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**ANNUAL REPORT**  
**2019-2020**

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# 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 jurisdictional Ministers for Transport for tabling in their respective parliaments. The ONRSR Annual Report 2019–2020 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 2019–2022 and Corporate Plan 2019–2022 which have been endorsed by the Transport and Infrastructure Council and promoted to stakeholders.

Yours sincerely,



Sue McCarrey  
**Chief Executive**

# 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 2019–2020. 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



**THIS TIME LAST YEAR I PRESENTED TO OUR STAKEHOLDERS AND STAFF, AN ORGANISATION PRIMED TO TAKE ITS PLACE NATIONALLY AND, MOST IMPORTANTLY, READY FOR THE OPPORTUNITIES AND CHALLENGES THAT WOULD COME. I DON'T THINK ANY OF US COULD HAVE FORESEEN WHAT DID.**

COVID-19 has changed the way we live and work, possibly forever, as it continues to cast a considerable shadow over everyday life all over the world. We are hopeful that a return to the highly coveted new normal isn't too far away and I know the Office of the National Rail Safety Regulator will emerge from the pandemic a more resilient, effective and more efficient operation.

In late 2019 we successfully transitioned into a fully-fledged national organisation following the passage of amendments to *Rail Safety National Law* in Victoria, the arrival of our Melbourne-based staff and the official opening of our office. It was a long and very thorough process but one that has helped realise the goal so eagerly pursued for over a decade by many.

We played an integral role in the response to, and ongoing investigation of, tragic rail accidents at Jumperkine in Western Australia and Wallan in Victoria that have sadly reminded us that, while we have a good safety record in Australia, our rail network is by no means immune to such events. We still have much to do in ensuring these matters reach the necessary outcome, but our first response and subsequent work in the aftermath of these incidents has been and will continue to be comprehensive.

To further achieve our goal to reduce regulatory burden on industry, we have expanded the use of our regulatory portal removing a number of administrative procedures and providing easy access to information on the industry's interaction with us. The sharing of regulatory data and information has been a focus for us over the last year allowing rail companies to quickly access valid and useful rail safety intelligence. As part of the budget process ONRSR did not apply the 1.8% CPI increase and absorbed internal cost pressures around annual rent and salary increases. We have managed these to reduce the impact of the cost of regulation on rail operators as they deal with the impact of COVID-19.

Most noteworthy is that amid such a period of fundamental challenge and change, we have maintained our commitment to the core business of rail safety regulation and our vision of safe railways for Australia. A package of support material has



been produced to assist tourist and heritage operators in meeting the requirements of the *Rail Safety National Law* and improving safety management systems. Our integral work with the vast array of major projects across the country has continued along with our safety improvement programs and our focus on education as a fundamental regulatory tool. We have continued to progress the safety agenda through our work to recast our national safety priorities and by partnering with industry on important innovations such as the continued development of the National Rail Safety Data Strategy.

2019–2020 also offered an invaluable chance for reflection and ONRSR was an enthusiastic participant in the Productivity Commission's review of the transport regulatory reforms. At the same time, we were also reviewing and responding to the outcomes of our own stakeholder survey - that was once again eagerly embraced by representatives of industry sectors and governments alike. Around 70% of respondents both agreed that national regulation was delivering benefits that state-based regimes simply couldn't, and that we have struck the right balance when it comes to our levels of regulatory activity. The outcomes of both these undertakings are helping us build an even better ONRSR as the new decade unfolds.

All of it makes me extremely proud of my team of professional and passionate people now assembled in offices right across the country and united under the ONRSR banner. My thanks go to each and every one of them for their collective efforts over the last 12 months.

A handwritten signature in black ink, which appears to read 'S. McCarrey'.

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

June 2020

## 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.

## ABOUT OUR ORGANISATION

### OUR VALUES:

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#### > INTEGRITY

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

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#### > RESPECT

We have respect for each other and our stakeholders.

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#### > INDEPENDENCE

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

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#### > DILIGENCE

We persevere and apply ourselves in a conscientious manner.

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#### > EXCELLENCE

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

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### OUR RESOURCES:

In 2019–2020 ONRSR received funding from industry through fees of \$24.7m and from state and territory governments to the value of \$14.0m, together with major projects fees of \$1.5m. ONRSR's primary expenditure items were the service level agreement payments to Victoria pre-transition in December 2019, salaries and wages, and operational costs including rent payments and the development and maintenance of our information technology systems.

# ABOUT OUR ORGANISATION

## 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 2019–2020, the ONRSR met 10 times and endorsed ONRSR’s budget, forward strategic directions, progress against its business plan and its suite of key performance indicators.



**SUE MCCARREY / Chief Executive/National Rail Safety Regulator**

Sue has been Australia’s National Rail Safety Regulator since December 2014 and has overseen the formal entrance to the national scheme of New South Wales, Western Australia, Queensland and Victoria. In doing so she has delivered a key objective of the national transport reform agenda by establishing Australia’s first fully national rail safety regulator. Under her leadership, ONRSR is playing its important role in facilitating a safe, efficient and prosperous Australian rail industry.



**CATHERINE SCOTT / Non-executive member**

Catherine is an experienced non-executive director and Chair, having held appointments across a portfolio of entities including government business enterprises. She is a fellow of the AICD. Her career combines investment banking and corporate experience in transport, infrastructure, natural resources and agriculture.



**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.

# ABOUT OUR ORGANISATION

## OUR GOVERNANCE

### INDEPENDENT AUDIT AND RISK COMMITTEE

An independent committee that oversees and reviews ONRSR’s corporate risk and financial management, and 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 2019–2020 four meetings were held.

# ABOUT OUR ORGANISATION

## OUR GOVERNANCE

### ONRSR EXECUTIVE

The Executive team supports the regulator and the non-executive members to ensure the efficient and effective operation of ONRSR and the implementation of its Corporate Plan and Statement of Intent. It works collaboratively with industry using a co-regulatory approach to enhance rail safety in Australia. In 2019–2020 the Executive met 12 times.



**PETER DOGGETT / Chief Operating Officer**

Peter has had more than 30 years' experience in the Australian rail industry where he has combined leadership roles and practical operational experience with a focus on risk management including senior management roles both in Australia and overseas. 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 had 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.

# ABOUT OUR ORGANISATION



**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 and data analytics.



**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.

# ABOUT OUR ORGANISATION

## OUR GOVERNANCE

### 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 following table details employees by workforce profiles as at 30 June 2020.

WORKFORCE PROFILE						
	Permanent	Fixed term	Casual	TOTAL	Contractors	SLA
2019-2020	176	3	2	<b>181*</b>	4	0*
2018-2019	124	19	1	<b>144</b>	11	29

\*At 30 June 2020, ONRSR headcount was 181, this number includes 18 Victorian staff who worked under service level agreement (SLA) then transitioned to join ONRSR on 2 December 2019.

GENDER PROFILE				
	2019-2020		2018-2019	
				
Executive	2	3	2	3
Senior Manager	15	6	12	5
Employees	93	62	70	52
<b>TOTAL</b>	<b>110</b>	<b>71</b>	<b>84</b>	<b>60</b>

# ABOUT OUR ORGANISATION

## OUR GOVERNANCE

### INTERNAL COMMITTEES

#### STRATEGIC POLICY COMMITTEE (SPC)

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.

#### SENIOR LEADERSHIP GROUP

Comprising around 30 senior staff who meet three times a year to discuss performance, strategic directions and organisational culture.

#### NATIONAL OPERATIONS COMMITTEE (NOC)

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 (RAC)

Acts as an operations committee 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 necessary safety outcomes.

#### JOINT CONSULTATIVE COMMITTEE

Facilitates 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.

# ABOUT OUR ORGANISATION

## OUR GOVERNANCE

### OUR STAKEHOLDERS

Our 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**, 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 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)
- > TrackSAFE

# ABOUT OUR ORGANISATION

## OUR GOVERNANCE

### STAKEHOLDER FORUMS

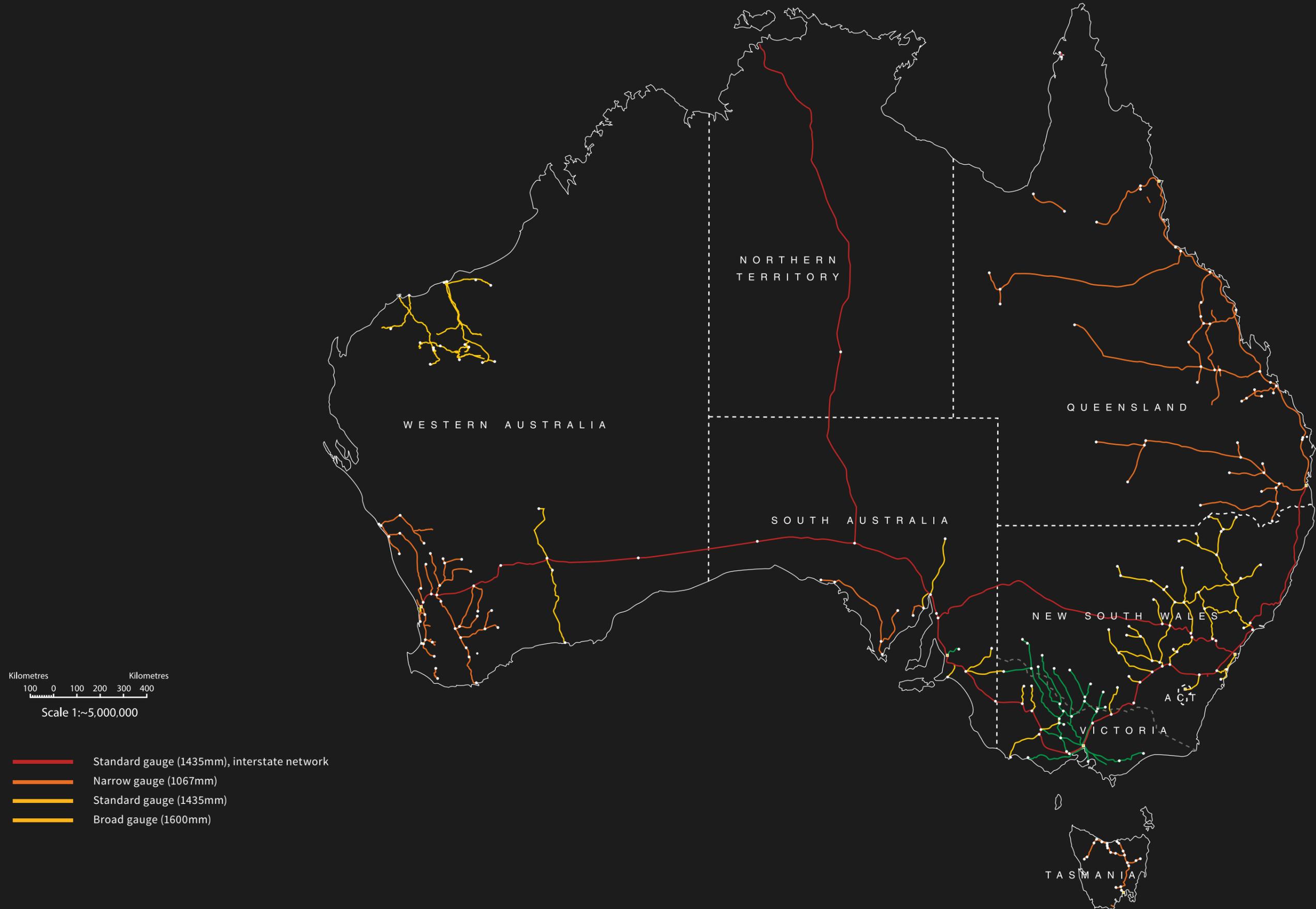
During the year, ONRSR hosted a number of stakeholder forums including:

