



# SAFE RAILWAYS FOR AUSTRALIA

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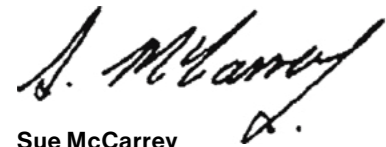
## Letter of Transmission

### INFRASTRUCTURE AND TRANSPORT MINISTERS

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 2021–2022 has been prepared in accordance with the requirements of the *Rail Safety National Law* (RSNL) and associated regulations. The report is structured to reflect ONRSR's delivery against the ONRSR Statement of Intent 2021–2024 and Corporate Plan 2021–2024 which have been endorsed at the Infrastructure and Transport Ministers' Meeting and promoted to stakeholders.

Yours sincerely,



**Sue McCarrey**  
Chief Executive

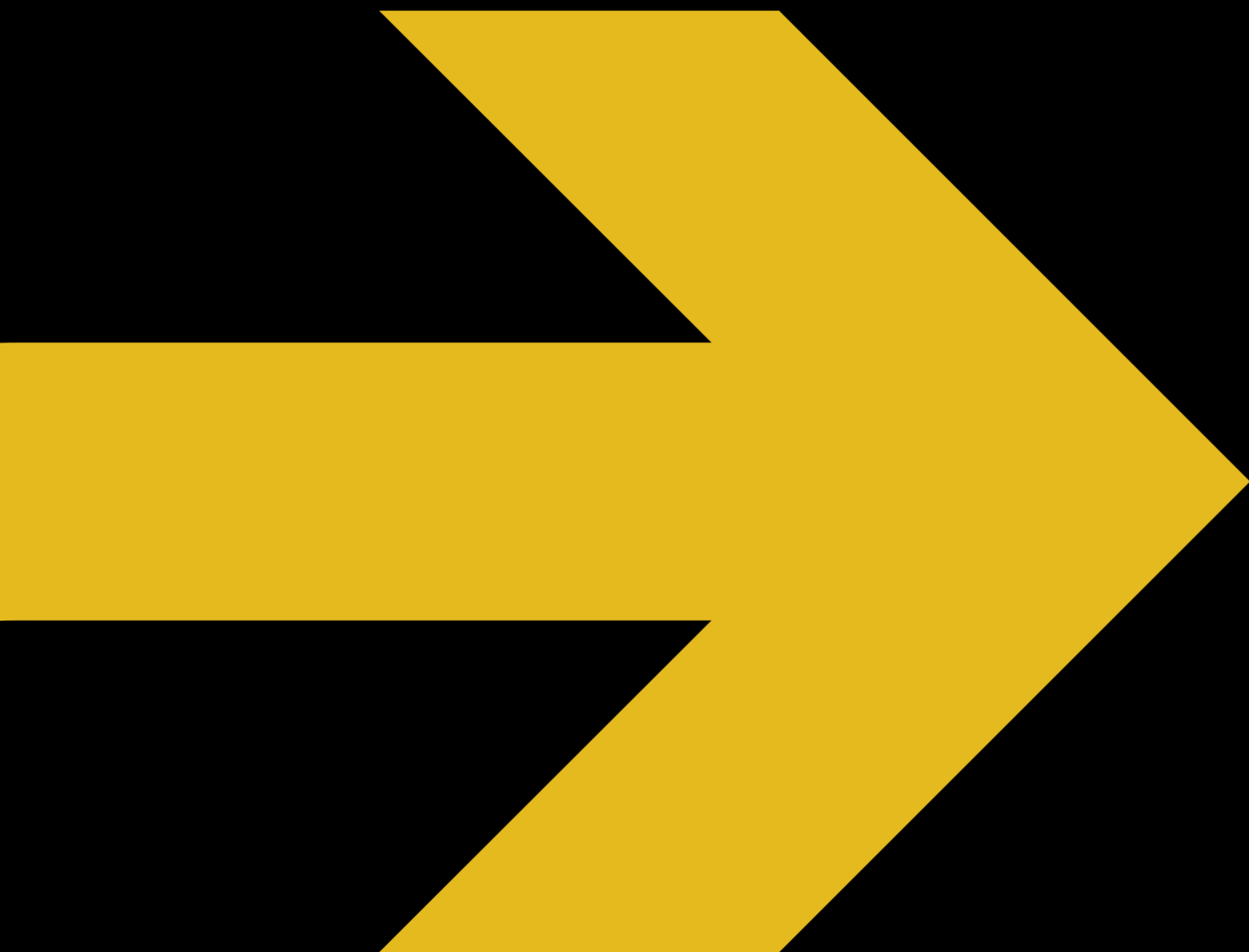
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## About This Report

