regulator and the non-executive members to ensure the efficient and effective operations of ONRSR and the implementation of its Corporate Plan and Statement of Intent. It works collaboratively with industry and government using a co-regulatory approach to enhance rail safety in Australia. In 2018–2019 the Executive met 13 times.

### **Peter Doggett // Chief Operating Officer**

Peter has more than 30 years' experience in the industry both in Australia and overseas where he has combined leadership roles and practical operational experience with a focus on risk management. Peter is appointed Acting National Rail Safety Regulator when the National Rail Safety Regulator is unavailable.

### **Julie Bullas // Executive Director, Policy, Reform and Stakeholder Engagement**

Julie has over 35 years' experience leading policy development, reform and major change projects at an executive level across all levels of government, and within the rail industry, including leading the implementation of the national rail reform and establishing the Office of the National Rail Safety Regulator.

### **Simon Foster // Executive Director, Technical**

Simon brings over 35 years of technical and leadership experience in rail covering track, fleet, operations, stations and communications which includes being part of the team that coordinated the successful operation of rail services for the Sydney 2000 Olympic Games.

### **Jodie Lindsay // Executive Director, Corporate**

Jodie is an experienced Chief Financial Officer and corporate services executive with over 30 years' experience in managing complex and multifaceted service based organisations across a variety of industries and sectors. Jodie is a fellow of CPA Australia.



**Dane Newton // Senior Manager, Risk and Analysis**

Dane has over 10 years' experience managing risk and assurance in safety-critical industries such as rail, defence and aviation. A system safety engineer and risk specialist by background, his current area of focus is in risk-based regulation.

**Laura Paulus // General Counsel**

Laura is a respected legal professional with extensive experience in private and public practice. Laura complements her expertise and knowledge in Australian transport safety law with practical experience in railway operations and policy development as well as an understanding of the regulatory craft.

## > Our Team





We recognise that our people are our most important asset and our ability to attract and retain the most suitable and well qualified people is critical to achieving our goals. Our Workforce Plan sets the direction for maintaining a capable, efficient and effective workforce to meet our current and future needs. The plan focuses on people, culture, systems, processes and behaviours.

The table below details employees by workforce profiles.

**WORKFORCE PROFILE**

	PERMANENT	FIXED TERM	CASUAL	TOTAL	CONTRACTORS	SLA
<b>2018-2019</b>	124	19	1	144	6	29
<b>2017-2018</b>	130	13	0	143	4	28

**GENDER PROFILE**

	2018-2019		2017-2018	
				
<b>EXECUTIVE</b>	2	3	2	3
<b>SENIOR MANAGER</b>	12	5	13	5
<b>EMPLOYEES</b>	70	52	65	55
<b>TOTAL</b>	<b>84</b>	<b>60</b>	<b>80</b>	<b>63</b>



## ➤ Internal Committees

### National Operations Committee

With responsibility for the development and implementation of the national work program, assessment and review of regulatory rail safety risks and for discussing operational matters including applying a consistent approach across Australia, the committee comprises Directors from each jurisdiction and other senior operational officers and is chaired by the Chief Operating Officer.

### Regulatory Activities Committee

Acts as an operations committee for ONRSR bringing together the audit, compliance and accreditation functions to ensure the right regulatory intelligence is applied and the right tools are used in the field to facilitate the required safety outcomes.

### Strategic Policy Committee

A senior cross-organisational group led by the Chief Executive with responsibility for discussing strategic policy, legislative and guideline development, safety intelligence and safety improvement initiatives.

### Information Management and Technology (IM&T) Committee

A steering committee which develops and oversees delivery of the IM&T Strategic Plan including work to support transitioning jurisdictions.

### Senior Leadership Group

Comprising around 30 senior staff who meet biannually to discuss performance, strategic directions, regulatory approach and organisational culture.

### Joint Consultative Committee

The Executive engages with the Joint Consultative Committee to facilitate formal consultation with employees on workplace matters including discussions and consultation about the way ONRSR conducts business, our workplace environment, changes that affect employees or any matters relating to the Enterprise Agreement.



## > Our Stakeholders

ONRSR's primary stakeholder is the Australian public which is represented through government ministers, government forums/bodies and agencies. These include:

- > Transport and Infrastructure Council which comprises all state, territory and federal Ministers for Transport and Infrastructure.
- > Transport and Infrastructure Senior Officials' Committee which is an executive officer-level committee supporting the Transport and Infrastructure Council through advice and coordination of briefings.
- > National Transport Commission (NTC), an inter-governmental agency which ONRSR works with to facilitate enhancements to *Rail Safety National Law*.

At operational and policy levels, ONRSR works and liaises with the following bodies:

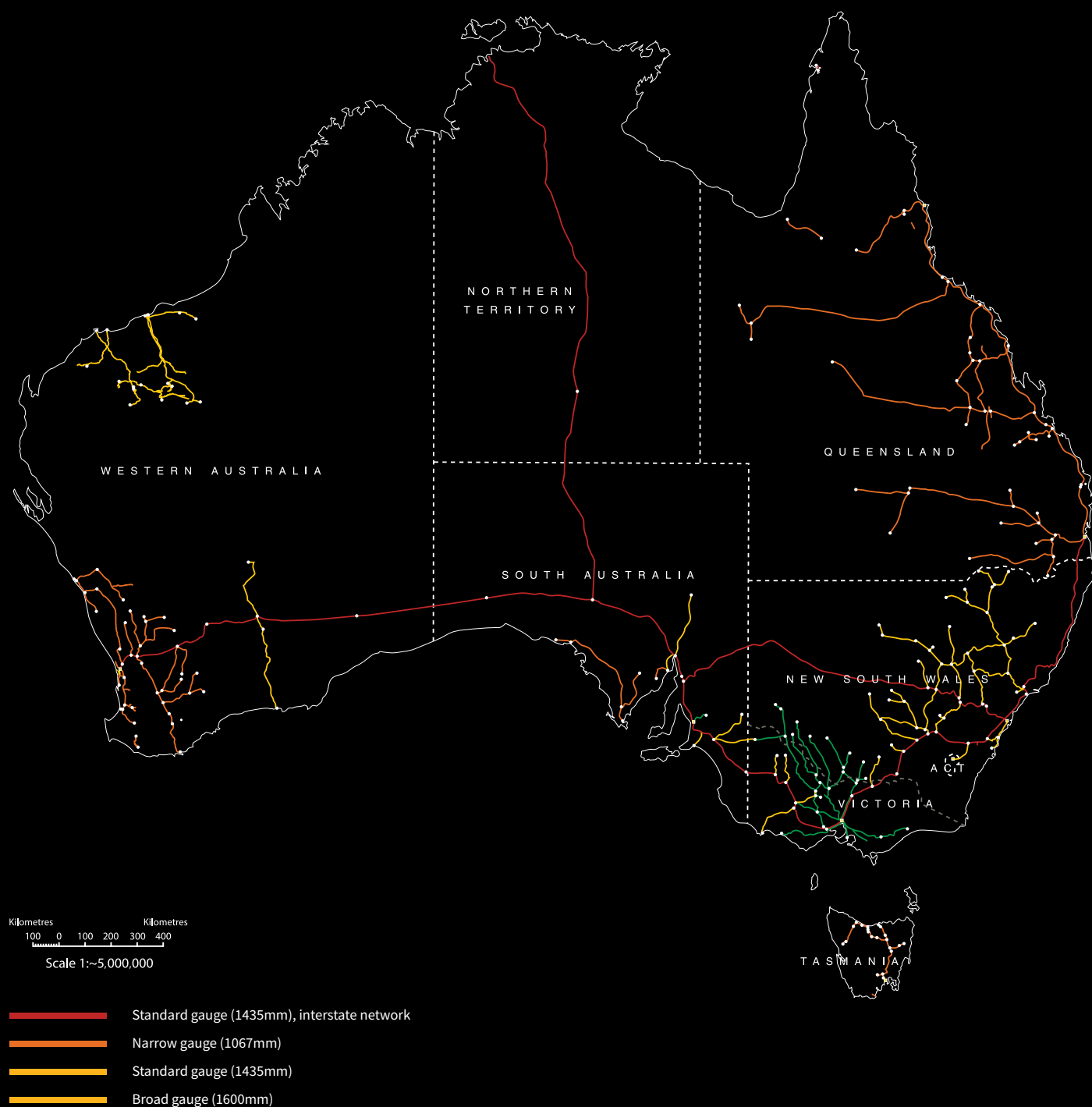
- > Australian Transport Safety Bureau (ATSB)
- > Rail Industry Safety and Standards Board (RISSB)
- > Australasian Railway Association (ARA)
- > Association of Tourist and Heritage Rail Australia (ATHRA)
- > Rail operators (Chief Executives, Rail Safety Managers)
- > Rail Tram and Bus Union (RTBU)
- > Australasian Centre for Rail Innovation (ACRI)

## > Stakeholder Forums

During the year, ONRSR hosted a number of stakeholder forums including:

- > CEO Industry Reference Group to discuss strategic policy and industry and regulatory directions, safety issues and improvements. Participants include senior representatives from the rail industry and the Rail, Tram and Bus Union.
- > Senior Government Policy Group comprising senior state and territory government personnel discussing policy and legislative reform.
- > National Operations Forum which allows multi-jurisdictional operators to discuss safety issues and consistency of application with senior ONRSR operational staff.
- > Operations Forums in individual states to address local operational issues with accredited operators. ONRSR also participates in industry-led meetings and forums through:
  - RISSB's Safety Managers' Group comprising safety managers from various rail transport operators.
  - Association of Tourist and Heritage Rail Australia comprising representatives from all state tourist and heritage associations.
  - State tourist and heritage groups comprising local tourist and heritage operators.

## ➤ Rail Networks Operating Across Australia



Sourced from the Australasian Railway Association



# ONRSR's Performance

## > Industry Safety Performance

ONRSR produces an annual Rail Safety Report, a detailed analysis of rail safety performance including breakdowns by jurisdiction and year with current and previous versions available on the ONRSR website. Rail safety data is also made available on the ONRSR website.

## > Data Analysis

### Category A and Category B occurrences\*

Under *Rail Safety National Law*, rail transport operators must report occurrences. Category A occurrences must be reported immediately. Category B occurrences must be reported to ONRSR within 72 hours of the occurrence. The table below provides high level data on the rail industry safety performance in 2018–2019:

STATE	CAT. A	CAT. B	FATALITY	SERIOUS INJURY
ACT	0	133	0	0
SA	18	3,167	7	2
TAS	5	298	0	0
NT	2	125	0	0
NSW	110	16,294	29	54
VIC	93	8,508	46	32
QLD	52	8,171	10	16
WA	46	3,171	8	19
<b>TOTAL</b>	<b>326</b>	<b>39,867</b>	<b>100</b>	<b>123</b>

\*Variations in reported incident numbers between jurisdictions largely reflect the differences in the size and scope of rail operations across the nation.