- > **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 commonwealth, state and territory government personnel, including the NTC, 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.
- > **National and state-based level crossing committees**

# RAIL NETWORKS OPERATING ACROSS AUSTRALIA



# 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 within 72 hours of the occurrence. The table below provides high level data on the rail industry safety performance in 2019–2020:

STATE	CAT. A	CAT. B	FATALITY	SERIOUS INJURY
ACT	1	94	0	1
SA	18	2,978	5	4
TAS	4	292	0	0
NT	4	106	0	1
NSW	95	16,824	22	47
VIC	148	9,474	40	63
QLD	64	8,387	7	27
WA	48	3,427	10	9
<b>TOTAL</b>	<b>382</b>	<b>41,582</b>	<b>84</b>	<b>152</b>

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

# ONRSR'S PERFORMANCE

## DATA ANALYSIS

### 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 2019–2020:

STATE	FATALITIES						TOTAL
	Suspected suicide	Trespasser struck by train	Slips, trips & falls	Level crossing collisions	Rail accidents*	Other	
ACT	0	0	0	0	0	0	0
SA	1	0	1	3	0	0	5
TAS	0	0	0	0	0	0	0
NT	0	0	0	0	0	0	0
NSW	15	2	1	0	2	2	22
VIC	36	1	0	0	3	0	40
QLD	7	0	0	0	0	0	7
WA	8	0	1	0	1	0	10
<b>TOTAL</b>	<b>67</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>84</b>

\*Includes rail accidents such as derailments, collisions between trains and passengers or non-trespassing members of the public being struck by trains.

# ONRSR'S PERFORMANCE

## DATA ANALYSIS

### OPERATIONAL STATISTICS

The following table reflects ONRSR's operational activity statistics for its regulatory services for 2019–2020:

OPERATIONAL ACTIVITY	2017-2018	2018-2019	2019-2020
<b>No. of accreditations:</b>			
Received	13	8	10
Completed	9	6	6
<b>No. of variations to accreditation:</b>			
Received	52	52	40
Completed	41	41	34
<b>No. of surrenders of accreditation:</b>			
Received	9	4	3
Completed	7	7	3
<b>No. of exemptions to accreditation:</b>			
Received	7	2	6
Received	7	0	3
<b>No. of variations to registrations:</b>			
Received	3	5	5
Completed	2	6	4
<b>No. of surrenders of registration:</b>			
Received	8	7	9
Completed	8	5	8

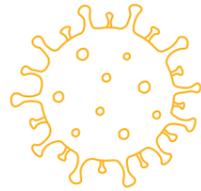
# ONRSR'S PERFORMANCE

## DATA ANALYSIS

### OPERATIONAL STATISTICS

Cont.

OPERATIONAL ACTIVITY	2017-2018	2018-2019	2019-2020
<b>No. of notifications of change:</b>			
Received	330	321	417
<b>No. of REPCONS:</b>			
Received	9	13	9
Actioned	9	13	9
<b>No. of formal inspections completed</b>			
	235	290	307
<b>No. of audits completed</b>			
	71	75	47
<b>No. of compliance investigations completed</b>			
	6	3	17
<b>No. of improvement notices issued</b>			
	15	26	29
<b>No. of prohibition notices issued</b>			
	8	5	6
<b>No. of prosecutions</b>			
	1	2	0
<b>No. of Enforceable Voluntary Undertakings accepted</b>			
	1	0	1
<b>No. of site visits</b>			
	257	429	207



**WHEN THE COVID-19 PANDEMIC HIT, ONRSR IMMEDIATELY SET ABOUT ESTABLISHING HOW WE COULD MAINTAIN EFFECTIVE SAFETY REGULATION WHILE SIMULTANEOUSLY PROTECTING THE HEALTH AND WELLBEING OF OUR NATIONAL TEAM.**

Shutting down our operation was never an option or a consideration, instead a risk-based approach to rail safety became even more fundamental. While non-critical activities were postponed and the scope of some activities amended, it was important industry understood that our team of rail safety officers continued conducting regulatory activities and responding to incidents, and that ONRSR had an ongoing presence across both the freight and passenger networks.

Integral to this approach was effective engagement with operators. This started with the development of a COVID-19 Fact Sheet that provided all operators with guidance on how the pandemic was likely to impact on regulatory requirements. The fact sheet was regularly updated and distributed via special editions of the ONRSR Engage e-newsletter, and included key information covering adjustments to ONRSR's work program, the need to maintain monthly reporting, and details of a risk-based approach to routine medicals.

ONRSR participated in the Land Transport COVID-19 working group facilitated by the Commonwealth Government and instigated its own rail freight group to quickly address any issues related to COVID-19 so that freight continued to move throughout Australia efficiently.

For office-based staff ONRSR's approach mirrored that of the majority of corporate Australia with the team asked to work from home wherever possible. Where staff have returned to the office, it has been done in a carefully planned and staged manner in line with COVID-safe principles.

For ONRSR the COVID-19 pandemic has undoubtedly impacted the performance of our key roles, operationally, and the progress of some programs and projects that rely on face to face stakeholder engagement. It was a thorough test of our communications and business continuity plans which proved to be robust and our response will be the subject of a detailed review and evaluation.





# PART A

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CORPORATE PERFORMANCE

# 1 ENHANCE OUR RISK-BASED APPROACH TO RAIL SAFETY REGULATION

Guided by a comprehensive risk-based regulatory framework, ONRSR will deliver an annual national work program, work with proponents of major rail projects to ensure safety issues are addressed and undertake compliance activities associated with national safety priorities. This risk-based approach will be underpinned by optimised data collection and analysis. By using the right combination of discussion, liaison, education and enforcement powers that range from improvement notices to suspension of accreditation – and include the ability to close down unsafe operations and to prosecute – we will appropriately focus our regulatory actions to minimise the likelihood of major incidents.

STRATEGIES	WHEN	2019–2020 RESULT
Progress the National Rail Safety Data Strategy Action Plan	2019-2022	Achieved (2019-2020) / Ongoing
Develop a national cost recovery model based on regulatory effort and risk	Dec 2020	Progressing
Use risk-based data intelligence to develop strategic regulatory programs for tourist and heritage operations	Jun 2020	Achieved
Deliver an analytics and regulatory intelligence strategy to enhance our data-driven, risk-based decision-making capability	Dec 2020	Achieved
Deliver a national drug and alcohol testing program with annual review	Jun 2021	Achieved / Ongoing

## ACHIEVEMENTS

### 1 NATIONAL RAIL SAFETY DATA STRATEGY

An ongoing partnership between ONRSR, the ARA and industry representatives, the focus of all parties in the last 12 months has been to progress key elements of the action plan. Most notably this included work to specify an agreed national data set that meets the needs of all stakeholders and establishes responsibility for reporting, collecting and managing the resource. Key to the success of this project is industry consultation that will explore the content of the data to be collected and options for how it can be shared. While the onset of the COVID-19 pandemic has delayed this important step, the team remains committed to delivering in line with the original timeframe for education, training and implementation of the new product in 2022.

### 2 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 9 REPCON reports requiring action during 2019–2020 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 considered in the planning and implementation of the ONRSR national work program for 2020–2021. ONRSR’s operational measures relating to REPCONS are on page 21.

### 3 ENGAGEMENT WITH MAJOR RAILWAY PROJECTS

In 2019–2020 ONRSR once again worked closely with planning and construction teams delivering an array of major rail projects in all parts of Australia. These have included but are not limited to:

- > Inland Rail (Vic, NSW, Qld)
- > Sydney Metro (NSW)
- > Paramatta Light Rail (NSW)
- > New InterCity Fleet (NSW)
- > Automatic Train Protection (NSW)
- > Regional Rail Fleet (NSW)
- > Melbourne Metro (Vic)
- > High Capacity Metro Trains (Vic)
- > Melbourne High Capacity Signalling
- > Forrestfield Airport Link (WA)
- > METRONET High Capacity Signalling (WA)
- > Advanced Train Management System (SA)
- > Cross River Rail (Qld)
- > Carmichael Rail Link (Qld)
- > Canberra Metro (ACT)

ONRSR works with proponents in a range of capacities including assessing applications for (and variations to) accreditation, monitoring and reviewing safety processes and providing advice through the application of the ONRSR Major Projects Guideline and the General Safety Duties Fact Sheet.

2

REDUCE REGULATORY BURDEN ON INDUSTRY

ONRSR recognises two distinct levels of regulatory burden. The first drives our work to undertake maintenance reviews of the RSNL, deliver reforms made possible by national regulation and to identify (in consultation with industry) areas for improving the efficiency of regulatory interactions. This included our work with the Victorian Government to remove the service level agreement. 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.

STRATEGIES	WHEN	2019-2020 RESULT
Implement outcomes from the review of drug and alcohol management arrangements under RSNL	Jun 2020	Achieved
Implement outcomes from the review of fatigue management arrangements under RSNL	Dec 2020	Progressing
Review the recommendations and findings of the second ONRSR Stakeholder Survey	Dec 2019	Achieved
Work with government to remove the service level agreement in Victoria	Dec 2019	Achieved
Analyse and prepare input for the Productivity Commission's review of the economic benefits of national transport safety reforms	2019	Achieved
Develop additional functionality for the ONRSR Portal	2019-2020	Progressing

ACHIEVEMENTS

1 NATIONAL REGULATION: DIRECT DELIVERY IN VICTORIA

ONRSR officially assumed responsibility for rail safety regulation in Victoria when we opened our Melbourne office on December 2, 2019. The milestone, which also sees all operators in Victoria now regulated under *Rail Safety National Law*, coming after the *Rail Safety Legislation Amendment (National Services Delivery and Related Reforms) Bill* passed through the Victorian Parliament. The removal of the service level agreement with Transport Safety Victoria saw ONRSR take its place as Australia's fully national rail safety regulator. A team of 30 plus operational staff and technical specialists now comprises the ONRSR Melbourne office team.

2 RESPONSE TO ONRSR STAKEHOLDER SURVEY II

In the second half of the 2019-2020 financial year, ONRSR reviewed the feedback from more than 50% of accredited operators and a range of additional industry and government stakeholders who participated in the 2019 survey. ONRSR initiated a series of measures to address the recommendations which included more detailed and frequent communication in relation to investigation outcomes and major policy initiatives. ONRSR has subsequently increased, to monthly, the frequency of our e-newsletter, ONRSR Engage and added new features including a monthly update from the National Rail Safety Regulator. In 2020 ONRSR also released the first digital recreations of safety incidents that include detailed safety messages for operators. Elsewhere we have increased our profile during events such as Rail Safety Week and developed new education, training and guidance material for tourist and heritage operators.

3 PRODUCTIVITY COMMISSION REPORT

ONRSR actively participated in and provided submissions to the Productivity Commission's *Report into National Transport Regulatory Reform* which acknowledged the significant progress made by ONRSR towards national transport reforms. The report recognised the consistent regulatory model now being provided across all Australian states and territories. ONRSR was also buoyed by findings on the importance of realising the potential of data and strengthening safety culture through education which reflect our plans to concentrate resources in these areas.

3

**WORK WITH INDUSTRY TO ADDRESS NATIONAL RAIL SAFETY ISSUES**

To complement compliance and enforcement activities, ONRSR will actively contribute to industry’s implementation of its safety strategy, develop guidance material for operators and support industry and the Rail Industry Safety and Standards Board with the development of selected national standards, guidelines and products. 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.

STRATEGIES	WHEN	2019–2020 RESULT
Deliver priority projects in the safety improvement work plan: <ul style="list-style-type: none"> <li>&gt; Track worker safety</li> <li>&gt; Risk management</li> <li>&gt; Level crossing safety</li> <li>&gt; Tourist and heritage sector, safety management capability</li> </ul>	Jun 2019 Dec 2020 Dec 2020 Jun 2019	Achieved Progressing Progressing Achieved
Establish a mechanism to identify and treat emerging rail safety issues	Dec 2019	Achieved
Invest in education of potential cyber risks and develop effective regulatory tools	Dec 2019	Achieved
Distribute safety messages as necessary and increase the use of education as a regulatory tool during operator interactions	As required	Achieved (2019-2020) / Ongoing

**ACHIEVEMENTS**

**1 NATIONAL LEVEL CROSSING PORTAL**

In December 2019 the National Level Crossing Steering Committee (NLCS) approved development of a National Level Crossing Portal which will allow for level crossing safety data to be available on demand through a self-serve online portal. It was agreed that ONRSR would manage the development and implementation of the project on behalf of the NLCS. ONRSR has made a significant investment in development, implementation and ongoing costs for stage one of the portal. With the potential to provide access to a wealth of information in relation to level crossings, this portal will assist decision makers in government, industry and other stakeholders to be better informed when making safety investment and planning decisions or undertaking research. Significant progress is being made with stakeholder input relating to development and implementation provided through the external reference group. Initially the portal will incorporate ONRSR occurrence data and some ALCAM data and the project is targeting a mid-2021 completion and launch date for stage one.

**2 TOURIST AND HERITAGE SMS MODULES**

In response to feedback from tourist and heritage operators and, as part of broader stakeholder engagement, ONRSR has worked with the sector to roll out several initiatives to support it and other smaller, less-complex, operators. These have included the development of a suite of safety management system (SMS) modules and example resources to assist the sector in building, reviewing and maintaining their SMS. This work has been complemented by the successful production of a detailed video covering operators’ governance obligations and the staging of sector-specific workshops.

**3 ONRSR RAIL SAFETY REPORT 2018–2019**

The Rail Safety Report 2018–2019 was our most comprehensive and consistent view of the rail industry’s safety performance to date. For the first time the report was informed by consistent rail safety data sets that presented the national picture of occurrences and trends in all states and territories for the five-year period 2014–2015 to 2018–2019. In addition to an array of facts and figures, the report documents major incidents and lists the latest 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)

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.

STRATEGIES	WHEN	2019-2020 RESULT
Deliver ONRSR's Workforce Plan	Dec 2019	Achieved
Deliver ONRSR's Information Management and Technology Strategic Plan	Dec 2019	Achieved
Enhance Regulatory Information System (RegIS) to strengthen ONRSR's capability to generate data driven rail safety insights, including improvement to reporting of and access to this information	Dec 2019	Progressing
Ensure ONRSR is well positioned to learn from reviews of other regulatory bodies	Dec 2019	Achieved

**ACHIEVEMENTS**

**1 REGIS ENHANCEMENTS**

Throughout 2019-2020 ONRSR invested in a range of enhancements to its Regulatory Information System (RegIS). The program of upgrades has facilitated the automation of previously manual tasks, allowed rail safety officers to undertake their own data analysis and provided for new functionality that helps ONRSR more efficiently deploy regulatory resources.

**2 ONRSR TRAINEE PROGRAM 2<sup>ND</sup> INTAKE**

In early 2019, three young rail professionals completed ONRSR's first Rail Safety Officer Trainee Program and graduated into full time regulatory roles. Following the success of this program the second intake was welcomed to offices around Australia in early 2020. The new program picked up the strengths of its predecessor but was enhanced to ensure trainees enjoyed more comprehensive exposure to the full gamut of ONRSR operations and access to a dedicated mentor in their home office. Through a combination of on and off the job training ONRSR is ensuring its next generation of rail safety officers is ideally equipped to regulate in a dynamic rail industry and safety environment.

**3 ONRSR WORKFORCE PLAN 2019-2021**

To complement ONRSR's realisation of a fully national model of rail safety regulation, the Workforce Plan is designed to set the direction for maintaining a capable, efficient and effective workforce to meet our future business needs and goals. The plan has four key objectives: planning for the future, attracting the right people, creating the right environment and developing our people.

## JUMPERKINE / WALLAN

### JUMPERKINE

24-12-19

On Christmas Eve, 2019 ONRSR dispatched a team of rail safety officers to Jumperkine, approximately 50 kilometres north east of Perth, following a collision between a freight train and a grain train. The team spent the day examining the site and gathering information with which to commence an investigation into the incident which had tragically resulted in the death of the driver of the freight train.

### WALLAN

20-2-20

The derailment of an XPT Sydney to Melbourne service near Wallan in Victoria on the evening of February 20, 2020 was a tragic and very public reminder that accidents can happen on Australia's passenger rail network.

ONRSR deployed two rail safety officers from its Melbourne office to the scene immediately with our investigation commencing that evening. The next morning these officers were joined by two specialist track engineers, two rolling stock engineers and a signalling engineer whose job it was to work alongside first responders and the ATSB to carefully secure evidence and make all initial enquiries at the accident scene. The National Rail Safety Regulator, Sue McCarrey and Chief Operating Officer, Peter Doggett also attended the site that morning.

In the days and weeks that followed, ONRSR continued to work with the ATSB, Victoria Police, the Victorian Coroner's Office, ComCare and other agencies as required to complete the onsite component of our investigation. As part of this process ONRSR issued a Prohibition Notice to the rail infrastructure manager for this section of track, the Australian Rail Track Corporation (ARTC). The notice prevented the reopening of the track between Donnybrook and Kilmore East until such time as altered safe working arrangements that had been in place at Wallan were reassessed and revised. The Prohibition Notice was subsequently removed when ARTC restored normal signalling operations in the area and implemented additional safeguards on other sections of its network.

## JUMPERKINE / WALLAN

### INVESTIGATIONS

The ATSB released its Preliminary Report into both incidents in April 2020 and expects to complete the investigations in full next year.

ONRSR's separate investigations are focused on safety procedures and systems that the operators and rail infrastructure managers had in place in the lead up to the accidents and will ultimately inform a decision of whether there has been any breaches of *Rail Safety National Law*. The investigations are ongoing and to protect the integrity of the processes, ONRSR is not able to release information or make public comment.

As they have been since the incidents, the thoughts of all at ONRSR are with the families and friends of the two rail safety workers who lost their lives at Wallan, the 12 people that were injured and the dozens of passengers, responders and members of the public traumatised. Our sympathies are also extended to the family of the freight train driver who died at Jumperkine, his friends and colleagues.

It is for these people and indeed for all Australians that we will ensure these matters are pursued comprehensively and that our investigations generate the best possible rail safety outcome for all.

For further coverage of these incidents see pages 44 and 47.



# PART B

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REGULATORY PERFORMANCE



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 46 operators accredited by ONRSR under *Rail Safety National Law* for operations in South Australia.

## SIGNIFICANT REGULATORY ACTIVITIES

- > ONRSR provided advice and assessment on compliance and accreditation matters relating to the Adelaide Rail Transformation Program during 2019–2020, working closely with representatives of the Department of Planning, Transport and Infrastructure, the Rail Commissioner and tendering organisations to facilitate the process.
- > During a major re-railing project between Port Augusta and Tarcoola in northern South Australia, ONRSR conducted more than 20 track worker safety focused site visits and inspections over a nine-month period to assess rail safety workers' protection arrangements. These activities included validating the competency and fitness of the rail safety workers on site and undertaking random drug and alcohol testing.
- > During a routine audit of mainline operations in regional South Australia, ONRSR discovered that a freight operator did not hold competency records for a number of its drivers. Through several meetings post audit ONRSR determined that while the operator's SMS captured the requirements for documenting drivers' competencies, the process was not being effectively managed. Over a period of 4 months rail safety officers monitored the corrective action plan to ensure the operator had the appropriate competency records for its drivers. ONRSR continues to focus on, and work closely with, operators to ensure they have suitable systems and procedures for the induction and training of drivers.
- > ONRSR issued a South Australian tourist and heritage operator with an improvement notice after it failed to provide the governance and management oversight of its railway operations, manage open corrective actions and address open non-conformances. This action escalated to a prohibition notice when the operator could not demonstrate that it had the competency or capacity to operate passenger services. ONRSR rail safety officers continue to assist the operator to address their issues with the aim of recommencing safe operations.