## Fatalities

Fatalities can involve staff employed by railway companies, railway passengers or members of the public affected by railway operations. The following table reflects comparative data on the causes of fatalities in participating jurisdictions in 2018–2019:

STATE	SUSPECTED SUICIDE	STRUCK BY TRAIN*	SLIPS, TRIPS & FALLS	OTHER	TOTAL
ACT	0	0	0	0	0
SA	6	1	0	0	7
TAS	0	0	0	0	0
NT	0	0	0	0	0
NSW	20	8	1	0	29
VIC	41	5	0	0	46
QLD	6	2	1	1	10
WA	7	1	0	0	8
<b>TOTAL</b>	<b>80</b>	<b>17</b>	<b>2</b>	<b>1</b>	<b>100</b>

\*includes trains striking people and colliding with road vehicles at railway crossings



## Operational Statistics

The following table reflects ONRSR's operational activity statistics for its regulatory services for 2018–2019:

OPERATIONAL ACTIVITY	2016-2017	2017-2018	2018-2019
No. of accreditations:			
Received	5	13	8
Completed	10	9	6
No. of variations to accreditation:			
Received	45	52	52
Completed	41	41	44
No. of surrenders of accreditation:			
Received	6	9	4
Completed	5	7	7
No. of exemptions to accreditation:			
Received	4	7	2
Completed	2	7	0
No. of variations to registrations:			
Received	4	3	5
Completed	4	2	6
No. of surrenders of registration:			
Received	6	8	7
Completed	7	8	5
No. of notifications of change:			
Received	273	330	321
No. of REPCONs received	5	9	13
Actioned	5	9	13
No. of formal inspections completed	176	235	290
No. of audits completed	65	71	75
No. of compliance investigations completed	4	6	3
No. of improvement notices issued	13	15	26
No. of prohibition notices issued	4	8	5
No. of prosecutions	2	1	2
No. of Enforceable Voluntary Undertakings accepted	0	1	0
No. of site visits	110	257	429







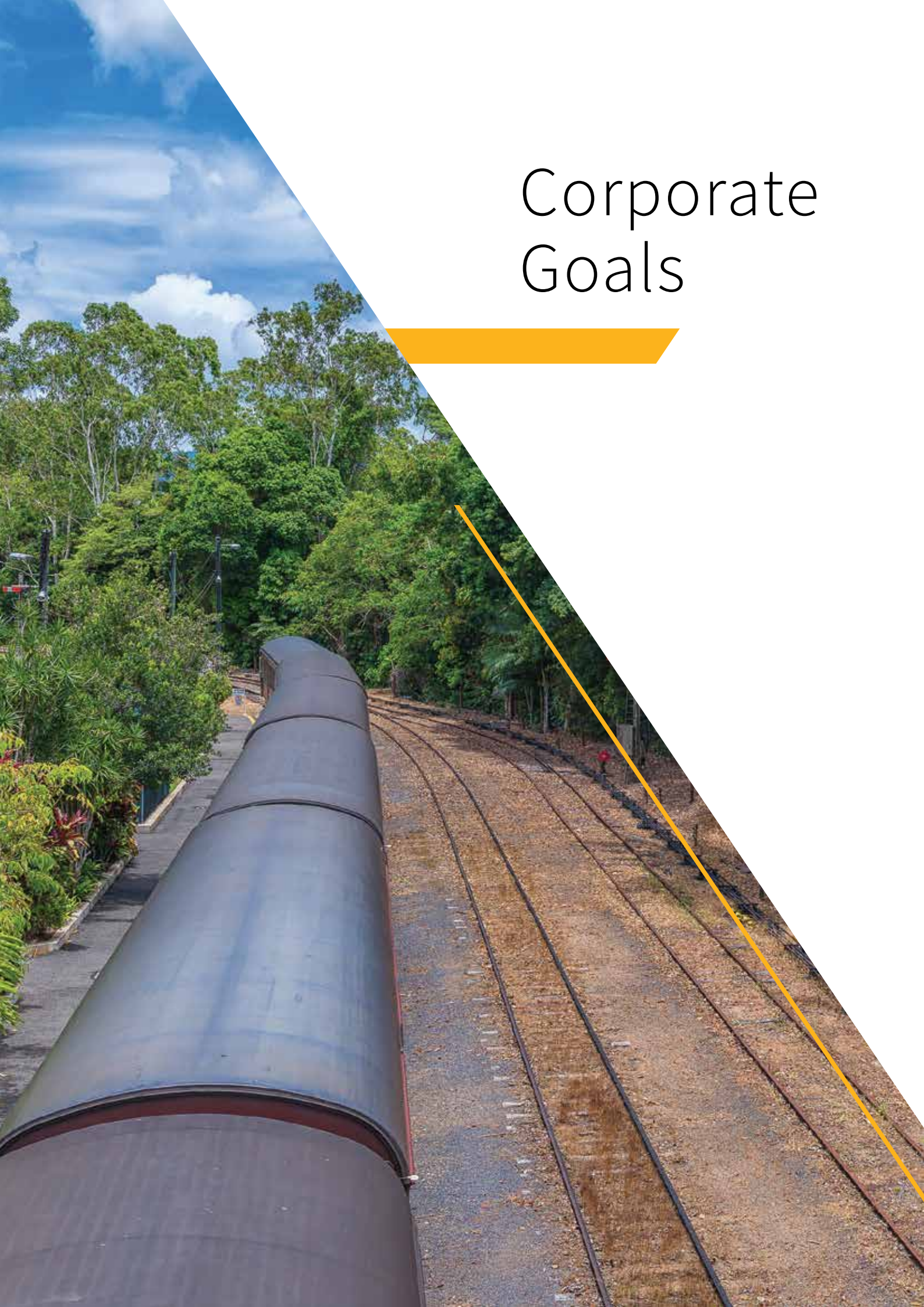
## Part A:

# Corporate Performance





# Corporate Goals



# #1

## Enhance our risk-based approach to rail safety regulation



Guided by a comprehensive risk-based regulatory framework, ONRSR continues to pursue a genuinely risk-based approach underpinned by education and monitoring of accredited parties. By using enforcement powers that range from improvement notices to suspension of accreditation – and include the ability to close down unsafe operations and to prosecute – we can most effectively target regulatory measures to minimise the likelihood of major incidents. This goal is driven by an ongoing focus on improvements to the quality and analysis of data and the infield regulatory intelligence collected in relation to the broad spectrum of rail operations and a growing suite of nationwide major projects.

Milestones	When	2018–2019 Result
Deliver an annual risk-based national work program	Annual	Complete
Work with proponents of major rail projects to ensure safety issues are addressed	Ongoing	Complete
Develop a national cost recovery model based on regulatory effort and risk for consideration by the Transport and Infrastructure Council	Nov 2018	Initial modelling complete – further modelling required
Deliver a national drug and alcohol testing program with annual review	Jun 2021	Progressing
Develop a National Data Strategy and Action Plan in partnership with industry	Dec 2018	Complete
Optimise our data analytics to underpin our risk-based approach to regulatory activities	Jun 2019	Complete (ongoing)
Identify and complete compliance projects associated with national safety priorities	Ongoing	Complete



# Achievements

## ➤ 1. National Data Strategy and Action Plan

The National Rail Safety Data Strategy 2018 – 2022 has been developed as a partnership between the Australian Railway Association (ARA), industry representatives and ONRSR to achieve a relevant, consistent and quality national rail safety data set that is readily available to stakeholders when making rail safety decisions. The strategy is an exciting opportunity for all stakeholders to re-evaluate the why, what and how of national rail safety data collection and dissemination. The critical first step will be identification and agreement of one national rail safety data set. It is envisaged that the development of such a consolidated resource will provide not only significant administrative benefits but will also improve access to rail safety data for all stakeholders. ONRSR, ARA and the wider rail industry will work together over the next three years to implement the Action Plan in its entirety.

## ➤ 2. Data Analysis and Reporting

Throughout 2018–2019 ONRSR has continued to improve how it generates data-driven rail safety insights to support its risk-based approach to regulation. This has included the following noteworthy improvements:

- > Release of version 2 of ONRSR's Risk-based Regulation Framework which sets risk assessment requirements for an expanded set of key regulatory decisions
- > Refinement of ONRSR's Operator Risk Profiling Tool, used to set operator interaction levels for the national work program
- > Enhanced suite of internal regulatory intelligence reports and dashboards, allowing users to visualise and compare the safety performance of operators
- > Expansion and enhancement of the suite of rail safety data reports provided to external stakeholders, including RISSB, TrackSAFE, Level Crossing Committees and government departments.



### ➤ 3. Response to Confidential Reports (REPCONs)

REPCON reports are confidential reports made to the ATSB by anyone who has a rail safety concern that are then referred to ONRSR for action. ONRSR received 13 REPCON reports requiring action during 2018–2019 and any immediate safety issues were addressed as a priority. For other safety issues ONRSR sought further information from operators and/or conducted further regulatory activities to verify the concerns and the operator's response. These matters are a source of regulatory intelligence that are considered in the planning and implementation of ONRSR's national work program for 2019–2020. Once finalised, the ATSB publishes REPCON reports on its website which includes the response from ONRSR. ONRSR's operational measures relating to REPCONs are on page 15.

### ➤ 4. Engagement with Major Railway Projects

Throughout 2018–2019 ONRSR has continued to engage with proponents of major railway projects across Australia. These have included but are not limited to:

- > Canberra Light Rail (ACT)
- > Cross River Rail (Qld)
- > Forestfield Airport Link (WA)
- > Sydney Metro (NSW)
- > Sydney CBD and South East Light Rail (NSW)
- > Newcastle Light Rail (NSW)
- > Melbourne Metro Rail (Vic)
- > High Capacity Metro Trains (Vic)
- > Level Crossing Removal (Vic)
- > Inland Rail (Vic, NSW, Qld)

ONRSR's engagement has taken several forms including assessing applications for accreditation and variations to accreditation from project proponents, monitoring and reviewing safety processes and providing advice through the application of the ONRSR Major Projects Guideline and the General Safety Duties fact sheet.

### ➤ 5. ONRSR National Priorities: Compliance Projects

By applying a compliance focus to national priority subjects, Road Rail Vehicles and Track Worker Safety, ONRSR has been able to deliver significant positive behaviour change among rail transport operators. Specifically, safety improvements have been made through the removal of obsolete equipment and the adoption of enhanced processes and procedures. Ongoing regulatory compliance associated with both topics is now being incorporated into ONRSR's annual work program and other related business as usual activities. These priorities are also addressed via ONRSR's dedicated Safety Improvement projects.

## # 2

## Reduce regulatory burden on industry

ONRSR recognises two distinct levels of regulatory burden. The first drives our work with jurisdictional transport agencies, transport ministers and the National Transport Commission on legislative clarity and efficiency to influence reductions in duplication and enable innovation and productivity. The second relates to our efforts to constantly improve the quality and efficiency of our regulatory interactions including our requests for, and exchange of, information. We continually encourage feedback on both the legislative and regulatory frameworks and the activities they facilitate. This goal is further underpinned by memoranda of understanding with key stakeholders and ONRSR's support for the ongoing development and adoption of quality national industry standards.

MILESTONES	WHEN	2018-2019 RESULT
Prepare a report to the Transport and Infrastructure Council on the review of drug and alcohol management arrangements under RSNL	2018	Complete
Prepare a report to the Transport and Infrastructure Council on the review of fatigue management arrangements under RSNL	Nov 2018	Complete
Implement outcomes from the review of drug and alcohol management arrangements under RSNL	Jun 2020	Progressing
Implement outcomes from the review of fatigue management arrangements under RSNL	Dec 2020	Progressing
Undertake maintenance review of RSNL and prepare a submission to the Transport and Infrastructure Council on proposed amendments	Annually	Complete (2018-2019)
Work with government to encourage the removal of the service level agreement in Victoria	2019	Progressing
Work with governments and industry to deliver reforms made possible by the establishment of a national regulation framework	Jun 2019	Complete
Analyse and prepare input for the Productivity Commission's review of the economic benefits of national transport safety reforms	2019	Progressing
Identify, in consultation with industry, areas for improving the efficiency of regulatory interactions	Dec 2018	Progressing
Deliver an online portal for the exchange of information between ONRSR and operators	Jul 2018	Complete

# Achievements

## > 1. The ONRSR Portal

The ONRSR Portal is a secure digital channel that facilitates the easy and reliable online exchange of all accreditation, regulatory activity and regulatory reporting data between ONRSR and regulated parties. The portal complements ONRSR's face-to-face interactions with rail transport operators and was launched in December 2018 following an extensive development and pilot phase that involved working with a range of operators to optimise functionality. This initiative represents a step change in the way ONRSR exchanges and accesses information to ensure both the industry and the Australian public are afforded all the benefits of *Rail Safety National Law* and removed a large number of forms and additional procedures required of industry.

## > 2. Legislative Review: Fatigue Management

Through extensive consultation with industry and a reference group that included unions, industry and government representatives, ONRSR completed a review of fatigue management in the rail industry noting the impacts of differing fatigue management legislation in place in two Australian jurisdictions. A paper has been prepared for consideration by the Transport and Infrastructure Council in August 2019 and ONRSR will implement the outcomes agreed.