## INCIDENT RESPONSE

- > In July 2019, a 626 metre, 1420 tonne train rolled backwards uncontrolled on the narrow-gauge railway network within the Whyalla Steelworks. The train came to a stand of its own accord and no casualties or infrastructure damage was recorded. The incident occurred during transition from remote control to manual control, while driver only operations were being conducted. Both ONRSR and the operator conducted their own investigations into the incident and ONRSR has since worked with the operator to monitor the implementation of proposed corrective actions. Furthermore a “lessons learnt” document was written in collaboration with the operator to share with industry the findings made from the investigations which should be used as input to the risk review processes of all operators with similar operating scenarios.
- > In October 2019, a freight train consisting of three locomotives hauling 52 wagons at an overall length of 1774 metres had a significant train parting in the Adelaide Hills, where the front portion of the train came to a stop at Monarto siding approximately 30 kilometres from the point of separation. Drivers only became aware of the parting because the freight train had requested a ‘roll by’ inspection from a train crew on another train and were informed that no end of train marker was visible. Rail safety officers attended the location to review the circumstances and undertake testing with the operator’s representatives to determine why the braking system did not apply when the train parted. The train drivers explained they did not notice anything unusual with regard to brake pressure on the locomotive gauges. It was concluded that a blockage in the train brake pipe was responsible for the brakes not applying on the front portion of the train after the train parted.
- > On 27 February 2020, two occupants of a motor vehicle died when it collided with a train at a private road level crossing at Mallala, approximately 60 kilometres north of Adelaide. The level crossing is controlled by stop signs that were in good condition and consistent with the Australian standard. ONRSR examined information available from the locomotive’s data logger and the rail operator’s records (pertaining to the driver’s credentials) as well as examining onsite evidence relating to the vehicle’s movements. There was no evidence to suggest that the train driver’s actions were a causal factor in the collision.

## INCIDENT RESPONSE

- > On 19 April 2020, ONRSR attended the site of a fatal collision between a prime mover and freight train at a level crossing in Culburra, approximately 170 kilometres south-east of Adelaide. Rail safety officers conducted an inspection of sight lines from the road user’s perspective and the associated road infrastructure at the level crossing. The train driver’s credentials and the handling of the train at the time of the incident were also investigated, none of which were found to have been contributing factors to the collision.
- > Following an examination of several reported occurrences in early 2020, ONRSR identified a series of incidents involving the ‘hunting’ (displacement of wheelsets that worsens with increasing speed) of rolling stock across the Defined Interstate Rail Network. As a result, a strategy was designed to understand the process undertaken by the rail infrastructure manager to alert operators of such incidents. ONRSR’s work allowed one operator to identify that its safety management system did not document ‘hunting’ rolling stock. The operator has since committed to developing a documented process to manage such incidents which will act as a key control measure in avoiding major incidents such as derailments.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 49 operators accredited by ONRSR under *Rail Safety National Law* for operations in Western Australia.

## SIGNIFICANT REGULATORY ACTIVITIES

- > ONRSR has introduced an educational approach to low risk rail operators as part of its regulatory strategy in Western Australia. The process includes reviewing the safety management systems of rail transport operators accredited to operate in private sidings to ensure the risks associated with shunting are being managed appropriately. It has also involved reviews of the risk registers kept by rail infrastructure managers of private sidings with higher risk profiles.
- > In early 2020 ONRSR conducted a review of a passenger operator's Approved Vehicles Register and a detailed inspection of the registration requirements for road rail vehicles. The activity followed a SPAD (Signal Passed at Danger) involving an uninsulated road rail vehicle. It was subsequently revealed that the road rail vehicle was not compatible with the network signalling infrastructure and not approved to operate. An improvement notice was issued to the rail transport operator to review its road rail vehicle operating rules, procedures and instructions to ensure the Approved Vehicle Register is complied with. The operator has since implemented an action plan to address potential safety issues and ONRSR continues to monitor all accredited RTOs (Rail Transport Operators) across Western Australia to ensure they are correctly registering rolling stock.
- > The culmination of a long-term regulatory activity, one of Western Australia's major tourist and heritage operators is now effectively managing a range of rail safety risks relating to steam powered rolling stock. Having initially been inspected in 2018, when it was revealed that passengers were exposed to an unattended boiler, ONRSR worked with the operator through 2019 to ensure its risk register was thoroughly reviewed and to be satisfied that effective controls were in place to manage the risks to safety. In January 2020, via an unannounced inspection, ONRSR observed the implementation of the new controls in an operational environment. ONRSR concluded that the operator was now effectively managing rail safety risks relating to separation of the public from operational boilers.

## INCIDENT RESPONSE

- > On 23 June 2019, a near miss incident occurred between a driver and rolling stock during the removal of a faulty railcar set at Perth Station. After the faulty railcar was uncoupled and sent back towards the replacement set, a driver moved into the space between the closing sets to check the coupler. Fortunately, the driver detected the railcars closing and climbed onto the platform - narrowly avoiding being crushed. ONRSR investigated the incident to examine the network rules and procedures for shunting and the emergency recovery of rail vehicles. Three improvement notices were issued to the operator as a result - relating to:
  - a review of the instructions for workers splitting and coupling rail cars;
  - developing a training and instruction plan for workers involved in splitting and coupling railcars; and
  - improving reporting of occurrences to ONRSR.

The operator issued a safety notice and reviewed its safety management system and procedures as a result and is now developing procedures that will form part of a new draft of safe working rules.

- > On 2 September 2019, a freight train derailed on the Miling-Toodyay Line north of Perth, the second such incident at the site in a three-month period. ONRSR's detailed examination of the circumstances surrounding the derailments revealed both occurred as a result of a broken rail. The rail infrastructure manager has replaced approximately 7.3 kilometres of rail and 5000 sleepers, ultrasonically tested the track and tamped all areas where remedial work has been conducted. ONRSR has conducted inspections of the rail infrastructure, reviewed the maintenance program for the line and is monitoring the safety improvements being implemented by the rail infrastructure manager.
- > In the early hours of 24 December 2019, a freight train collided with a stationary grain train at Jumperkine in the Avon Valley, resulting in the death of the freight train driver. While rail traffic movements continued, difficulty accessing the site meant the recovery of the rolling stock took several weeks. ONRSR has worked closely with the operators involved to address several safety improvements identified as a result of the incident. These include increased crew numbers and improved train communications by rolling stock operators travelling in the Avon Valley. Critical communication procedures with respect to network control communications has also been addressed with the rail infrastructure manager. The investigation into the matter is ongoing.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 63 operators accredited by ONRSR under *Rail Safety National Law* for operations in Victoria.

## SIGNIFICANT REGULATORY ACTIVITIES

- > Metro Trains Melbourne (MTM) entered into an Enforceable Voluntary Undertaking (EVU) with ONRSR, after a track worker was struck by a train at Laverton in October 2015. The aim of the EVU was to reduce the likelihood of track workers being exposed to live running trains and to eliminate look-out only protection in high risk zones. The EVU required 54 undertakings by MTM focussed on system related and cultural improvements, and information sharing to the broader rail industry. During the term of the EVU ONRSR conducted a series of inspections and audits to verify that the safety improvements associated with each undertaking had been successfully implemented. In June 2020 MTM fulfilled its obligations associated with each undertaking.
- > In April and May 2020, ONRSR conducted an audit of a passenger operator in relation to design, construction and installation of infrastructure and rolling stock. The in-depth audit was designed to ensure the systems were adequate to manage the risks associated with new construction projects such as the regional rail revival projects and touched on a range of requirements including human factors integration, change management, risk and issues registers and record keeping. Overall, the operator's systems were found to be largely compliant, however several areas for improvement were identified and the operator is now making the necessary improvements.
- > ONRSR has previously conducted inspections of the fire and life safety systems within the Melbourne Underground Rail Loop resulting in numerous findings of deficient maintenance. Since taking this action, ONRSR has identified significant improvement in the operator's maintenance regime and the completion of inspections and repair works to meet the required standards. ONRSR will continue to monitor the situation to ensure these critical systems are maintained and monitored effectively.

## INCIDENT RESPONSE

- > On 29 January 2020, a passenger train had a low speed collision with a freight train that had derailed at Barnawartha on ARTC's Defined Interstate Rail Network. The freight train had parted in two portions with one of the wagons in the second portion catching fire and starting a grass fire in the rail corridor. Fortunately, while there was extensive damage to the rolling stock and track, there were no injuries sustained by the drivers or passengers as a result of the incident. ONRSR began an immediate investigation into the incident which remains ongoing.
- > On 20 February 2020, a passenger train travelling from Sydney to Melbourne derailed on entry to the crossing loop at Wallan, north of Melbourne. Two rail safety workers in the driver's cab received fatal injuries and several passengers were transferred to hospital. At the time of the incident signalling in the area was not operational due to a signal hut fire, with passage of trains being controlled through a system of train authority working. Immediately following the incident, ONRSR staff attended the scene and initiated an investigation. While immediate safety concerns were addressed via the issuing of safety notices under *Rail Safety National Law*, the investigation remains ongoing.
- > On 30 May 2020, a passenger train approached Ballarat Station at speed, failing to stop and crashing through a set of heritage gates protecting a nearby level crossing. While there were no pedestrians or vehicles on, or near, the crossing at the time, the train driver and two passengers sustained minor injuries and were transferred to hospital. ONRSR began an investigation into the incident which remains ongoing.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 15 operators accredited by ONRSR under *Rail Safety National Law* for operations in Tasmania.

## SIGNIFICANT REGULATORY ACTIVITIES

- > In August 2019, ONRSR carried out an inspection of 107 level crossings in Tasmania, in conjunction with senior representatives of TasRail, to observe the condition of road and rail infrastructure and road user sight lines. The inspection, the second of its kind in recent years, was designed to maintain awareness among TasRail and road managers of their responsibilities to continually monitor the condition of infrastructure at level crossings.
- > In early 2020, ONRSR undertook an inspection of TasRail's operations across the length and breadth of its network. The week-long exercise examined train preparation activities, load security, train examination, brake testing, train documentation, and the competence and fitness for duty of TasRail's rail safety workers. ONRSR's inspectors took the opportunity to confirm TasRail's progress in implementing its plan to improve the protection from uncontrolled movements in response to an improvement notice issued in November 2018 following the runaway of a cement train service between Railton and Devonport.
- > ONRSR was required to cancel the accreditation of an operator in Tasmania after they were found to be unable to resolve numerous safety issues identified in preceding years. The issues had been raised with the operator via a prohibition notice regarding the condition of rail infrastructure and an improvement notice requiring attention to unsafe braking systems on rolling stock. In addition to the safety issues raised by ONRSR, the operator's lessor cancelled its lease of the railway infrastructure and land on which it was situated.