## > 3. ONRSR Stakeholder Survey 2019

Throughout early 2019 ONRSR conducted its second such survey to elicit the views of industry and government stakeholders on our progress against the objectives of the national safety reform, how we are delivering on our key functions and the effectiveness of our engagement activities. As in the inaugural survey, completed in 2016, the process was conducted by a fully independent third party and used a combination of qualitative and quantitative data collection and analysis. Once again a very encouraging response rate was recorded with more than 50% of all accredited and registered operators taking part. ONRSR has now reviewed the findings and recommendations and is mapping these against work already underway and where necessary incorporating any new activities into its 2020–2023 corporate planning cycle.



## # 3

## Work with industry to address national rail safety issues



To complement compliance and enforcement activities, ONRSR engages with industry to raise awareness of issues and seek solutions that reflect a shared responsibility for rail safety. ONRSR expects industry to take a proactive approach on safety initiatives, performance and harmonisation. This goal reflects the important role ONRSR has to use the information and resources at its disposal to educate accredited parties in relation to RSNL generally and safety issues specifically.

MILESTONES	WHEN	2018–2019 RESULT
Deliver priority projects in the safety improvement work plan:		
> Track worker safety	Jun 2019	Complete
> Risk management	Jun 2020	Progressing
> Level crossing safety	Dec 2020	Progressing
> Tourist and heritage sector, safety management capability	Jun 2019	Complete
Develop an ONRSR Education Strategy that incorporates safety improvement	Dec 2018	Progressing (to be included in The ONRSR Way version 2)
Input into further enhancement of the National Standard for Health Assessment of Rail Safety Workers	Dec 2018	Complete
Actively contribute to industry's effective implementation of its safety strategy	Dec 2019	Progressing
Develop guidance material that provides clarity for operators and helps address potential delays and costs that can arise from uncertainty	As required	Complete (2018–2019) / Ongoing
Support industry and RISSB with the development of selected national standards, guidelines and products as appropriate	As agreed with industry/ RISSB	Complete (2018–2019) / Ongoing
Distribute regular safety bulletins to accredited/ registered operators	As required	Complete (2018–2019) / Ongoing

# Achievements

## > 1. Safety Improvement Program

ONRSR's Safety Improvement Program was once again a headline initiative in 2018–2019 with track worker safety and tourist and heritage safety management the key focus areas. For the first time ONRSR used interactive theatre-based workshops that used actors and rail industry-specific scenarios to give track workers and their supervisors a new take on critical safety messages. Initial interest was extremely encouraging with more than 250 people attending the workshops in 8 locations around Australia. Strong interest was also displayed in a series of workshops ONRSR held for the tourist and heritage sector with over 200 people from the sector attending these workshops. The workshops were designed to help what are largely volunteer organisations maximise their focus on key issues such as risk management and effective governance.

## > 2. ONRSR Rail Safety Report 2017–2018

ONRSR's most popular and eagerly awaited corporate publication, the Rail Safety Report 2017–2018 was the most complete statistical summary and analysis of rail safety in Australia to date. For the first time the document included data from Queensland, providing industry and all rail safety stakeholders with a truly national perspective. In addition to an array of facts and figures, the report documents major incidents and lists the priorities ONRSR is addressing via its national work program. The report is available both in print and online at [www.onrsr.com.au](http://www.onrsr.com.au)

## > 3. Safety Bulletins/ Alerts 2018–2019

Throughout 2018–2019 ONRSR produced three Safety Bulletins, published on the website and distributed to all accredited and registered rail transport operators via our regular e-newsletter, ONRSR Engauge. These bulletins are designed to focus on areas of rail safety concern, to provide detail on specific safety topics, share information between the regulator and the rail industry and identify positive steps to enhance rail safety. In addition ONRSR produced and publicised a further four Safety Alerts to inform accredited rail transport operators and the broader rail industry of immediate and emerging safety issues. Issues covered included the identification of asbestos in rolling stock components, the use of electronically controlled pneumatic braking and Automatic Train Protection systems and the use of rail vehicle lifting jacks.



## # 4

# Invest in ONRSR's national capability, governance and culture to drive our strategic intent

ONRSR recognises its people are its most important asset and that complementary investment in our capabilities, governance and culture will drive our strategic intent. Building this culture and enhancing the skill set remains a priority. Similarly important is the ongoing enhancement of our business and regulatory information systems. This goal recognises the desire for ONRSR staff to be equipped to work smart and safely in an efficient, informed, coordinated and consistent manner wherever they are located around Australia.

MILESTONES	WHEN	2018-2019 RESULT
Deliver ONRSR's Workforce Plan	Dec 2019	Complete
Undertake a regular trainee rail safety officer program	Ongoing	Progressing
Deliver ONRSR's Information Management and Technology Strategic Plan	Dec 2019	Complete
Conduct an external audit of our Enterprise Risk Management Framework and program	Jun 2019	Progressing
Review ONRSR's internal policies and procedures	Feb 2020	Ongoing

## Achievements

### ➤ 1. Trainee Rail Safety Officer Program

In February 2019 ONRSR appointed its first intake of trainee Rail Safety Officers to full time positions following their successful completion of a yearlong traineeship program. A key workforce initiative for ONRSR, the program was designed to maintain the capability of one of our largest workgroups, be proactive in managing an ageing workforce and to deliver a positive industry-wide initiative. Phase one consisted of intensive training and information modules that imparted detailed knowledge regarding ONRSR and the rail industry. Phase 2 covered on-the-job learning, where the trainees worked in their local offices gaining experience in being a part of, and leading, regulatory activities. ONRSR has reviewed the program and is now planning a second such undertaking in 2020.

### ➤ 2. Development of new 3 Year Workforce Plan

The welfare and wellbeing of our staff is among the highest priorities for the organisation and a strategic approach that engages our people and promotes pride and achievement is of paramount importance. The ONRSR Workforce Plan 2019–2021 sets the direction for maintaining a capable, efficient and effective workforce to meet our current and future business needs and goals and will focus on people, culture, systems, processes and performance. The successful adoption of the plan will ensure a positive working environment where ONRSR staff exhibit the values and behaviours expected of them, are adaptable to changing business and stakeholder needs and have all the tools and resources required to work as effectively as possible.

### ➤ 3. Migration of Corporate Systems to Microsoft Azure Platform

In 2018–2019 ONRSR successfully transferred its ICT managed services to the Microsoft Azure public cloud to ensure it has the long term and secure computing infrastructure needed by a maturing national organisation with staff in a range of remote locations. The new solution not only came at a reduced cost to ONRSR but has provided a significant boost to the functionality available.





# Part B:

# Regulatory Performance

A solid orange horizontal bar with a diagonal cut on the right side.



# South Australia



## RAIL INDUSTRY CONTEXT

**As at 30 June 2019 there were 43 operators accredited by ONRSR under *Rail Safety National Law* for operations in South Australia.**

### > Significant Regulatory Activities

- > Throughout 2018–2019 ONRSR has been closely monitoring a series of projects being undertaken by the South Australian Rail Commissioner. These include a grade separation project at Oaklands Park, preparation works for a proposed spur line at Port Adelaide, an extension of the Tonsley Line to Flinders University and the expansion of the electrified train network on the Gawler Line. As a result of the changes to the operator's network ONRSR has undertaken a variety of regulatory activities including variations to accreditation and audits and inspections to validate the information provided regarding the subsequent changes in operation.
- > Over a nine month period ONRSR conducted more than 20 track worker safety focused site visits and inspections to validate rail safety workers' protection arrangements on the South Australian rail network. These included random drug and alcohol testing of workers on the Australian Rail Track Corporation's re-railing project between Port Augusta and Tarcoola.
- > ONRSR continues to work closely with tourist and heritage operators in South Australia to ensure the services being offered to the public are managed in a safe manner and high levels of risk are managed appropriately. At times ONRSR has had to issue formal regulatory notices to drive improvement but on other occasions has been successful in promoting the benefits of an effective safety management system.

Four Improvement Notices were issued during 2018–2019 to tourist and heritage operators in South Australia.

1. A tourist and heritage operator had not undertaken bridge and infrastructure inspections as per the re-inspection date documented in an external engineering inspection report. The operator had continued to operate rolling stock over all rail bridges and infrastructure across the network despite the scheduled bridge inspections being overdue by nine months. The ONRSR Improvement Notice required the operator to engage a suitably qualified structural engineer to undertake the overdue bridge and infrastructure inspections and validate their suitability for continued railway operations. The operator engaged a qualified engineer who provided a report which contained certification that the rail infrastructure was fit for current purpose. The report also contained recommendations of remedial actions to be completed and these actions are being monitored by ONRSR.



2. A tourist and heritage operator failed to implement a corrective action plan and to register the corrective actions identified by an engineer's report into the condition of bridges on its network. The ONRSR Improvement Notice required the operator to develop a corrective action plan to address the remedial actions required within the engineer's report. A corrective action plan was developed and the implementation of the plan is being closely monitored by ONRSR through regular meetings and regulatory activities.
3. A tourist and heritage operator was issued with an ONRSR Improvement Notice because it was not providing the governance and management oversight of its railway operations, managing open corrective actions or addressing open non-conformances as described by its safety management system. The operator has struggled to comply with the Improvement Notice and as such has voluntarily suspended passenger operations. ONRSR continues to monitor this operator and provide educational support to address shortfalls.
4. A tourist and heritage operator was issued with an ONRSR Improvement Notice following an incident on its network and its board's subsequent failure to exercise due diligence. Specifically to ensure it complied with its duty or obligation to oversee appropriate processes for receiving and considering information regarding incidents and risks and responding in a timely manner. ONRSR continues to work with the operator to ensure regulatory compliance and monitor the implemented corrective actions through planned regulatory activities.

## > Incident Response

- > On 27 August 2018, a tourist and heritage operator reported to ONRSR that a collision had occurred between a section car consist and a track laying consist on the Mt Barker to Victor Harbor railway near Gemmells, South Australia. The collision caused rolling stock damage and a minor injury. As a result of this incident ONRSR Rail Safety Officers attended the site and an investigation was undertaken to determine the circumstances surrounding the collision. The output from the investigation saw recommendations made to the operator to review and implement or justify any non-implementation.
- > On 27 August 2018, the South Australian Rail Commissioner reported to ONRSR that a collision had occurred between rolling stock and a motor vehicle that had been pushed onto the railway tracks at Lonsdale Station on the Seaford Line in metropolitan Adelaide. ONRSR Rail Safety Officers attended the site and a follow-up investigation determined that the station had been designed without a separation barrier that would have prevented the incident. On 25 September 2018, the operator installed portable concrete jersey barriers to prevent a recurrence.
- > On 16 October 2018, the South Australian Rail Commissioner reported to ONRSR that a low speed collision had occurred between rolling stock and a buffer stop at Grange Station at the end of the Grange Line in metropolitan Adelaide. ONRSR Rail Safety Officers attended the site of the collision and a follow-up investigation recommended a request for additional information from the operator. On 25 October a graphical printout from the train's on-board data logger was reviewed by ONRSR and supported a finding that a faulty connection between train handling and train brake application had resulted in wheel slippage and the uncontrolled slide into the buffer stop.
- > On 6 January 2019, a major derailment occurred 31 kilometres east of Cook in South Australia's far west. A freight train travelling from Melbourne to Perth derailed when the lead wheel of the 36th wagon in the consist disintegrated causing the adjoining wheels to derail. ONRSR Rail Safety Officers are monitoring the operators' investigation, including the review of a metallurgist's report into the disintegrated wheel, and what action the freight operator will take to lessen the risk of a similar occurrence and provide learnings for the wider rail industry.





# Western Australia

## RAIL INDUSTRY CONTEXT

**As at 30 June 2019 there were 46 operators accredited by ONRSR under *Rail Safety National Law* for operations in Western Australia.**

### > Significant Regulatory Activities

- > Throughout 2018 ONRSR worked with the Public Transport Authority of Western Australia (PTA) to establish a safety assurance plan for the design and construction of rail infrastructure associated with the Forrestfield Airport Link project. Key to this initiative was liaison between ONRSR's operational and technical subject matter experts and the PTA Major Projects Unit to understand the safety critical milestones and the evaluation PTA was undertaking to ensure the safe delivery of the project.
- > ONRSR assessed a variation to accreditation submitted to test and commission a communication based train control system (CBTC) to manage the movement of rolling stock on a network in the Pilbara region of Western Australia. This type of system has the potential to create shorter headways between services, increase fuel efficiency and increase safety performance.
- > In October 2018, ONRSR conducted an audit of a major rail transport operator's management of risks associated with its operations in Western Australia. The audit determined that the operator had not adequately explained how risks to train driving operations had been fully considered following the introduction of *Rail Safety National Law* in Western Australia in 2015. This audit and subsequent follow up work between ONRSR and the operator led to a re-evaluation of the way in which risks are controlled and these decisions are now articulated in the operator's safety management system.

## ➤ Incident Response

- > On 5 November 2018, BHP Billiton Iron Ore experienced a significant runaway event in the Pilbara region of Western Australia resulting in the deliberate derailing of locomotives and wagons and considerable loss of rolling stock and iron ore. ONRSR immediately sent a team of Rail Safety Officers from Perth to the site to evaluate and record the incident and provide guidance to the investigation. Information gathered on site and evaluated by BHP and ONRSR led to the issuing of a safety alert to all operators of trains utilising Electronically Controlled Pneumatic braking to advise of the conditions under which this system may not be effective.
- > On 11 November 2018, a Pacific National freight train service on the Daniell-Norseman section of the Arc Infrastructure line suffered a derailment following a severe washaway event caused by heavy rains. ONRSR responded immediately by dispatching a team of Rail Safety Officers to examine the site and consider the risks to rail traffic. This response and subsequent regulatory activities with Arc Infrastructure led to a reassessment of drainage requirements in the area and rectification works being carried out to minimise the risk of future derailments.
- > Following concerns from an incident in 2017 which resulted in a serious injury to a member of the public, ONRSR's Rail Safety Officers carried out an inspection of shunting by an operator at a siding in south-western Western Australia. During the shunting it was observed that train drivers were operating trains in a "driver only" method that was contrary to the operator's accredited permissions. As a result of the report generated, and the issuing of an Improvement Notice, the operator has ceased this practice and is considering other options for the safe movement of trains whilst loading and unloading.





# Victoria



## RAIL INDUSTRY CONTEXT

**As at 30 June 2019 there were 49 operators accredited by ONRSR under Rail Safety National Law for operations in Victoria.**

### > Significant Regulatory Activities

- > Over two days in April 2019, during a shut down for maintenance works, ONRSR Rail Safety Officers conducted a compliance inspection in the rail corridor between Flinders Street Station and Hawksburn Station. The track occupations were in a high risk location with live running lines adjacent to works which included the removal of a bridge and construction of a new underground tunnel. The activity was triggered as a follow-up to corrective actions raised from earlier Improvement Notices. During the inspection the team interacted with contractors working under the operator's accreditation and their own employees and primarily focused on the role of the Work Group Supervisor along with RRV operations and fatigue management. As a direct result of the inspection a final report will facilitate improvements to the operator's processes for safe working within occupations and its management of contractors.
- > Throughout 2018–2019 ONRSR conducted a series of load integrity inspections on steel trains following a spike in load irregularities that included a loss of steel product from a train in north eastern Victoria. The initial inspections conducted by ONRSR identified frequent load shifts of steel products during transit between intercity locations. Exercising powers under the RSNL, ONRSR subsequently intercepted a steel freight train during transit and conducted a load security inspection on the mainline. During the inspection steel product load shifts were identified on eleven rail freight wagons. The affected wagons were immediately removed and the loads adjusted for transit onto other services. As a result of this activity the operator has committed to implement a comprehensive action plan that identifies the causes of loading integrity issues and implement mitigation measures to reduce the risk of load issues. Learnings from the inspections have also been carried forward into ONRSR's 2019–2020 national work program with load integrity now included as a national focus for all rail freight operators.



> ONRSR has conducted a series of inspections focused on how major rail transport operators in Victoria manage the risks associated with operations and maintenance in the summer months. The inspections focussed on rolling stock preparation, track buckling and management of vegetation and fire risk in the rail corridor. While the risks of operating rail services over the summer period are generally well managed, the inspections did identify some opportunities for improvement including:

- interfaces, management and communications between the rail operator and emergency services
- vegetation management along the rail corridor and the difficulties of managing vegetation in sites of high significance (biosites)
- completion of site-specific risk assessments along the rail corridor.

As a result of these inspections operators have made, or are in the process of making, improvements which will provide a more robust approach to managing rail infrastructure and operations in summer months.

## > Incident Response

- > On 22 September 2018, the driver of a passenger train in Colac was forced to apply the emergency brake after observing that warning devices at a level crossing had failed to operate as the train approached the crossing. The train came to a stop across the crossing and fortunately there were no collisions with road vehicles or pedestrians. An ONRSR investigation revealed maintenance work had occurred at the crossing and that subsequently the crossing had not been reinstated correctly. As a result of an Improvement Notice issued by ONRSR, the operator has since developed and implemented improvements to relevant procedures and its safety management system.
- > On 9 November 2018, a set of carriages uncoupled from a train leaving Croydon Station. The brakes were instantly applied to the leading set with both sets coming to a stop approximately 300 metres apart from where passengers on both sets were safely detrained. An investigation undertaken by the operator revealed a wiring error in a recent modification had caused inadvertent energising of the coupling system, resulting in the uncoupling. The operator implemented a number of corrective actions, improvements and further testing of its fleet and ONRSR has engaged with the operator on an ongoing basis to monitor these actions.
- > On 8 January 2019, track works occurring in North Geelong inadvertently resulted in the loss of train detection on all tracks in the vicinity of a level crossing. When a passenger train subsequently failed to activate the warning equipment at the crossing, road vehicles were required to take evasive action to avoid colliding with the train. Immediately following the incident, ONRSR took regulatory action to prohibit any works at the location until relevant safety matters had been addressed. ONRSR also commenced an investigation into the incident which remains ongoing.
- > Following two separate incidents in March and April that resulted in a fatality and a serious injury respectively at stations in Melbourne, ongoing ONRSR investigations have resulted in preliminary follow up actions including the operator implementing changes to some safety treatments on site.



# Tasmania

## RAIL INDUSTRY CONTEXT

**As at 30 June 2019 there were 15 operators accredited by ONRSR under *Rail Safety National Law* for operations in Tasmania.**

### > Significant Regulatory Activities

- > ONRSR completed its examination of all organisations in Tasmania who operate railway steam locomotive and the results were consistent with the initial findings reported in the 2017–2018 annual report.
- > ONRSR has been observing and inspecting the railway operations of tourist and heritage operators in Tasmania to determine if they are effectively implementing their respective safety management systems. These inspections have provided the opportunity for Rail Safety Officers to provide advice to operators regarding improving the practical management of observed areas of safety risk.
- > The operation of the Network Control Centre for Tasmania's principal commercial freight railway has been the focus of ONRSR's audit activities throughout 2018–2019.



## ➤ Incident Response

- > On 21 September 2018, the failure of locomotive remote control equipment on a train used within the rail yard at Railton resulted in the train traveling in an uncontrolled state to Devonport where it was deliberately derailed. Two members of the public were injured as a result of debris caused by the derailment and the operator immediately voluntarily suspended the use of locomotive remote control equipment. ONRSR issued the operator with an Improvement Notice requiring it to review the risk of run away at all rail yard locations where loading, unloading, shunting, storage or stabling of rolling stock is carried out.
- > On 22 September 2018, ONRSR received a report that an empty passenger carriage had runaway for approximately 1.7 kilometres after being detached from a locomotive during shunting operations at a tourist and heritage operation. ONRSR conducted an inspection that resulted in an Improvement Notice being issued requiring modifications to the operator's braking system and to its procedures for securing rolling stock during this type of operation.
- > On 29 September 2018, a tourist and heritage passenger train derailed at Ida Bay. ONRSR's inspection of the site determined that the condition of the railway's infrastructure was a contributing factor to the incident and a Prohibition Notice was subsequently issued to the operator, prohibiting the operation of passenger trains.





# Queensland

## RAIL INDUSTRY CONTEXT

**As at 30 June 2019, there were 65 operators accredited by ONRSR under *Rail Safety National Law* for operations in Queensland.**

### > Significant Regulatory Activities

- > In October 2018, The Mary Valley Rattler recommenced passenger-carrying operations from (Old) Gympie Station to Amamoor in south east Queensland. This variation to the accreditation was the result of a comprehensive regulatory strategy that included numerous inspections and educational site visits as well as an audit of the organisation's entire safety management system.
- > ONRSR continues to conduct a range of regulatory activities in Queensland to monitor a number of initiatives aimed at preventing Signals Passed at Danger (SPADs). The resulting safety improvements have included the installation of a number of enhanced engineering controls within operators' rolling stock and infrastructure as well as a significant review of driver training and competency that has resulted in a reduced number of SPADs.
- > ONRSR has undertaken a number of compliance activities focussed on the inspection and repair practices of large Rail Infrastructure Managers, specifically in relation to their track and structures. These activities concentrated on the processes for recording and monitoring inspections and the management of any resulting defects. As a result, more detailed compliance activities relating to these practices will continue in Queensland and around Australia in the 2019–2020 financial year.

## ➤ Incident Response

- > On 11 June 2018, a person engaged in 'train-surfing' near Sellheim, 20 kilometres north east of Charters Towers, fell from the train and suffered critical injuries. This incident triggered ONRSR's comprehensive investigation into the operations of both the Rolling Stock Operator and the Rail Infrastructure Manager. The investigation concluded in early 2019 and ONRSR's collaborative approach with both organisations resulted in well-considered improvements to each organisation's safety management system and emergency response procedures.
- > On 7 September 2018, three teenage boys accessed the rail corridor adjacent to a bridge at Pimpama, between Brisbane and the Gold Coast. After some time sitting on the concrete barriers supporting the bridge, one of the teenagers fell five metres and received an electric shock. Another also received an electric shock when he attempted to stop the first teenager from falling. Both incurred serious injuries while the third youth suffered minor injuries when he attempted to render assistance to the other two. ONRSR conducted a site visit to establish whether the incident warranted a formal investigation. No additional concerns were identified in what was a case of trespass.
- > On 13 December 2018, a freight train collided with a car at an actively protected level crossing at Home Hill in North Queensland, resulting in a fatality. A signal team had completed a routine inspection of the level crossing equipment only minutes prior to the incident which meant they were able to render assistance to the single occupant of the vehicle until emergency services arrived. ONRSR conducted a follow up investigation to the incident that confirmed the level crossing equipment was functioning correctly at the time of the collision and that the failure of the car to stop at the flashing lights was the root cause of the incident.





# New South Wales

## RAIL INDUSTRY CONTEXT

**As at 30 June 2019 there were 87 operators accredited by ONRSR under *Rail Safety National Law* for operations in New South Wales.**

### > Significant Regulatory Activities

- > ONRSR conducted a series of regulatory activities on a number of non-accredited Road Rail Vehicle manufacturers in New South Wales to determine the risks associated with the railway activities they were undertaking and the controls in place to manage those risks. The inputs from these activities directly informed an ONRSR position paper “RRV Manufacturers Requirements under the RSNL for Accreditation” that is now guiding a consistent regulatory position and approach across Australia.
- > Throughout 2018–2019 ONRSR undertook random work site inspections across the three major railway networks in New South Wales with a focus on organisations providing safe working resources to the rail industry and how these third parties meet their obligations under *Rail Safety National Law*. Among the outcomes was the requirement for a major passenger operator to conduct an in-depth external review of its systems and processes for ensuring track worker safety and deliver a report with recommendations. ONRSR is continuing to work with the operator to ensure these recommendations are implemented.
- > ONRSR has reviewed the systems used by rail transport operators for the effective management of the risks to safety presented by a range of bridges and structures on the New South Wales network. Conducted by a team of Rail Safety Officers with a range of technical skills, the inspections included assessments of existing maintenance records and discussions with operators to ensure any defects are prioritised and managed accordingly.