## INCIDENT RESPONSE

- > In July 2019, three wagons of a train carrying logs derailed at Tunnbridge, between Hobart and Launceston. The operator's subsequent investigation, which included rolling stock dynamic modelling, revealed a previously identified track geometry fault (which had been planned for rectification in line with its standards) combined with a previously unknown sensitivity of bogie friction wedges as the most likely cause. The operator's actions included revising track geometry and friction wear limits.
- > In September 2019, ONRSR received a report from a tourist and heritage operator that the driver of a train descending a steep gradient lost control for a short period due to braking issues. The train and passengers were unharmed, however following the operator's investigation of the incident ONRSR is undertaking a series of activities examining maintenance of braking systems by the operator and the competence of those responsible for carrying out such work.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 70 operators accredited by ONRSR under *Rail Safety National Law* for operations in Queensland.

## SIGNIFICANT REGULATORY ACTIVITIES

- > Brisbane's multifaceted Cross River Rail Project continued to be a significant focus for ONRSR in 2019–2020. ONRSR is actively engaged with future operators and the relevant alliance stakeholders to monitor ongoing safety assurance plans for delivery of the project. Additionally, ONRSR meets regularly with the responsible operators and the Cross River Rail Delivery Authority to ensure all parties are aware of and meeting the requirements of RSNL. ONRSR's compliance focus has included infield and desktop inspections of worksites and engineering requirements.
- > Throughout 2019–2020 ONRSR conducted more than 60 track worker safety focused inspections across all major rail networks in Queensland with a specific focus on ensuring the safety of worksites. A number of these inspections also included ONRSR initiated drug and alcohol testing of rail safety workers. While the inspections did not identify any significant problems with worksite protection procedures, several safe working breaches were reported to ONRSR, highlighting the need for further review of recent changes to some worksite protection procedures. ONRSR is now reviewing enhanced technology-based lock out engineering controls which provide an additional layer of defence for track worker safety.
- > ONRSR has worked closely with tourist and heritage operators in Queensland to assist with the compliance challenges facing the sector. To better understand the issues, ONRSR has held internal workshops to identify risks to safety, with shunting and degraded operations seen as having the greatest potential for harm. Consequently, ONRSR is now better placed to develop tailored compliance programmes to address these key issues while still maintaining a focus on passenger operations through inspections, education and site visits.

INCIDENT RESPONSE

- > On 20 November 2019, a member of a workgroup located between two live tracks, with demarcation fencing in place, was reported by the driver of a passenger service to be too close to the live running line. ONRSR's investigation into this occurrence found that the operator failed to ensure, so far as is reasonably practicable, suitable instruction and training to rail safety workers and that it had not adequately assessed the risk associated with this kind of work. ONRSR issued an improvement notice to the operator which has resulted in improved procedures for the use of demarcation fencing.
- > On 6 December 2019, a coal train had a near miss with a track worker at Balook, south west of Mackay, stopping only 45 metres short of the unsuspecting worker after being forced to perform an emergency stop. ONRSR's investigation into the incident revealed the track worker was on the track without having had a pre-start briefing and with no form of track protection or a lookout in place. Despite the driver of the coal train sounding the horn, it had not been heard over the noise of a train travelling in the opposite direction. An improvement notice was issued to the operator requiring the implementation of actions to prevent a recurrence.
- > On 4 January 2020, a coal train had a near miss with a train driver near Rockhampton when an all trains block protecting the driver was incorrectly removed while he was conducting an inspection of his stowed train. ONRSR undertook an investigation and improvement notices were subsequently issued to the operators involved which have led to the implementation of several measures to improve the way drivers are protected from moving rolling stock and how train inspections are undertaken.
- > On 7 March 2020, two near misses involving passenger trains and a maintenance excavator occurred near Thorneside Station, east of Brisbane. Following an initial near miss, train services had prematurely resumed while attempts were being made to remove the maintenance vehicle from the area, without any form of protection in place, resulting in a second near miss. The ONRSR investigation is ongoing.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 91 operators accredited by ONRSR under *Rail Safety National Law* for operations in New South Wales.

## SIGNIFICANT REGULATORY ACTIVITIES

- > In the lead up to the operation of Sydney City and South East Light Rail services, a key focus for ONRSR was the review of the operator's safety assurance reports and governance arrangements. As a result, accreditation was granted to operate passenger services for the Circular Quay to Randwick section, in December 2019, and subsequently the Kingsford Branch in April 2020.
- > Throughout 2019–2020, ONRSR undertook detailed reviews of submissions from Sydney Trains regarding the deployment of automatic train protection (ATP) infrastructure on its network. In November 2019, ATP was successfully commissioned into service on a section of line from Cockle Creek to Warnervale and, in March 2020, it was further extended from Point Clare to Berowra. ONRSR will continue to monitor the implementation of this technology in New South Wales and beyond.
- > As part of ONRSR's focus on track worker safety, a series of inspections was completed during major shutdowns of the ARTC Hunter Valley Network in September and October 2019. A combination of announced and unannounced work site inspections was used to verify the safe management of worksites and the effective application of ARTC's network rules and procedures. Among the outcomes was a renewed focus on how rail infrastructure managers and contractors work in a coordinated manner to meet their obligations for ensuring track worker safety under *Rail Safety National Law*.

## INCIDENT RESPONSE

- > On 1 July 2019, a shunter sustained minor injuries when struck by a freight train at Manildra, 300 kilometres west of Sydney. An ONRSR investigation found that the freight train did not have the required brake protection in place and was moved by its driver without authority. It was also revealed that the shunter was incorrectly positioned given multiple trains were shunting in the siding. As a result of ONRSR's investigation, the operator has modified its shunting instructions and instituted systems to check that such operations are performed safely.
- > On 31 August 2019, a passenger was fatally injured when trying to board a train at Hurlstone Park in Sydney's inner-west. Having alighted the train, the passenger attempted to reboard as train moved away before stumbling and falling between the platform and the departing train. ONRSR immediately began an investigation and has since issued an improvement notice to the operator in connection with the incident, focused on a need to review right of way processes. ONRSR's investigation is ongoing.
- > On 15 October 2019, track workers were involved in a near miss at suburban Westmead when a passenger train was incorrectly routed through a worksite. The train driver, who after observing the workers on track, immediately sounded the horn and applied emergency brakes. The track workers were forced to run clear of the approaching train which stopped approximately 10 metres past the worksite. ONRSR's investigation resulted in the issuing of an improvement notice to the operator which has resulted in modifications to its 'work on track' rules to prevent a signaller removing signal protection to re-route a train around a worksite.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 12 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Australian Capital Territory (ACT).

## SIGNIFICANT REGULATORY ACTIVITIES

- > ONRSR engaged regularly with the operator of the city's light rail network, throughout 2019–2020. A review of its risk register was undertaken to gain an assurance of the successful conversion of the Design and Construct Hazard Log into an operational risk register, for the purpose of ongoing management of rail safety risks. ONRSR also held quarterly operator engagement meetings with the operator for the purpose of monitoring the actions undertaken in managing safety issues. An on-line inspection was also conducted focused on compliance with daily health, fatigue, competency, rolling stock and track check requirements.

## 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.



## RAIL INDUSTRY CONTEXT

As at 30 June 2020 there were 14 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Northern Territory.

## SIGNIFICANT REGULATORY ACTIVITIES

- > ONRSR's focus in the Northern Territory throughout 2019–2020 was to monitor the operations and safety management performance of the major rail transport operator and rail infrastructure manager respectively. Thirteen regulatory activities related to the major operator, and these included a desktop examination of its safety management system focused on risk management, rail safety worker competence, health and fitness and drug and alcohol management. The issues identified were managed by the operator and monitored by ONRSR through a corrective action plan. In field inspections and site visits were also conducted during the period with an emphasis on rail infrastructure management and drug and alcohol testing.
- > ONRSR undertook a further three regulatory activities related to The Ghan passenger train with the main activity again a desktop examination of the safety management system and its implementation. Activities undertaken in the field included observing rail safety workers performing their duties and examining how rail operations were managed at the Alice Springs and Darwin Passenger Terminals.

## INCIDENT RESPONSE

- > On 22 March 2020, a south bound ballast train derailed on the Northgate – Berrimah main line, approximately 50 kilometres south of Darwin. The derailment occurred when the doors on a wagon towards the rear of the train opened allowing ballast to fall onto the track. The train travelled for approximately three kilometres and the derailment resulted in significant damage to infrastructure including concrete sleepers and track. ONRSR has since worked with the operator in relation to its own investigation report and to monitor the implementation of proposed corrective actions.



# FINANCIAL REPORT

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## FINANCIAL SUMMARY 2019-2020

ONRSR's detailed audited financial statements are on page 63 of this annual report. ONRSR showed a net surplus of \$4.868 million for the financial year ending 30 June 2020.

The surplus was attributable to:

- > contribution to the costs of setting up a new office on removal of service level agreement with Victoria which was recognised as revenue
- > derecognition of an existing financial liability
- > change in Australian Accounting standard for leases effective for the first time in 2020
- > underspend on supplies and services as a result of restrictions on movements imposed by the Commonwealth and State Governments due to COVID-19

Identified savings as a result of the COVID-19 pandemic and other identified savings will be offset against the cost of regulation through the application of the fee regulation for the year ending 30 June 2022.

The major income item was fees and charges (\$40.2 million). Fees increased from 2018-19 as a result of applying the fee regulation, which includes an increase annually by CPI, and receipt of prorata fees for assuming responsibility of all rail safety regulation in Victoria from 2 December 2019.

Major expenditure items include employee benefits and supplies and services. The increase in employee expenses from 2018-19, is largely due the transition of Victorian staff to ONRSR on removal of the service level agreement from 2 December 2019.

The increase in financial assets in 2019-20 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



Government of South Australia  
Auditor-General's Department

Level 9  
State Administration Centre  
200 Victoria Square  
Adelaide SA 5000  
DX 56208  
Victoria Square  
Tel +618 8226 9640  
Fax +618 8226 9688  
ABN 53 327 061 410  
audgensa@audit.sa.gov.au  
www.audit.sa.gov.au

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

#### Opinion

I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2020.

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 2020, its financial performance and its cash flows for the year then ended in accordance with 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 2020
- a Statement of Financial Position as at 30 June 2020
- a Statement of Changes in Equity for the year ended 30 June 2020
- a Statement of Cash Flows for the year ended 30 June 2020
- notes, comprising significant accounting policies and other explanatory information
- a Certificate from the 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* (including Independence Standards) 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

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 2020.

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.