## ➤ Incident Response

- > On 26 September 2018, a freight train derailed near Antiene in the upper Hunter Valley resulting in a single bogie travelling in a derailed state for approximately 10 kilometres and subsequently striking a freight train travelling in the opposite direction on an adjacent line. While there were no injuries, the collision resulted in the derailment of an additional six wagons on the first freight train and damage to the second. ONRSR's investigation found that the first wagon to derail was not loaded and as a result the coal loading facility in question has taken steps to ensure unloaded and/or partially loaded wagons are identified and appropriately loaded prior to departure.
- > On 1 March 2019, a freight service travelling near Wagga Wagga in southern New South Wales passed a signal at stop (red). Upon being notified of the incident by the Australian Rail Track Corporation's (ARTC) Network Controller, the driver immediately applied the emergency brake bringing the train to a stop some 830 metres beyond the signal. While under braking the freight train had passed another two signals displaying red and as a result was in direct conflict with another freight train travelling in the opposite direction. ARTC's Network Control immediately contacted the second freight train and requested that it be stopped and subsequently a distance of approximately 2.75 kilometres separated the two trains once both were stationary. ONRSR's investigation into the incident is ongoing.







# Australian Capital Territory

## RAIL INDUSTRY CONTEXT

As at 30 June 2019 there were 11 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Australian Capital Territory.

### > Significant Regulatory Activities

- > In the lead up to the commencement of operation of Canberra's new light rail system in April 2019, ONRSR conducted a number of regulatory activities, including one involving the ACT Energy Regulator, to ensure Canberra Metro had met specific safety duties prior to it being granted accreditation.
- > ONRSR held regular meetings with Canberra Metro operations in relation to its management of occurrences specific to 'Traffic Light or Signal Passed without Authority' and subsequently conducted an inspection to identify opportunities to improve safety.

### > Incident Response

During the reporting period there were no significant rail safety incidents within the ACT that required the attendance of ONRSR Rail Safety Officers.





# Northern Territory

## RAIL INDUSTRY CONTEXT

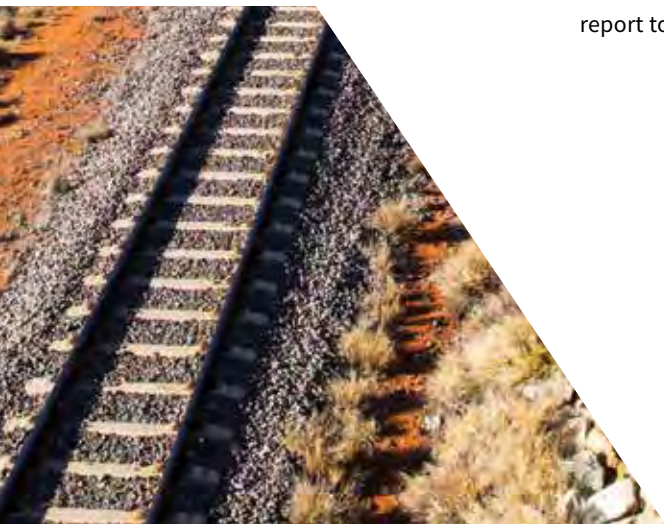
**As at 30 June 2019 there were 13 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Northern Territory.**

### ➤ Significant Regulatory Activities

- > ONRSR conducted private siding site visits as part of an annual visit to each operator between Darwin and Alice Springs during 2018–2019. One such visit determined that a derailment that had occurred in the weeks prior was the result of roadway drainage compromising the foundation and sleepers supporting the railway track. While the derailment had occurred at walking speed and no injuries were recorded, ONRSR provided the operator with information and guidance in relation to management of track within the scope and context of the operation.
- > ONRSR's annual patrol provided opportunities for Rail Safety Officers to familiarise themselves with the operating environment in the Northern Territory, in particular the vast distances between locations. The crossing loop at Illaqua, 320 kilometres by rail north of Alice Springs was visited to gain an understanding of accessibility and the general condition of the crossing loop. This was the first recorded time ONRSR had inspected this section of the track.
- > An inspection of a major freight operator in March 2019 focused on ONRSR's ongoing national priority relating to the safe operation of Road Rail Vehicles. The inspection revealed that the operator has made many changes to the operations and maintenance of its RRVs thereby improving the safety of operations on its network.

### ➤ Incident Response

On 25 January 2019, a running line derailment at Katherine resulted in significant damage to six wagons and 600 metres of mainline track. ONRSR's Rail Safety Officer attended the derailment site and prepared a preliminary incident report and ONRSR is subsequently working with the operator regarding its own investigation report to monitor the corrective actions being undertaken.









# Financial Report

## FINANCIAL SUMMARY 2018–2019

ONRSR's detailed audited financial statements are on page 46 of this annual report.

ONRSR showed a net surplus of \$1.393 million for the financial year ending 30 June 2019. The surplus was attributable to employee benefits being less than forecast due to vacancies, drug and alcohol monies not fully spent and additional interest revenues.

The major income items were fees and charges (\$38.4 million). This item decreased by \$0.6 million in 2018-19 due largely to annual fees and charges increasing in line with CPI offset by ONRSR decreasing its annual operating budget by \$1 million.

There were two major expenditure items. The first was employee benefits expense (\$21.8 million). The increase in expenses from 2017-18, is largely due to pay increases in-line with ONRSR's enterprise agreement. The second major item was Service Level Agreement payments for ONRSR's Victoria branch (\$6.3 million). These were paid to Transport Safety Victoria.

As referred to in the Statement of Financial Position, the cash and cash equivalents balance (\$17.6 million). The increase in cash and cash equivalents on 2017-18 is largely due to the current year surplus. It is sound financial management for ONRSR to maintain modest cash reserves for working capital, capital costs and one off costs as ONRSR is not funded directly for these costs.

## INDEPENDENT AUDITOR'S REPORT



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Auditor-General's Department

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### To the Chief Executive The Office of the National Rail Safety Regulator

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 43(3) of the Schedule to the *Rail Safety National Law (South Australia) Act 2012*, I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2019.

### Opinion

In my opinion, the accompanying financial report gives a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2019, its financial performance and its cash flows for the year then ended in accordance the provisions of the *Public Finance and Audit Act 1987*, the *Rail Safety National Law (South Australia) Act 2012* and Australian Accounting Standards.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2019
- a Statement of Financial Position as at 30 June 2019
- a Statement of Changes in Equity for the year ended 30 June 2019
- a Statement of Cash Flows for the year ended 30 June 2019
- notes, comprising significant accounting policies and other explanatory information
- a Certificate from the Acting Chief Executive and the Executive Director, Corporate.

### Basis for opinion

I conducted the audit in accordance with the *Public Finance and Audit Act 1987* and Australian Auditing Standards. My responsibilities under those standards are further described in the 'Auditor's responsibilities for the audit of the financial report' section of my report. I am independent of the Office of the National Rail Safety Regulator. The *Public Finance and Audit Act 1987* establishes the independence of the Auditor-General. In conducting the audit, the relevant ethical requirements of APES 110 Code of Ethics for Professional Accountants have been met.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my opinion.



## Responsibilities of the Chief Executive for the financial report

The Chief Executive is responsible for the preparation of the financial report that gives a true and fair view in accordance with provisions of the *Public Finance and Audit Act 1987*, the *Rail Safety National Law (South Australia) Act 2012* and the Australian Accounting Standards, and for such internal control as management determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

## Auditor's responsibilities for the audit of the financial report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office of the National Rail Safety Regulator's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Executive
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

My report refers only to the financial report described above and does not provide assurance over the integrity of electronic publication by the entity on any website nor does it provide an opinion on other information which may have been hyperlinked to/from the report.

I communicate with the Chief Executive about, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during the audit.

A handwritten signature in black ink, appearing to read 'Richardson', with a long horizontal flourish extending to the right.

Andrew Richardson

**Auditor-General**

29 August 2019

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### CERTIFICATION OF FINANCIAL STATEMENTS

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We certify that the attached general purpose financial statements for the Office of the National Rail Safety Regulator:

- complies with Section 263 of the *Rail Safety National Law (South Australia) Act 2012* and Regulation 48 of *RSNL National Regulations*, and relevant Australian Accounting Standards;
- are in accordance with the accounts and records of the Office of the National Rail Safety Regulator; and
- present a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2019 and the results of its operation and cash flows for the financial year.

We certify the internal controls employed by the Office of the National Rail Safety Regulator for the financial year over its financial reporting and the preparation of the general purpose financial statements have been effective throughout the reporting period.



Acting Chief Executive



Executive Director - Corporate

28 / 8 / 2019

28 / 8 / 2019

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## STATEMENT OF COMPREHENSIVE INCOME

For the year ended 30 June 2019

		2019	2018
	Note	\$'000	\$'000
<b>Expenses:</b>			
Employee benefits expenses	4	21,814	21,465
Supplies and services	5	8,161	8,060
Service level agreement	6	6,303	6,186
Depreciation and amortisation	7	1,111	953
Impairment loss allowance	8	16	41
Other expenses	9	22	-
<b>Total expenses</b>		<b>37,427</b>	<b>36,705</b>
<b>Income:</b>			
Revenues from fees and charges	10	38,407	39,008
Interest revenues	11	396	320
Other income	12	17	2
<b>Total income</b>		<b>38,820</b>	<b>39,330</b>
<b>Net result</b>		<b>1,393</b>	<b>2,625</b>
<b>Total comprehensive result</b>		<b>1,393</b>	<b>2,625</b>

The above statements should be read in conjunction with the accompanying notes.



## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## STATEMENT OF FINANCIAL POSITION

As at 30 June 2019

		2019	2018
	Note	\$'000	\$'000
<b>Current assets:</b>			
Cash and cash equivalents	13	17,630	15,186
Receivables	14	669	1,163
<b>Total current assets</b>		<b>18,299</b>	<b>16,349</b>
<b>Non-current assets</b>			
Receivables	14	3	114
Property, plant and equipment	15	3,521	4,105
Intangible assets	16	1,730	2,114
<b>Total non-current assets</b>		<b>5,254</b>	<b>6,333</b>
<b>Total assets</b>		<b>23,553</b>	<b>22,682</b>
<b>Current liabilities:</b>			
Payables	17	3,414	4,240
Employee benefits	18	2,362	2,179
Other liabilities	19	13	8
<b>Total current liabilities</b>		<b>5,789</b>	<b>6,427</b>
<b>Non-current liabilities:</b>			
Employee benefits	18	593	491
Other liabilities	19	63	49
Provisions	20	389	389
<b>Total non-current liabilities</b>		<b>1,045</b>	<b>929</b>
<b>Total liabilities</b>		<b>6,834</b>	<b>7,356</b>
<b>Net assets</b>		<b>16,719</b>	<b>15,326</b>
<b>Equity:</b>			
Retained earnings		16,719	15,326
<b>Total equity</b>		<b>16,719</b>	<b>15,326</b>

The above statements should be read in conjunction with the accompanying notes.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2019

	2019	2018
	\$'000	\$'000
<b>Retained earnings:</b>		
Balance at 1 July	15,326	12,701
Net result	1,393	2,625
<b>Balance at 30 June</b>	<b>16,719</b>	<b>15,326</b>

The above statements should be read in conjunction with the accompanying notes.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## STATEMENT OF CASH FLOWS

For the year ended 30 June 2019

		2019	2018
	Note	\$'000	\$'000
<b>Cash flows from operating activities:</b>			
Cash outflows			
Employee benefit payments		(21,726)	(20,688)
Payments for supplies and services		(8,877)	(9,273)
Payments for service level agreement		(6,900)	(5,644)
<b>Cash used in operations</b>		<b>(37,503)</b>	<b>(35,605)</b>
Cash inflows			
Fees and charges		38,477	38,444
Interest received		396	318
Funding for transition expenses		-	186
GST recovered from the ATO		877	943
Other receipts		380	378
<b>Cash generated from operations</b>		<b>40,130</b>	<b>40,269</b>
<b>Net cash provided by (used in) operating activities</b>		<b>2,627</b>	<b>4,664</b>
<b>Cash flows from investing activities:</b>			
Cash outflows			
Purchase of property, plant and equipment		(96)	(1,746)
Purchases of intangibles		(87)	(85)
<b>Cash used in investing activities</b>		<b>(183)</b>	<b>(1,831)</b>
<b>Net increase in cash and cash equivalents</b>		<b>2,444</b>	<b>2,833</b>
<b>Cash and cash equivalents at 1 July</b>		<b>15,186</b>	<b>12,353</b>
<b>Cash and cash equivalents at 30 June</b>	13	<b>17,630</b>	<b>15,186</b>

The above statements should be read in conjunction with the accompanying notes.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

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#### 1. Objective of the Office of the National Rail Safety Regulator

The Office of the National Rail Safety Regulator (ONRSR) is established under the *Rail Safety National Law (South Australia) Act 2012 (the Law)*.

ONRSR has the principal objective of facilitating the safe operation of rail transport across Australia. This is achieved through regulation of the rail industry in accordance with the Law, supporting regulations, guidelines and policies and the promotion of safety as a fundamental objective in the delivery of rail transport services.

ONRSR has responsibility for regulatory oversight of rail safety in every Australian state and territory. In the state of Victoria this is via a Service Level Agreement and it is anticipated Victoria will transition to the national model in 2019-20.

#### 2. Significant accounting policies

##### (a) Statement of compliance

These financial statements have been prepared in compliance with section 263 of the *Rail Safety National Law (South Australia) Act 2012* and Regulation 48 of *Rail Safety National Law National Regulations*.

The financial statements are general purpose financial statements. The accounts have been prepared in accordance with relevant Australian Accounting Standards (Reduced Disclosure Requirements).

ONRSR has applied Australian Accounting Standards that are applicable to not-for-profit entities as ONRSR is a not-for-profit entity.

##### (b) Basis of preparation

The financial statements have been prepared based on a 12 month period and presented in Australian currency.

##### (c) Comparative information

The presentation and classification of items in the financial statements are consistent with prior periods except where specific accounting standards have required a change or an error has been identified.

##### (d) Rounding

All amounts in the financial statements and accompanying notes have been rounded to the nearest thousand dollars (\$'000).

##### (e) Taxation

ONRSR is not subject to income tax. ONRSR is liable for payroll tax, fringe benefits tax and goods and services tax (GST).



## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Income, expenses and assets are recognised net of the amount of GST except:

- when the GST incurred on a purchase of goods or services is not recoverable from the Australian Taxation Office, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable.
- receivables and payables, which are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the Australian Taxation Office is included as part of receivables or payables in the Statement of Financial Position.

Cash flows are included in the Statement of Cash Flows on a gross basis and the GST component of cash flows arising from investing and financing activities, which is recoverable from, or payable to, the Australian Taxation Office is classified as part of operating cash flows.

### **(f) Events after the reporting period**

There are no events which have occurred after the balance date which require disclosure or an adjustment to the financial statements.

### **(g) Current and non-current classification**

Assets and liabilities that are sold, consumed or realised as part of the normal operating cycle even when they are not expected to be realised within twelve months after the reporting date have been classified as current assets or current liabilities. All other assets and liabilities are classified as non-current.

### **(h) Unrecognised contractual commitments and contingent assets and liabilities**

Commitments include operating lease commitments arising from contractual sources are disclosed at their nominal value.

## **3. New and revised accounting standards and policies**

ONRSR did not voluntarily change any of its accounting policies during 2018-19. Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective have not been adopted by ONRSR for the year ended 30 June 2019. ONRSR has assessed the impact of the new changed Australian Accounting Standards and interpretations not yet implemented.

ONRSR will adopt *AASB 16 Leases* from 1 July 2019. AASB 16, which replaces *AASB 117 Leases* sets out a model for lease accounting that addresses recognition, measurement, presentation and disclosure of leases. Adoption of AASB 16 will result in leases previously classified as operating leases having right-of-use assets and related lease liabilities being recognised in the Statement of Financial Position for the first time. AASB 16 is expected to have a material impact on the Statement of Financial Position. ONRSR has estimated the impact of this change and the results as at 1 July 2019. The estimate is based on applying AASB 16's transition approach to those leases identified as leases by ONRSR prior to 1 July 2019. The incremental borrowing rate applied to estimate the lease liability is the rate on ONRSR's current overdraft facility. ONRSR has elected not to separate non-lease components from lease components. The estimated impact is set out below.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

	<b>as at</b>
	<b>1-Jul-19</b>
<b>Assets</b>	<b>\$'000</b>
Right-of-use assets	9,952
<b>Liabilities</b>	
Lease liabilities	9,952
<b>Net impact on Equity</b>	<b>-</b>

AASB 16 will also impact the Statement of Comprehensive Income. The operating lease expense previously included in supplies and services expense will mostly be replaced with a depreciation expense that represents the use of the right-of-use asset and borrowing costs that represent the cost associated with financing the right-of-use asset. The estimated impact on 2019-20 Statement of Comprehensive Income is set out below.

	<b>2020</b>
	<b>\$'000</b>
Depreciation and amortisation	1,551
Borrowing costs	409
Supplies and services expense	(1,678)
<b>Net impact on comprehensive result</b>	<b>282</b>

*AASB 9 Financial Instruments* replaces the provisions of AASB 139 that relate to the recognition, classification and measurement of financial assets and financial liabilities, derecognition of financial instruments, impairment of financial assets and hedge accounting. The adoption of AASB 9 from 1 July 2018 resulted in changes to accounting policies, however the adoption has not had a significant effect on the recognition, measurement or classification of ONRSR's financial assets or financial liabilities. ONRSR has assessed and reclassified its financial assets into the appropriate AASB 9 categories depending on the business model and contractual cash flows characteristics applying to the asset (refer note 25).

New impairment requirements result in a provision being applied to all receivables rather than only on those receivables that are credit impaired. ONRSR has adopted the simplified approach under AASB 9 and measured lifetime expected credit losses on all accounts receivable using a provision matrix approached (refer note 14).

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### Expenses

#### 4. Employee benefits expenses

	2019	2018
	\$'000	\$'000
Salaries and wages	17,091	16,740
Annual leave	1,412	1,373
Long service leave	453	568
Employment on-costs - superannuation*	1,696	1,677
Employment on-costs - other	1,092	1,027
Workers compensation	70	80
<b>Total employee benefits expenses</b>	<b>21,814</b>	<b>21,465</b>

\*The superannuation employment on-cost charge represents ONRSR's contributions to externally managed superannuation plans in respect of current services of current staff.

#### 5. Supplies and services

	2019	2018
	\$'000	\$'000
Consultants	895	741
Contractors fees	646	1,063
Information Technology	1,499	1,656
Insurance	344	323
Legal Costs	183	216
Operating lease payments*	1,902	1,614
Property	247	262
Training and development	270	211
Travelling expenses	1,396	1,415
Other	779	559
<b>Total supplies and services</b>	<b>8,161</b>	<b>8,060</b>

\*Operating lease payments (less any lease incentives) are recognised on a straight-line basis over the lease term.

#### 6. Service level agreement

	2019	2018
	\$'000	\$'000
Payment under Service Level Agreement with Victoria	6,303	6,186
<b>Total service level agreement</b>	<b>6,303</b>	<b>6,186</b>

The Service Level Agreement with Victoria is anticipated to transfer to ONRSR under a direct delivery model in 2019-20.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## 7. Depreciation and amortisation

	2019	2018
	\$'000	\$'000
Fixtures and fittings	61	68
Computer equipment	215	219
Computer software	464	401
Leasehold improvements	371	265
<b>Total depreciation and amortisation</b>	<b>1,111</b>	<b>953</b>

All non-current assets, having a limited useful life, are systematically depreciated/amortised over their useful lives in a manner that reflects the consumption of their service potential.

Assets' residual values, useful lives and amortisation methods are reviewed and adjusted, if appropriate, on an annual basis.

Changes in the expected useful life or the expected pattern of consumption of future economic benefits embodied in the asset are accounted for prospectively by changing the time period or method, as appropriate, which is a change in accounting estimate.

The value of leasehold improvements is amortised over the estimated useful life of each improvement, or the unexpired period of the relevant lease, whichever is shorter.

Depreciation/amortisation is calculated on a straight line basis over the estimated useful life of the following classes of assets as follows:

Class of asset	Useful life (years)
Computer equipment	3 - 10
Intangible assets	3 - 10
Leasehold improvements	Life of Lease

Depreciation on fixtures and fittings is calculated using the diminishing value method.

## 8. Impairment loss allowance

	2019	2018
	\$'000	\$'000
Bad debts and allowances for impairment loss (refer note 14)	16	41
<b>Total impairment loss allowance</b>	<b>16</b>	<b>41</b>

## 9. Other expenses

	2019	2018
	\$'000	\$'000
Property, plant and equipment write-off (refer note 15)	22	-
<b>Total other expenses</b>	<b>22</b>	<b>-</b>



## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### Income

#### 10. Revenue from fees and charges

	2019	2018
	\$'000	\$'000
Revenue from accreditations	101	113
Revenue from major projects	1,309	1,163
Revenue from annual fees from industry and government	36,997	37,732
<b>Total revenue from fees and charges</b>	<b>38,407</b>	<b>39,008</b>

Revenues from fees and charges are derived from the annual fees payables by industry and state governments. Revenue is recognised as income when ONRSR obtains the right to receive the income and the income recognition criteria is met.

#### 11. Interest revenues

	2019	2018
	\$'000	\$'000
Interest received	396	320
<b>Total interest revenues</b>	<b>396</b>	<b>320</b>

Interest is recognised using the effective interest rate method.

#### 12. Other income

	2019	2018
	\$'000	\$'000
Freedom of information fees	-	1
Impairment loss allowance recovered	12	1
Other	5	-
<b>Total other revenue</b>	<b>17</b>	<b>2</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

**Assets****13. Cash and cash equivalents**

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
Cash at bank and on hand	17,630	15,186
<b>Total cash and cash equivalents</b>	<b>17,630</b>	<b>15,186</b>

Cash is recognised at its nominal amount.

**14. Receivables**

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Current</b>		
Account receivables	58	141
Prepayments	432	747
Accrued interest	8	9
Accrued revenue	25	12
Security deposit	61	96
GST input tax receivable	94	199
Employee expense recoverable	7	-
<b>Total current receivables</b>	<b>685</b>	<b>1,204</b>
<b>Non-current</b>		
Prepayments	3	114
<b>Total non-current receivables</b>	<b>3</b>	<b>114</b>
<b>Total receivables</b>	<b>688</b>	<b>1,318</b>
<b>Less Impairment loss allowance</b>	<b>(16)</b>	<b>(41)</b>
<b>Net receivables</b>	<b>672</b>	<b>1,277</b>
<b>Movement in Impairment loss allowance</b>		
Carrying amount at the beginning of the period	41	6
Increase in the allowance	16	41
Amounts written off	(29)	(5)
Amounts recovered during the year	(12)	(1)
<b>Carrying amount at the end of the period</b>	<b>16</b>	<b>41</b>

Receivables arise from the collection of fees from industry and state governments. Receivables are generally settled within 30 days after the issue of an invoice.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## 15. Property, plant and equipment

	2019 \$'000	2018 \$'000
Leasehold improvements		
At cost	3,273	2,464
Accumulated depreciation	(719)	(348)
<b>Total leasehold improvements</b>	<b>2,554</b>	<b>2,116</b>
Work in progress		
At cost	-	785
<b>Total work in progress</b>	<b>-</b>	<b>785</b>
<b>Total leasehold improvements</b>	<b>2,554</b>	<b>2,901</b>
Fixtures and fittings		
At cost	781	801
Accumulated depreciation	(245)	(190)
<b>Total fixtures and fittings</b>	<b>536</b>	<b>611</b>
Computer equipment		
At cost	910	1,031
Accumulated depreciation	(511)	(449)
<b>Total computer equipment</b>	<b>399</b>	<b>582</b>
Work in progress		
At cost	32	11
<b>Total work in progress</b>	<b>32</b>	<b>11</b>
<b>Total computer equipment</b>	<b>431</b>	<b>593</b>
<b>Total property, plant and equipment</b>	<b>3,521</b>	<b>4,105</b>

Property, plant and equipment are initially identified at cost or at the value of any liabilities assumed, plus any incidental cost involved with the acquisition. Property, plant and equipment are subsequently measured at cost after allowing for accumulated depreciation and are tested for indications of impairment at each reporting date. Where assets are acquired at no value, or minimal value, they are recorded at fair value in the Statement of Financial Position.