Andrew Richardson  
**Auditor-General**  
 25 August 2020

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### CERTIFICATION OF FINANCIAL STATEMENTS

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

- comply 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 2020 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.

  
Chief Executive

  
Executive Director - Corporate

20 / 8 / 2020

20 / 8 / 2020

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### STATEMENT OF COMPREHENSIVE INCOME

For the year ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
<b>Expenses:</b>			
Employee benefits expenses	5	26,129	21,814
Supplies and services	6	6,243	8,161
Service level agreement	7	2,476	6,303
Depreciation and amortisation	8	3,367	1,111
Finance costs	9	203	-
Impairment loss allowance	10	-	16
Other expenses	11	22	22
<b>Total expenses</b>		<b>38,440</b>	<b>37,427</b>
<b>Income:</b>			
Revenues from fees and charges	12	40,246	38,407
Funding for transition expenses	13	1,524	-
Penalties income	14	263	-
Interest revenues	15	313	396
Gain on derecognition of financial liabilities	16	818	-
Other income	17	144	17
<b>Total income</b>		<b>43,308</b>	<b>38,820</b>
<b>Net result</b>		<b>4,868</b>	<b>1,393</b>
<b>Other comprehensive Income</b>			
Items that will not be classified to net result:			
Changes in property, plant and equipment asset revaluation surplus		157	-
<b>Total comprehensive result</b>		<b>5,025</b>	<b>1,393</b>

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

# FINANCIAL REPORT 2019-2020

## STATEMENT OF FINANCIAL POSITION

As at 30 June 2020

	Note	2020 \$'000	2019 \$'000
<b>Current assets:</b>			
Cash and cash equivalents	18	13,438	17,630
Receivables	19	729	669
<b>Total current assets</b>		<b>14,167</b>	<b>18,299</b>
<b>Non-current assets</b>			
Receivables	19	6	3
Financial assets	20	8,000	-
Property, plant and equipment	21	17,668	3,521
Intangible assets	22	1,456	1,730
<b>Total non-current assets</b>		<b>27,130</b>	<b>5,254</b>
<b>Total assets</b>		<b>41,297</b>	<b>23,553</b>
<b>Current liabilities:</b>			
Payables	23	397	3,414
Financial liabilities	24	1,917	-
Employee benefits	25	4,043	2,362
Other liabilities	26	-	13
<b>Total current liabilities</b>		<b>6,357</b>	<b>5,789</b>
<b>Non-current liabilities:</b>			
Financial liabilities	24	11,160	-
Employee benefits	25	741	593
Other liabilities	26	-	63
Provisions	27	1,219	389
		<b>13,120</b>	<b>1,045</b>
<b>Total liabilities</b>		<b>19,477</b>	<b>6,834</b>
<b>Net assets</b>		<b>21,820</b>	<b>16,719</b>
<b>Equity:</b>			
Retained earnings		21,663	16,719
Reserves		157	-
<b>Total equity</b>		<b>21,820</b>	<b>16,719</b>

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

# FINANCIAL REPORT 2019-2020

## STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
<b>Retained earnings</b>			
<b>Opening balance</b>			
Balance carried forward from previous period		16,719	15,326
Adjustment on initial application of AASB 16		76	-
<b>Adjusted opening balance</b>		<b>16,795</b>	<b>15,326</b>
<b>Comprehensive income</b>			
Surplus for the period		4,868	1,393
<b>Total retained earnings</b>		<b>21,663</b>	<b>16,719</b>
<b>Asset revaluation reserve</b>			
<b>Opening balance</b>			
Balance carried forward from previous period		-	-
<b>Adjusted opening balance</b>		<b>-</b>	<b>-</b>
<b>Comprehensive income</b>			
Revaluation of property, plant and equipment		157	-
<b>Total asset revaluation reserve</b>		<b>157</b>	<b>-</b>
<b>Total equity</b>			
<b>Opening balance</b>			
Balance carried forward from previous period		16,719	15,326
Adjustment on initial application of new accounting policies		76	-
<b>Adjusted opening balance</b>		<b>16,795</b>	<b>15,326</b>
<b>Comprehensive income</b>			
Surplus for the period		4,868	1,393
Movement in reserves		157	-
<b>Total equity</b>		<b>21,820</b>	<b>16,719</b>

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

## STATEMENT OF CASH FLOWS

For the year ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
<b>Cash flows from operating activities:</b>			
Cash outflows			
Employee benefit payments		(24,510)	(21,726)
Payments for supplies and services		(7,142)	(8,877)
Payments for service level agreement		(3,067)	(6,900)
Interest paid on finance costs		(203)	-
<b>Cash used in operations</b>		<b>(34,922)</b>	<b>(37,503)</b>
Cash inflows			
Fees and charges received		40,201	38,477
Interest received		319	396
GST recovered from the ATO		930	877
Other receipts received		623	380
<b>Cash generated from operations</b>		<b>42,073</b>	<b>40,130</b>
<b>Net cash provided by operating activities</b>		<b>7,151</b>	<b>2,627</b>
<b>Cash flows from investing activities:</b>			
Cash outflows			
Purchase of financial instruments		(8,000)	-
Purchase of property, plant and equipment		(1,404)	(96)
Purchases of intangibles		(228)	(87)
<b>Cash used in investing activities</b>		<b>(9,632)</b>	<b>(183)</b>
<b>Cash flows from financing activities:</b>			
Cash outflows			
Repayment of lease liability		(1,711)	-
<b>Cash used in investing activities</b>		<b>(1,711)</b>	<b>-</b>
<b>Net (decrease)/increase in cash and cash equivalents</b>		<b>(4,192)</b>	<b>2,444</b>
<b>Cash and cash equivalents at 1 July</b>		<b>17,630</b>	<b>15,186</b>
<b>Cash and cash equivalents at 30 June</b>	18	<b>13,438</b>	<b>17,630</b>

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

## NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

### 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 was via a Service Level Agreement prior to its transition to the national model on the 2 December 2019.

### 2. Significant accounting policies

#### (a) Statement of compliance

These financial statements have been prepared in compliance with section 263 of the Law and Regulation 48 of *Rail Safety National Law National Regulations*.

The financial statements are general purpose financial statements. The financial statements 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).

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.

**(f) Current and non-current asset 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.

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

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 2020. ONRSR has assessed the impact of the new or changed Australian Accounting Standards and interpretations not yet implemented and have determined they will not have any material effect on ONRSR's financial statements.

Australian Accounting Standards and Interpretations that were issued prior to sign-off date and are applicable to the current reporting period did not have a material effect on ONRSR's financial statements.

*AASB 16 Leases* became effective from 1 July 2019. *AASB 16* has replaced *AASB 117 Leases* and related interpretations. *AASB 16* sets out a model for lease accounting that addresses recognition, measurement, presentation and disclosure of leases. Adoption of *AASB 16* results in leases previously classified as operating leases being recognised as right-of-use assets and related lease liabilities being recognised in the Statement of Financial Position, depreciation and interest expenses being recognised in the Statement of Comprehensive Income, together with options to exclude leases where the lease term is 12 months or less or where the underlying asset is a low value. At the date of initial application of *AASB 16 Leases*, where ONRSR was not reasonably certain of exercising any lease extension options, the additional term/s have not been included in the measurement of the right-of-use asset and remaining lease liability.

ONRSR has adopted the following practical expedients:

- ONRSR adopted *AASB 16* retrospectively. The cumulative effect of initially applying the standard was recognised at 1 July 2019. Comparatives have not been restated.
- at 1 July 2019 *AASB 16* was applied only to contracts that were previously identified as containing a lease under *AASB 117* and related interpretations.
- the initial measurement of the lease liability was the present value of the remaining lease payments discounted using ONRSR's incremental borrowing rate as at 1 July 2019.
- the initial measurement of the right-of-use assets has been calculated as an amount equal to the lease liability on transition adjusted for prepaid or accrued lease payments.
- the initial measurement of lease liabilities and the right-of-use assets excludes all leases that ended by 30 June 2020 or are short term leases.
- right-of-use assets and lease liabilities are not recognised for leases of low value assets, being assets that have a value of \$15,000 or less, nor short term leases, being those with a lease term of 12 months or less.
- lease incentives liabilities remaining on existing leases as at 1 July 2019 have been adjusted to retained earnings.

Significant accounting policies relating to the application of *AASB16* are disclosed under the relevant note.

The following table reconciles ONRSR's minimum lease commitment disclosed in ONRSR's 30 June 2019 annual financial statements to the amount of lease liabilities recognised on 1 July 2019.

	<b>\$'000</b>
Minimum operating lease commitment at 30 June 2019	11,270
Less: short term leases not recognised under <i>AASB 16</i>	(88)
Less: adjustment to lease incentive	(76)
Plus: impact of extension options	<u>1,704</u>
<b>Undiscounted lease payments</b>	<b>12,810</b>
Less: effect of discounting using the incremental borrowing rate as at the date of initial application	<u>(764)</u>
<b>Lease liability recognised at 1 July 2019</b>	<b><u>12,046</u></b>

**4. Impact of COVID-19 Pandemic**

The COVID-19 pandemic has impacted on the operations of ONRSR. The most significant impact was an underspend on supplies and services as a result of restrictions on movements imposed by the Commonwealth and State Governments. Identified savings as a result of the COVID-19 pandemic and other identified savings will be offset against the cost of regulation through the application of the fee regulation for the year ending 30 June 2022.

## Expenses

### 5. Employee benefits expenses

	2020	2019
	\$'000	\$'000
Salaries and wages	20,497	17,091
Annual leave	1,736	1,412
Long service leave	643	453
Employment on-costs - superannuation <sup>1</sup>	2,059	1,696
Employment on-costs - other	1,107	1,092
Workers compensation	87	70
<b>Total employee benefits expenses</b>	<b>26,129</b>	<b>21,814</b>

<sup>1</sup>The superannuation employment on-cost charge represents ONRSR's contributions to externally managed superannuation plans in respect of current services of current staff.

The increase in employee benefits expenses reflects the transition of the Victorian based employees to the national model on the 2 December 2019.

### 6. Supplies and services

	2020	2019
	\$'000	\$'000
Consultants	422	895
Contractors fees	513	646
Information technology	1,895	1,499
Insurance	373	344
Legal costs	79	183
Operating lease payments <sup>1</sup>	-	1,902
Property	611	247
Short-term leases <sup>2</sup>	83	-
Training and development	330	270
Transition expenses	179	-
Travelling expenses	1,085	1,396
Other	673	779
<b>Total supplies and services</b>	<b>6,243</b>	<b>8,161</b>

<sup>1</sup>ONRSR has applied AASB 16 using the modified retrospective approach and therefore comparative information has not been restated and continues to be reported under AASB 117.

<sup>2</sup>ONRSR has elected not to recognise right-of-use assets and lease liabilities for short term leases that have a lease term of 12 months or less. ONRSR recognises the lease payments associated with short term leases as an expense.

### 7. Service level agreement

	2020	2019
	\$'000	\$'000
Payment under Service Level Agreement with Victoria	2,476	6,303
<b>Total service level agreement</b>	<b>2,476</b>	<b>6,303</b>

The Service Level Agreement expired on the 2 December 2019, when Victoria transitioned to ONRSR under a direct delivery model.

### 8. Depreciation and amortisation

	2020	2019
	\$'000	\$'000
Fixtures and fittings	64	61
Computer equipment	206	215
Computer software	486	464
Leasehold improvements	450	371
Right-of-use assets	2,161	-
<b>Total depreciation and amortisation</b>	<b>3,367</b>	<b>1,111</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.

The depreciation rates for right-of-use assets are based on the commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term.

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
Right-of-use assets	Life of Lease

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

### 9. Finance costs

	2020	2019
	\$'000	\$'000
Interest expense on lease liabilities	203	-
<b>Total finance costs</b>	<b>203</b>	<b>-</b>

ONRSR has applied AASB 16 using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117.

### 10. Impairment loss allowance

	2020	2019
	\$'000	\$'000
Bad debts and allowances for impairment loss (refer note 19)	-	16
<b>Total impairment loss allowance</b>	<b>-</b>	<b>16</b>

### 11. Other expenses

	2020	2019
	\$'000	\$'000
Property, plant and equipment write-off (refer note 21)	22	22
<b>Total other expenses</b>	<b>22</b>	<b>22</b>

# FINANCIAL REPORT 2019-2020

## Income

### 12. Revenue from fees and charges

	2020	2019
	\$'000	\$'000
Revenue from accreditations	128	101
Revenue from major projects	1,467	1,309
Revenue from annual fees from industry and government	38,651	36,997
<b>Total revenue from fees and charges</b>	<b>40,246</b>	<b>38,407</b>

Revenues from fees and charges are derived from the annual fees payable by industry and state governments. Fees and charges received by ONRSR are recognised as income immediately in the Statement of Comprehensive Income. For the year ended 30 June 2020 income recognition is in accordance with AASB 1058 *Income of Not-for-Profit Entities*.

### 13. Funding for transition expenses

	2020	2019
	\$'000	\$'000
Capital contribution	1,524	-
<b>Total funding for transition expenses</b>	<b>1,524</b>	<b>-</b>

Contributions are recognised as income when the performance obligations associated with the income are satisfied, being the date of transition of regulatory oversight responsibility.

### 14. Penalties income

	2020	2019
	\$'000	\$'000
Penalties received	263	-
<b>Total penalties income</b>	<b>263</b>	<b>-</b>

Penalty income is received from prosecutions by the Regulator under the Law.

### 15. Interest revenues

	2020	2019
	\$'000	\$'000
Interest received	313	396
<b>Total interest revenues</b>	<b>313</b>	<b>396</b>

Interest is recognised using the effective interest rate method.

### 16. Gain on derecognition of financial liabilities

	2020	2019
	\$'000	\$'000
Gain on derecognition of financial liabilities	818	-
<b>Total gain on derecognition of financial liabilities</b>	<b>818</b>	<b>-</b>

Financial liabilities are remeasured on termination of contracts. Gains or losses are recognised through the Statement of Comprehensive Income in accordance with AASB 9 *Financial Instruments*.

### 17. Other income

	2020	2019
	\$'000	\$'000
Reimbursement of legal costs	114	-
Impairment loss allowance recovered	15	12
Other	15	5
<b>Total other revenue</b>	<b>144</b>	<b>17</b>

# FINANCIAL REPORT 2019-2020

## Assets

### 18. Cash and cash equivalents

	2020	2019
	\$'000	\$'000
Cash at bank	13,438	17,630
<b>Total cash and cash equivalents</b>	<b>13,438</b>	<b>17,630</b>

Cash is recognised at its nominal amount. Cash and cash equivalents includes deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value.

### 19. Receivables

	2020	2019
	\$'000	\$'000
<b>Current</b>		
Account receivables	74	58
Less Impairment loss allowance	-	(16)
Prepayments	545	432
Accrued interest	2	8
Accrued revenue	-	25
Security deposit	5	61
GST input tax receivable	93	94
Employee expense recoverable	-	7
Workers compensation receivable	10	-
<b>Total current receivables</b>	<b>729</b>	<b>669</b>
<b>Non-current</b>		
Prepayments	6	3
<b>Total non-current receivables</b>	<b>6</b>	<b>3</b>
<b>Total receivables</b>	<b>735</b>	<b>672</b>

#### Movement in Impairment loss allowance

Carrying amount at the beginning of the period	16	41
Increase in the allowance	-	16
Amounts written off	(1)	(29)
Amounts recovered during the year	(15)	(12)
<b>Carrying amount at the end of the period</b>	<b>-</b>	<b>16</b>

Receivables arise from the collection of fees and charges from industry and state governments. Receivables are generally settled within 30 days after the issue of an invoice. ONRSR has adopted the simplified approach under AASB 9 and measured lifetime expected losses on all accounts receivable using a provision matrix approach.

### 20. Financial assets

	2020	2019
	\$'000	\$'000
Terms deposits	8,000	-
<b>Total financial assets</b>	<b>8,000</b>	<b>-</b>

Financial assets are term deposits with an original maturity date of greater than 3 months.

## 21. Property, plant and equipment

	2020 \$'000	2019 \$'000
Leasehold improvements		
At cost	4,778	3,273
Accumulated depreciation	(1,012)	(719)
<b>Total leasehold improvements</b>	<b>3,766</b>	<b>2,554</b>
Fixtures and fittings		
At cost	938	781
Accumulated depreciation	(301)	(245)
<b>Total fixtures and fittings</b>	<b>637</b>	<b>536</b>
Computer equipment		
At cost	1,090	910
Accumulated depreciation	(717)	(511)
<b>Total computer equipment</b>	<b>373</b>	<b>399</b>
Work in progress		
At cost	-	32
<b>Total work in progress</b>	<b>-</b>	<b>32</b>
<b>Total computer equipment</b>	<b>373</b>	<b>431</b>
Right-of-use assets		
At cost	15,039	-
Accumulated depreciation	(2,147)	-
<b>Total right-of-use assets</b>	<b>12,892</b>	<b>-</b>
<b>Total property, plant and equipment</b>	<b>17,668</b>	<b>3,521</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 11).

Lease right-of-use assets are capitalised on the commencement date of the lease and comprise the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives receivable. On the initial adoption of AASB 16 ONRSR recognised a right of use asset for each lease (previously treated as an operating lease) as an amount equal to the lease liability adjusted for any pre-paid or accrued lease payment recognised in the Statement of Financial Position immediately before 1 July 2019. ONRSR did not recognise any lease with less than 12 months remaining on the lease term at 1 July 2019. The weighted-average incremental borrowing rate used is 1.63%.

ONRSR's 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 payment are increased annually in accordance with the terms of the lease agreement.

### Impairment

There were no indications of impairment of property, plant and equipment or right-of-use assets at 30 June 2020.

## 22. Intangible assets

	2020 \$'000	2019 \$'000
Computer software		
Internally developed computer software	2,720	2,535
Accumulated amortisation	(1,327)	(908)
Other computer software	927	949
Accumulated amortisation	(909)	(890)
<b>Total computer software</b>	<b>1,411</b>	<b>1,686</b>
Work in progress (intangibles):		
At cost	45	44
<b>Total work in progress (intangibles)</b>	<b>45</b>	<b>44</b>
<b>Total intangible assets</b>	<b>1,456</b>	<b>1,730</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 or of 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.

Intangible assets are derecognised upon disposal or when no further future economic benefits are expected from its use or disposal (refer note 11).

### Impairment

There were no indications of impairment of intangibles at 30 June 2020.

### Asset movement reconciliation 2020

	Leasehold improvements \$'000	Fixtures and fittings \$'000	Computer equipment \$'000	Intangible assets \$'000	Right-of-use assets \$'000	Total \$'000
<b>2020</b>						
Carrying amount at 1 July 2019	2,554	536	431	1,730	-	5,251
Recognition of right-of-use asset at 1 July 2019	-	-	-	-	12,046	12,046
Additions at cost	940	187	180	211	-	1,518
Additions work in progress	-	-	-	45	-	45
Additions of right-of-use assets	-	-	-	-	3,007	3,007
Reclassification of prior year WIP	-	-	(32)	(44)	-	(76)
Disposals	-	(22)	-	-	-	(22)
Revaluation	722	-	-	-	-	722
Depreciation/amortisation	(450)	(64)	(206)	(486)	(2,161)	(3,367)
<b>Carrying amount at 30 June 2020</b>	<b>3,766</b>	<b>637</b>	<b>373</b>	<b>1,456</b>	<b>12,892</b>	<b>19,124</b>

## Liabilities

### 23. Payables

	2020 \$'000	2019 \$'000
<b>Current</b>		
Creditors	166	169
Accrued expenses	130	3,052
Employee on-costs <sup>1</sup>	97	185
GST payable	-	1
FBT payable	4	7
<b>Total current payables</b>	<b>397</b>	<b>3,414</b>

<sup>1</sup> 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.

### 24. Financial liabilities

	2020 \$'000	2019 \$'000
<b>Current</b>		
Lease liabilities	1,917	-
<b>Total current finance liabilities</b>	<b>1,917</b>	<b>-</b>
<b>Non-Current</b>		
Lease liabilities	11,160	-
<b>Total non-current finance liabilities</b>	<b>11,160</b>	<b>-</b>
<b>Total finance liabilities</b>	<b>13,077</b>	<b>-</b>

ONRSR has applied AASB 16 using the modified retrospective approach and therefore the comparative information has not been restated and continues to be reported under AASB 117.

### 25. Employee benefits

	2020 \$'000	2019 \$'000
<b>Current</b>		
Accrued salaries and wages	627	361
Separation and-redundancy payments	115	-
Annual Leave	1,631	1,009
Long service leave	1,670	992
<b>Total current employee benefits</b>	<b>4,043</b>	<b>2,362</b>
<b>Non-Current</b>		
Long service leave	741	593
<b>Total non-current employee benefits</b>	<b>741</b>	<b>593</b>
<b>Total Employee benefits</b>	<b>4,784</b>	<b>2,955</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, annual leave and long service 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.