All property, plant and equipment with a value equal to or in excess of \$5,000 are capitalised.

ONRSR expects for all non-current tangible assets that any costs of disposal will be negligible, and the recoverable amount to be close to or greater than the carrying value.

Items of property, plant and equipment are derecognised upon disposal or when no further future economic benefits are expected from its use or disposal (refer note 9).

**Impairment**

There were no indications of impairment of property, plant and equipment at 30 June 2019.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

## 16. Intangible assets

	2019 \$'000	2018 \$'000
Computer software		
Internally developed computer software	2,535	2,499
Accumulated amortisation	(908)	(505)
Other computer software	949	949
Accumulated amortisation	(890)	(829)
<b>Total computer software</b>	<b>1,686</b>	<b>2,114</b>
Work in progress (intangibles):		
At cost	44	-
<b>Total work in progress (intangibles)</b>	<b>44</b>	<b>-</b>
<b>Total intangible assets</b>	<b>1,730</b>	<b>2,114</b>

An intangible asset is an identifiable non-monetary asset without physical substance. Intangible assets are measured at cost and are tested for indications of impairment at each reporting date. Following initial recognition, intangible assets are carried at cost less any accumulated amortisation and any accumulated impairment losses.

The acquisition of, internal development of or externally acquired software is capitalised only when the expenditure meets the definition and recognition criteria and when the amount of expenditure is greater than or equal to \$5,000.

The useful lives of intangible assets are assessed to be either finite or indefinite. ONRSR only has intangible assets with finite lives. The amortisation period and the amortisation method for intangible assets is reviewed on an annual basis.

**Impairment**

There were no indications of impairment of intangible assets at 30 June 2019.

**Asset movement reconciliation 2019**

	Leasehold improvements \$'000	Fixtures and fittings \$'000	Computer equipment \$'000	Intangible assets \$'000	Total \$'000
<b>2019</b>					
Carrying amount at 1 July 2018	2,901	611	593	2,114	6,219
Additions at cost	809	-	40	36	885
Additions work in progress	-	-	32	44	76
Reclassification of prior year WIP	(785)	-	(11)	-	(796)
Disposals	-	(14)	(8)	-	(22)
Depreciation/amortisation	(371)	(61)	(215)	(464)	(1,111)
<b>Carrying amount at 30 June 2019</b>	<b>2,554</b>	<b>536</b>	<b>431</b>	<b>1,730</b>	<b>5,251</b>



## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

**Liabilities****17. Payables**

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Current</b>		
Creditors	169	296
Accrued expenses	3,052	3,816
Employee on-costs*	185	122
Paid Parental Leave Scheme payable	-	3
GST payable	1	1
FBT payable	7	2
<b>Total current payables</b>	<b>3,414</b>	<b>4,240</b>

\* Employee on-costs include payroll tax, workers compensation levies and superannuation contributions. ONRSR makes contributions to several state government and commercial superannuation schemes. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the respective superannuation schemes. The only liability outstanding at reporting date relates to any contributions due but not yet paid to scheme managers.

All payables are measured at their nominal amounts, are unsecured and are normally settled within 30 days from the invoice or date the invoice is first received.

**18. Employee benefits**

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Current</b>		
Accrued salaries and wages	361	353
Redundancy payments	-	247
Annual Leave	1,009	861
Long service leave	992	718
<b>Total current employee benefits</b>	<b>2,362</b>	<b>2,179</b>
<b>Non-Current</b>		
Long service leave	593	491
<b>Total non-current employee benefits</b>	<b>593</b>	<b>491</b>
<b>Total Employee benefits</b>	<b>2,955</b>	<b>2,670</b>

Employee benefits accrue for employees as a result of services provided up to the reporting date that remain unpaid. The obligations are presented as current liabilities if ONRSR does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

- *Short term obligations*

Liabilities for wages and salaries, including non-monetary benefits and annual leave expected to be settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of the employee's service up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees is estimated to be less than the annual entitlement for sick leave.

- *Other long-term benefit obligations*

The liability for long service leave which is not expected to be settled within 12 months after the end of the period in which employees render the related service is recognised in employee benefits and measured as the present value of the expected future payments to be made in respect of services provided by employees up to the end of the reporting periods using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on government bonds.

- *Separation redundancy*

Provision is made for separation redundancy benefit payments. ONRSR recognises a provision for separation when it has developed a detailed plan for the separation and the affected employees have agreed to the separation.

### 19. Other liabilities

	2019 \$'000	2018 \$'000
<b>Current</b>		
Lease Incentive	13	8
<b>Total current other liabilities</b>	<b>13</b>	<b>8</b>
<b>Non-Current</b>		
Lease Incentive	63	49
<b>Total non-current other liabilities</b>	<b>63</b>	<b>49</b>
<b>Total other liabilities</b>	<b>76</b>	<b>57</b>

### 20. Provisions

	2019 \$'000	2018 \$'000
<b>Non-current</b>		
Make good	389	389
<b>Total provisions</b>	<b>389</b>	<b>389</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 21. Unrecognised contractual commitments

#### Capital commitments

There are no capital commitments in ONRSR.

#### Expenditure commitments - Other

	2019	2018
	\$'000	\$'000
Within one year	771	420
Later than one year but no longer than five years	851	616
<b>Total other commitments</b>	<b>1,622</b>	<b>1,036</b>

Amounts disclosed include commitments arising from IT maintenance contracts and contractors.

#### Operating lease commitments

	2019	2018
	\$'000	\$'000
Within one year	1,721	1,519
Later than one year but no longer than five years	6,663	6,482
Later than five years	2,886	4,517
<b>Total operating lease commitments</b>	<b>11,270</b>	<b>12,518</b>

ONRSR's operating leases are for office accommodation and motor vehicles.

Office leases are non-cancellable with terms ranging up to 10 years with some leases having the right of renewal. Rent is payable one month in advance.

Lease payments are increased annually in accordance with movements in CPI or as per the lease agreement.

Lease Incentives in the form of rent free periods are capitalised as an asset and depreciated over the remaining term of the lease.

### 22. Contingent assets and liabilities

The Regulator commenced a prosecution in 2018 in accordance with section 220 of the Law in the District Court of New South Wales against an accredited rail transport operator for four alleged breaches of the Law, which had resulted in the fatality of a rail safety worker. The Regulator has successfully negotiated an early guilty plea by the operator for two breaches of the Law (withdrawing the other two charges). The operator has been convicted, and will be sentenced in mid-August 2019 at which time the Regulator will seek orders for a moiety which is one half of any fines imposed as a penalty against the operator, as well as an order for its external legal costs.

The ONRSR is not aware of any other contingent assets or liabilities.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 23. Key management personnel

Key management personnel of ONRSR include the Regulator, Non Executive members and Executive Directors who have responsibility for the strategic direction and management of ONRSR. Total compensation for the ONRSR's key management personnel was \$1.913 million (2018: \$1.938 million). The total key management personnel included are 8 (2018: 8).

#### Transactions with key management personnel

There were no transactions with the key management personnel during the reporting period.

### 24. Related party transactions

Related parties of ONRSR include all key management personnel and their close family members.

There were no related party transactions during the reporting period.

### 25. Financial instruments

#### Categorisation of financial instruments

The carrying amounts of each of the financial instrument categories are detailed below:

	2019 \$'000	2018 \$'000
<b><u>Financial assets:</u></b>		
<b><i>Financial Assets under AASB 139</i></b>		
<b>Cash and cash equivalents</b>		
Cash and cash equivalents	-	15,186
<b>Loans and receivables</b>		
Receivables	-	217
<b><i>Financial Assets under AASB 9</i></b>		
<b>Financial assets at amortised cost</b>		
Cash and cash equivalents	17,630	-
Receivables	143	-
<b>Total financial assets</b>	<b>17,773</b>	<b>15,403</b>
<b><u>Financial liabilities:</u></b>		
<b>Financial liabilities at amortised cost</b>		
Payables	3,169	4,060
<b>Total financial liabilities</b>	<b>3,169</b>	<b>4,060</b>
<b><u>Net gain or loss on financial assets:</u></b>		
<b>Cash and cash equivalents</b>		
Interest revenue	396	320
<b>Net gain (loss) on financial assets</b>	<b>396</b>	<b>320</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### Classification of financial assets on the date of initial application of AASB 9

Financial Asset	Note	AASB 139 classification	AASB 9 classification
Cash and cash equivalents	13	Held to maturity	Amortised cost
Receivables	14	Loans and receivables	Amortised cost

Receivable and payable amounts disclosed in this note exclude amounts relating to statutory receivables and payables.

Receivables amount disclosed here excludes prepayments and security deposits. Prepayments are presented in note 14 receivables in accordance with paragraph 78 (b) of AASB 101. Prepayments are not financial assets as defined in AASB 132 as the future economic benefit of these assets is the receipt of goods and services rather than the right to receive cash or another financial asset.

Financial assets include contractual rights to receive cash or another financial asset from another entity. Financial assets also include receivables that arise from statutory requirements, as the statutory requirements provide ONRSR with a right to receive cash or another financial asset from another entity.

Financial assets are measured at amortised cost using the effective interest method adjusted for any loss allowance.

Financial assets are assessed for impairment at each balance date.

Financial liabilities consist of suppliers and other payables and are measured at amortised cost. Due to their short term nature they are not discounted. Liabilities are recognised to the extent that the goods or services have been received.





# Appendices



# Appendix 1:

## Key Performance Indicators

ONRSR'S corporate Key Performance Indicators were recast in 2018.  
The 2018–2019 results are the first reported for this revised set of KPIs.  
N/A denotes a new KPI not measured in previous financial years.

ONRSR CORPORATE GOAL	ONRSR KPI	KPI MEASURE(S)	KPI TARGET(S)	RESULTS		
				2016–2017	2017–2018	2018–2019
<b>Goal 1</b> Enhance our risk-based approach to rail safety regulation	• Australia's rail networks are safer	• The national rate of key occurrence category incidents, as reported to ONRSR*	• Decrease	0.58	0.63	0.47
		• Number of drug and alcohol tests and % positive (ONRSR)	• 0% drug • 0% alcohol	0%	0%	0%
		• Number of drug and alcohol tests and % positive (industry)	• 0% drug • 0% alcohol	• 0.305% • 0.018%	• 0.371% • 0.023%	• 0.308% • 0.032%
	• ONRSR's regulatory effort is risk-based	• % of set minimum interaction levels achieved in previous calendar year	100%	N/A	N/A	100%
<b>Goal 2</b> Reduce the regulatory burden on industry	• ONRSR's regulatory activities are efficient	• % of preliminary audit reports issued within four weeks of an audit**	90%	N/A	N/A	54%
		• % of inspection reports issued within four weeks of an inspection	90%	N/A	N/A	87%
		• % of policies and legislative changes consulted on	100%	N/A	N/A	100%
		• % of key activities (occurrences and monthly returns) reported via the ONRSR Portal	100%	N/A	N/A	97%

\* Rates presented are subject to change as more information becomes available through investigation or inquiry, or as ONRSR refines systems for data capture, validation and reporting. This may result in variation between historical and future reports.

\*\* The KPI measure was set in 2018, which shortened the existing ONRSR audit preliminary report production period, with the KPI target set as an aspirational target to drive efficiency. Actions are ongoing through improved monitoring and internal oversight, national allocation of resources to audit tasks and the consideration of system supported efficiency improvements to drive an ongoing improvement towards the target.



ONRSR CORPORATE GOAL	ONRSR KPI	KPI MEASURE(S)	KPI TARGET(S)	RESULTS		
				2016–2017	2017–2018	2018–2019
<b>Goal 3</b> Work with industry to address national rail safety issues	<ul style="list-style-type: none"> <li>ONRSR collaborates with industry to deliver projects that improve rail safety</li> </ul>	<ul style="list-style-type: none"> <li>The national rate of occurrences associated with national priorities, as reported to ONRSR</li> </ul>	Decrease			
			• Track Worker Safety	11.81	11.23	12.58
			• Level Crossing Safety	30.08	14.75	14.39
			• T&H Sector SMS Capability	3.98	4.85	2.39
			• RRV Safety	43.10	48.67	47.06
<b>Goal 4</b> Invest in ONRSR's national capability, governance and culture to drive our strategic intent	<ul style="list-style-type: none"> <li>ONRSR has appropriately skilled and experienced staff</li> </ul>	<ul style="list-style-type: none"> <li>% adoption of ONRSR's major project guidance</li> </ul>	100%	N/A	N/A	92%
		<ul style="list-style-type: none"> <li>% annual voluntary staff turnover</li> </ul>	10-15%	12.8%	11.1%	12.5%
		<ul style="list-style-type: none"> <li>% of payroll invested in training and development activities</li> </ul>	1-2%	1.4%	1.4%	1.5%
		<ul style="list-style-type: none"> <li>Annual lost time injury frequency rate (LTIFR)</li> </ul>	0	0	0	0

# Appendix 2:

# Regulator Freedom of Information Statement

## 2018–2019

### ➤ Introduction

The Office of the National Rail Safety Regulator (ONRSR) is an independent body corporate established under the *Rail Safety National Law (RSNL)*, a Schedule to the *Rail Safety National Law (South Australia) Act 2012*.

### ➤ Oversight Compliance

ONRSR is required to comply with section 263 of the RSNL which requires ONRSR to comply with certain South Australian Acts (the Oversight Laws). These are Freedom of Information Act, Public Finance and Audit Act, Ombudsman Act and State Records Act. The RSNL provides that all Oversight Laws in each participating jurisdiction are disapplied, and then reapplied to ONRSR with modifications made by the RSNL National Regulations so that one set of Oversight Laws (South Australian) apply to ONRSR regardless of jurisdiction.

This statement is published in accordance with section 9(2) of the Freedom of Information Act 1991 (the FOI Act) (as modified by the Rail Safety National Law National Regulations). The FOI Act gives members of the public a legally enforceable right to access information held by an Agency of the South Australian Government. Although ONRSR is explicitly not an agency or instrumentality of the South Australian Government, the modifications made by the RSNL National Regulations applies this Act as if ONRSR were an Agency for the purpose of FOI.

Information regarding freedom of information can be found on the South Australian State Records website at [www.archives.sa.gov.au/content/foi-in-sa](http://www.archives.sa.gov.au/content/foi-in-sa)





## ➤ Structure and Functions

The constitution of ONRSR is set out in section 16 of the RSNL which states:

*16 (1) ONRSR consists of—*

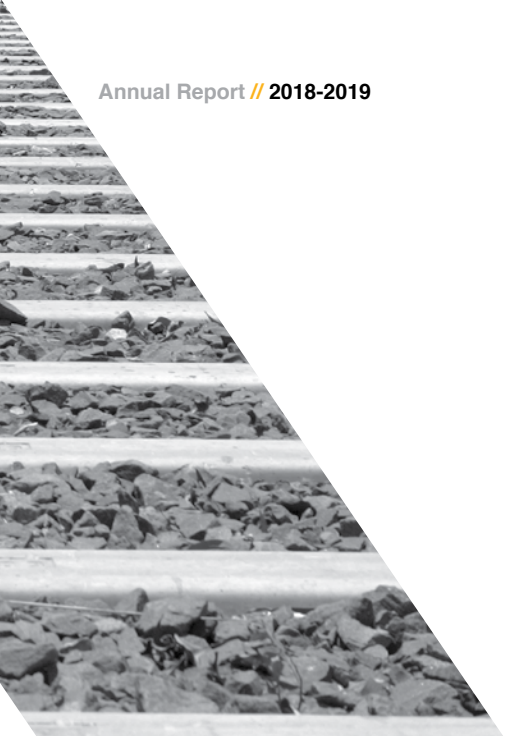
- a. a person appointed by the South Australian Minister acting on the unanimous recommendation of the responsible Ministers as the National Rail Safety Regulator (the Regulator); and*
- b. 2 non-executive members (full-time or part-time) as are appointed by the South Australian Minister acting on the unanimous recommendation of the responsible Ministers.*

The functions of ONRSR are set out in section 13 of the RSNL which states:

*13 (1) In addition to any other function conferred on ONRSR by this Law or an Act, ONRSR has the following functions:*

- c. to administer, audit and review the accreditation regime under this Law;*
- d. to work with rail transport operators, rail safety workers, and others involved in railway operations, to improve rail safety nationally;*
- e. to conduct research, collect and publish information relating to rail safety;*
- f. to provide, or facilitate the provision of, advice, education and training in relation to rail safety;*
- g. to monitor, investigate and enforce compliance with this Law;*
- h. 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;*
- i. at the request of the Commonwealth or a jurisdiction—to carry out any other function as agreed between ONRSR and the jurisdiction.*

Further information as to the detailed structure of ONRSR (including the Executive Team) can be found in the About ONRSR section of the ONRSR website or in this or previous copies of the ONRSR Annual Report.



## > Stakeholder Forums

ONRSR has a number of forums whereby members of the rail industry can participate in the formulation of ONRSR's policies, procedures, and in some cases, proposed modifications to the RSNL. These are:

- > National Operations Forum
- > Local Operations Forums
- > CEO/Industry Reference Group
- > Senior Government Policy Group.

The National Regulator/CEO and other Executive members also make regular appearances at relevant public conferences and other presentations where the general public can attend and interact.

ONRSR has a dedicated Communications team that can be contacted at any time, via the 'Contact Us' page on the website, by any person on a wide range of issues, and where required those can be escalated to the appropriate ONRSR Executive member for action, which might include amendments to policies, procedures or modifications to the RSNL.

## > Documents held by ONRSR

ONRSR and RSNL make publicly available a variety of documentation, including:

- > ONRSR's Annual Report, Corporate Plan, Statement of Intent and media releases;
- > The ONRSR Way publication;
- > ONRSR's Twitter Account;
- > ONRSR policies providing guidance to and setting expectations for ONRSR officers in their exercise of regulatory functions under the *Rail Safety National Law*, and made publicly available for transparency. These are:
  - Fees policy
  - Private siding registration policy
  - Safety Performance Reports policy

- Safety Improvement policy
  - Drug and alcohol testing policy
  - Compliance and enforcement policy
  - Freedom of Information policy
  - Application of AQF to Rail Safety Worker competency assessment policy
  - Application of cost benefit analysis requirement policy
  - Review of decisions policy
  - Exemptions from the RSNL policy
  - Compliance Audit Policy
  - Notification of Change Policy
  - Railway Crossings Policy
- > Guidelines, fact sheets and safety alerts to provide assistance to duty holders in understanding their requirements under the *Rail Safety National Law* and to improve rail safety.
- > The National Rail Safety Register and Rail Transport Operator Notices of Accreditation and Notices of Registration issued under the *Rail Safety National Law*.

Documents are generally available on the ONRSR website ([www.onrsr.com.au](http://www.onrsr.com.au)) and may also be inspected, by appointment between 9.00am and 5.00pm on weekdays (excluding public holidays), at the National Office of ONRSR located at Level 1, 75 Hindmarsh Square, Adelaide, South Australia. Arrangements to view the documents can be made by email: [contact@onrsr.com.au](mailto:contact@onrsr.com.au) or by contacting the Manager, Strategic Planning and Communications on (08) 8406 1555.

ONRSR also holds the following broad categories of documents. Pursuant to the FOI Act, some of these documents may be exempt:

- > corporate files containing correspondence, memoranda, terms of reference and minutes on various aspects of the organisation's operations and committees
- > corporate risk management records
- > accounting and financial records
- > personnel records
- > work health and safety records
- > internal policies, procedures and guidelines that set out the way various activities and programs are performed
- > legal opinion and advice.

The complete list of exemptions may be viewed in the Schedule of the FOI Act.

Other online information and data resources for RTOs include operations and safety improvement information and tools on the ONRSR website ([www.onrsr.com.au](http://www.onrsr.com.au)).

## ➤ Making a Freedom of Information application

Under the FOI Act, ONRSR has obligations to ensure that certain information concerning its operations is readily available. Additionally, members of the public and Members of Parliament are conferred a legally enforceable right to be given access to documents held by ONRSR, subject to some exemptions in the FOI Act. Some of these exemptions have a public interest test (as prescribed in the FOI Act). Under the FOI Act, members of the public may also seek amendment to ONRSR's documents records concerning his or her personal affairs.

A comprehensive introduction to freedom of information can be found on the State Records of South Australia website at <http://archives.sa.gov.au/foi>.

## ➤ Requesting access or amendment to ONRSR records

It is best to discuss your application or request with ONRSR prior to lodging. If proper and lawful, ONRSR will attempt to provide access to information voluntarily in order to minimise applications under the FOI Act and the associated costs. It should be noted that the RSNL already provides for some information to be made available to the public at no cost on the ONRSR website.

Requests for access made under the FOI Act must:

- > be in writing
- > specify that it is made under the FOI Act
- > provide enough information to enable the requested document(s) to be identified
- > include an address and telephone number at which you can be contacted in Australia
- > indicate the type of access being sought (e.g. inspection of a document or a copy of the document)
- > be accompanied by the application fee of \$36.75 (current, July 2019)

In addition to the application fee, there may be further charges for processing and copying if the document(s) are long or complex. Fees may be waived on presentation of evidence of hardship or a concession card by the applicant.

The form for FOI applications and requests may be found on the State Records of South Australia website at:

- > [http://www.archives.sa.gov.au/files/forms\\_foi\\_request\\_for\\_access.pdf](http://www.archives.sa.gov.au/files/forms_foi_request_for_access.pdf)
- > [http://www.archives.sa.gov.au/files/forms\\_foi\\_amendment\\_personal.pdf](http://www.archives.sa.gov.au/files/forms_foi_amendment_personal.pdf)

## ➤ ONRSR Policy: Freedom of Information to ONRSR records

Once an FOI application or request is received, ONRSR will process and determine it in accordance with the FOI Act. The purpose of this document is to guide ONRSR staff members in their obligations with respect to the FOI Act and ONRSR's obligations as an agency.

### Contact

Queries, applications and requests may be directed to:

Accredited FOI Officer

Office of the National Rail Safety Regulator

PO Box 3461, Rundle Mall

Adelaide SA 5000

08 8406 1500

[foi@onrsr.com.au](mailto:foi@onrsr.com.au)

## Office of the National Rail Safety Regulator Freedom of Information Report 2018–2019

In accordance with section 54AA of the FOI Act  
(as modified by the RSNL National Regulations)

### Accredited FOI Officers:

Laura Paulus: [laura.paulus@onrsr.com.au](mailto:laura.paulus@onrsr.com.au)

Cathy Ray: [cathy.ray@onrsr.com.au](mailto:cathy.ray@onrsr.com.au)

James Bruun (left ONRSR September 2018)

PO Box 3461, Rundle Mall

Adelaide SA 5000

08 8406 1500

### Applications for Access 2018–2019

**NOTE:** Due to a legislative issue that was identified in mid-2018, no freedom of information applications have been processed as it had been determined that section 244 of the RSNL was a secrecy provision and therefore no documents could be released other than data that was in the aggregate form. State Records of South Australia along with the Responsible Ministers were informed. This legislative issue will be resolved on July 1, 2019 by an amendment that ensures that FOI determinations are a lawful release of documents from the ONRSR.

### Time Limits

#### Extension of Time Limit under Section 14A

None

#### Extension of Time Limit not under Section 14A

None

### Charges Collected

None

### Applications for Amendment of Personal Information 2017–2018

None

### Staff Administration Costs

3 FTE >\$70,000

Cost of administering the FOI Act met as part of General Counsel Team budget.

### Reviews and Appeals

#### Internal Reviews

None

#### External Reviews

None

#### District Court Appeals

None





## Safe Railways for Australia

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

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PO Box 3461, Rundle Mall  
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