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 and redundancy

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

### 26. Other liabilities

	2020 \$'000	2019 \$'000
<b>Current</b>		
Lease Incentive	-	13
<b>Total current other liabilities</b>	<b>-</b>	<b>13</b>
<b>Non-Current</b>		
Lease Incentive	-	63
<b>Total non-current other liabilities</b>	<b>-</b>	<b>63</b>
<b>Total other liabilities</b>	<b>-</b>	<b>76</b>

### 27. Provisions

	2020 \$'000	2019 \$'000
<b>Non-current</b>		
Opening Balance - Make Good	389	389
Additions to Make Good	265	-
Revaluation of Make Good	565	-
<b>Total provisions</b>	<b>1,219</b>	<b>389</b>

ONRSR currently has agreements for the leasing of premises which have provisions requiring ONRSR to restore premises to their original condition at the conclusion of the lease. The entity has made a provision to reflect the present value of that obligation.

### 28. Unrecognised contractual commitments

	2020 \$'000	2019 \$'000
<b>Capital commitments</b>		
Within one year	4	-
Later than one year but no longer than five years	-	-
<b>Total capital commitments</b>	<b>4</b>	<b>-</b>

## Expenditure commitments - Other

	2020	2019
	\$'000	\$'000
Within one year	1,010	771
Later than one year but no longer than five years	563	851
<b>Total other commitments</b>	<b>1,573</b>	<b>1,622</b>

Amounts disclosed include commitments arising from IT maintenance contracts and contractors and short term leases not recognised in accordance with AASB 16.

## Operating lease commitments

	2020	2019
	\$'000	\$'000
Commitments in relation to operating leases contracted for at the reporting date but not recognised as liabilities are payable as follows:		
Within one year	-	1,721
Later than one year but no longer than five years	-	6,663
Later than five years	-	2,886
<b>Total operating lease commitments</b>	<b>-</b>	<b>11,270</b>

Operating lease commitments is provided for the comparative year only as AASB 16 does not distinguish between operating leases and financial leases for the lessee.

## 29. Contingent assets and liabilities

The ONRSR is not aware of any contingent assets or liabilities at 30 June 2020.

## 30. 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 \$1.920 million (2019: \$1.913 million). The total number of key management personnel is 7 (2019: 8).

### Transactions with key management personnel

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

## 31. 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.

## 32. Financial instruments

### Categorisation of financial instruments

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

	2020	2019
	\$'000	\$'000
<b>Financial assets:</b>		
<b>Financial assets</b>		
Cash and cash equivalents	13,438	17,630
Term deposits	8,000	-
<b>Financial assets at amortised cost</b>		
Receivables	91	143
<b>Total financial assets</b>	<b>21,529</b>	<b>17,773</b>
<b>Financial liabilities:</b>		
<b>Financial liabilities at amortised cost</b>		
Payables	242	3,169
Lease liabilities	13,077	-
<b>Total financial liabilities</b>	<b>13,319</b>	<b>3,169</b>
<b>Net gain or loss on financial assets:</b>		
<b>Cash and cash equivalents</b>		
Interest on cash and cash equivalents	121	240
<b>Financial assets</b>		
Interest on term deposits	192	156
<b>Net gain (loss) on financial assets</b>	<b>313</b>	<b>396</b>
<b>Net gain or loss on financial liabilities:</b>		
<b>Lease Liabilities</b>		
Interest expense on lease liabilities	(203)	-
<b>Payables</b>		
Gain on derecognition of financial liabilities	818	-
<b>Net gain (loss) on financial liabilities</b>	<b>615</b>	<b>-</b>

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

This is the first report against ONRSR's Key Performance Indicators since they were revised in 2018.

ONRSR CORPORATE GOAL	ONRSR KPI	KPI MEASURE(S)	KPI TARGET(S)	RESULTS 2017-2018	RESULTS 2018-2019	RESULTS 2019-2020
<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 <sup>1</sup>	• Decrease (3 yr. trend)	0.71	0.51	0.58
	• ONRSR's regulatory effort is risk-based	• Number of drug and alcohol tests and % positive (ONRSR)	• 0% drug • 0% alcohol	0% 0%	0% 0%	0% 0%
		• Number of drug and alcohol tests and % positive (industry)	• 0% drug • 0% alcohol	0.3719% 0.0233%	0.308% 0.032%	0.263% 0.020%
		• % of set minimum interaction levels achieved in previous calendar year	• 100%	N/A	100%	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	54% <sup>2</sup>	87%
		• % of inspection reports issued within four weeks of an inspection	• 90%	N/A	87%	94.5%
		• % of policies and legislative changes consulted on	• 100%	N/A	100%	100%
		• % of key activities (occurrences and monthly returns) reported via the ONRSR Portal	• 100%	N/A	97%	99%
<b>GOAL 3</b> Work with industry to address national rail safety issues	• ONRSR collaborates with industry to deliver projects that improve rail safety	• The national rate of occurrences associated with national priorities, as reported to ONRSR	• Decrease (3 yr. trend)			
			- Track Worker Safety <sup>3</sup>	10.92	12.27	11.44
			- Level Crossing Safety <sup>4</sup>	0.98	0.95	0.97
			- T&H Sector SMS Capability <sup>5</sup>	4.85	2.39	3.43
		- RRV Safety <sup>6</sup>	49.16	48.94	47.27	
• % adoption of ONRSR's major project guidance	• 100%	N/A	92%	91%		
<b>GOAL 4</b> Invest in ONRSR's national capability, governance and culture to drive our strategic intent	• ONRSR has appropriately skilled and experienced staff	• % annual voluntary staff turnover	• 10-15%	11.1%	12.5%	7.2%
		• % of payroll invested in training and development activities	• 1-2%	1.4%	1.5%	1.26%
	• ONRSR staff are safe in the workplace	• Annual lost time injury frequency rate (LTIFR)	• 0	0	0	9.58%

<sup>1</sup>Fatalities (excluding suspected suicide), running line derailments, collisions between trains and with rolling stock, and railway crossing collisions per million train km. 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.

<sup>2</sup>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.

<sup>3</sup>Track work procedure or rule breaches per thousand track km

<sup>4</sup>Level crossing collisions, equipment failures or defects per million train km

<sup>5</sup>Running line derailments, running line collisions between trains and with rolling stock, and SPADs (A1) involving T&H trains per one hundred thousand T&H train km

<sup>6</sup>Occurrences involving RRVs per million maintenance vehicle km

## APPENDIX 2:

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### FREEDOM OF INFORMATION REPORT 2019–2020

##### 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* and the *Rail Safety National Law (WA) Act 2015*.

##### 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)

## APPENDIX 2:

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### FREEDOM OF INFORMATION REPORT 2019–2020

##### 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:

- (a) to administer, audit and review the accreditation regime under this Law;
- (b) to work with rail transport operators, rail safety workers, and others involved in railway operations, to improve rail safety nationally;
- (c) to conduct research, collect and publish information relating to rail safety;
- (d) to provide, or facilitate the provision of, advice, education and training in relation to rail safety;
- (e) to monitor, investigate and enforce compliance with this Law;
- (f) 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;
- (g) 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.

## APPENDIX 2:

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### FREEDOM OF INFORMATION REPORT 2019-2020

##### 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:

- > Operations Forums;
- > Joint CEO/Industry and Union Reference Group;
- > Senior Government Policy Group;
- > TISOC.

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.

## APPENDIX 2:

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### FREEDOM OF INFORMATION REPORT 2019-2020

##### DOCUMENTS HELD BY ONRSR

ONRSR and the 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's Portal;
- > 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*.

## APPENDIX 2:

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### FREEDOM OF INFORMATION REPORT 2019-2020

#### DOCUMENTS HELD BY ONRSR

Cont.

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>.

## APPENDIX 2:

### OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### FREEDOM OF INFORMATION REPORT 2019-2020

#### 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 \$35.00 (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

Once a 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 2019-2020

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  
**Cathy Ray:** cathy.ray@onrsr.com.au  
**Donna-Maree Findlay:** donna-maree.findlay@onrsr.com.au  
 PO Box 3461, Rundle Mall  
 Adelaide SA 5000  
 08 8406 1500

APPLICATIONS FOR ACCESS 2019-2020					
Agent/ Organisation	Applicant Type	Status	Fee	Summary	Time taken/ Outcome/ Exemptions Claimed
David Davis MP	MP	Determined	\$37.50	Copy of monthly returns for passenger operators in Victoria	<30 days Partial access Clause 6
HWL Ebsworth Lawyers	Lawyer/Agent	Determined	\$37.50	Documents relating to an incident at Thompsons Road Crossing, Victoria	<30 days Refused access Clause 21
Hall Payne Lawyers	Lawyer/Agent	Determined	\$37.50	Documents relating to a prosecution ONRSR undertook against Sydney Trains (Clyde)	>30 days Partial access Multiple exemptions claimed (178 documents in scope)
Herald Sun	Media	Determined	\$37.50	Train near misses in Victoria	<30 days Full access
Herald Sun	Media	Determined	\$37.50	De-identified list of fatalities on Victorian rail network	<30 days Partial access Clause 6 and 9
Maurice Blackburn Lawyers	Lawyer/Agent	Determined	\$37.50	Documents relating to an incident resulting in serious injury in Queensland	>30 days Partial access Multiple exemptions claimed (over 70 documents in scope)

APPLICATIONS FOR ACCESS 2019-2020					
Agent/ Organisation	Applicant Type	Status	Fee	Summary	Time taken/ Outcome/ Exemptions Claimed
Individual	Individual	Determined	\$37.50	Documents relating to an application for variation to accreditation that was rejected	<30 days Partial access Clause 6, 9 and 10
Individual	Individual	Determined	Waived	Documents relating to a derailment on 26 November 2017	<30 days Partial access Clause 6, 7 and 9
ABC 7.30 Report	Media	Withdrawn	\$37.50	Proactive information supplied with no further information needed (following Wallan train fatality in Victoria)	N/A
David Davis MP	MP	Determined	\$37.50	Category A and B incidents over 2 years in Victoria	<30 days Partial access Clause 6
Individual	Individual	Determined	Waived	Documents in relation to an investigation undertaken by ONRSR following fatal car crash of a rail safety worker	<30 days Partial access Clause 6 and 9
RTBU	Union	Not determined	\$37.50		Determination due after publication of this report



**OFFICE OF THE NATIONAL  
RAIL SAFETY REGULATOR**

Level 1, 75 Hindmarsh Square  
Adelaide SA 5000

PO Box 3461, Rundle Mall  
Adelaide SA 5000

Phone 08 8406 1500  
Email [contact@onrsr.com.au](mailto:contact@onrsr.com.au)  
Web [onrsr.com.au](http://onrsr.com.au)

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