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 2021–2022. 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)



# Overview

## Chief Executive's Message



**“OVER THE PAST DECADE ONRSR HAS ALSO WORKED CLOSELY WITH STATES, TERRITORIES AND AGENCIES DURING AN UNPRECEDENTED PERIOD OF PROJECT DELIVERY WHERE WE HAVE NOT ONLY SEEN MAJOR EXPANSIONS TO RAIL NETWORKS ACROSS THE COUNTRY, BUT THE INTRODUCTION OF IMPROVED AND SAFER TECHNOLOGY TO MANAGE THE MOVEMENT OF TRAINS WITH MODERN, SAFER AND GREENER ROLLING STOCK.”**

January 2023 will mark 10 years since ONRSR first opened its doors and in that time real safety improvements have been seen, particularly in the management of trackworker safety across the country, while we have also achieved many of the efficiencies the reform predicted. The final step in forming a truly national organisation came in December 2019, and a national approach to rail safety regulation has allowed for major achievements in data and intelligence analysis driving a focus on the important rail safety risks based on sound evidence. Improved methods to manage safety have been shared across the country in a way that was not always possible prior to the advent of ONRSR.

Over the past decade ONRSR has also worked closely with states, territories and agencies during an unprecedented period of project delivery where we have not only seen major expansions to rail networks across the country, but the introduction of improved and safer technology to manage the movement of trains with modern, safer and greener rolling stock. ONRSR is working closely with industry to ensure a collective understanding of emerging and future technologies such as battery and hydrogen fuel cells, advances that can deliver zero emission rolling stock.

Most recently, supporting the industry through initiatives such as the National Level Crossing Portal, and the National Rail Safety Data Strategy are fantastic examples of the bigger picture approach and will be game changers when it comes to providing



## Chief Executive's Message

access to the best possible understanding of the rail safety landscape. I want to acknowledge the input of a range of our stakeholders in helping us bring these projects to life, and the broader industry for its engagement in the process and with the products themselves.

Similarly positive were our discussions throughout the year with operators and governments around the country as part of the development of a fairer and more equitable national cost recovery model, projected to be implemented in July 2023. A change like this inevitably impacts some more than others but I was greatly encouraged and indeed impressed by the spirit in which those conversations were held. Our proposed approach to in cab cameras in passenger and freight trains across Australia will allow for a better understanding of the circumstances of an incident, facilitating learnings and mitigating the likelihood of similar incidents occurring in the future. ONRSR has also been integral in raising the national consciousness in relation to the question of train visibility, and our early work to initiate and oversee trials of improved lighting on freight trains is already seeing action on opposite sides of the country.

A major shift for ONRSR has been a more regular and sophisticated approach to communication of a full range of rail safety messages to external stakeholders. Our investigations have fed key safety messages through ONRSR Engage, the website and animations. These are being used widely across the country to create learning opportunities.

2021–2022 also saw fresh perspectives, as we welcomed Julie-Anne Schafer to the ONRSR Board. Julie-Anne has brought invaluable strategic and operational experience in both the rail and broader land transport sectors and is helping us set exciting new directions that will capitalise on our achievements to date.

As we mark our 10 years of ONRSR, I would like to acknowledge our dedicated and hard-working team for driving safety forward. Together with an equally determined industry we have achieved a greater focus on important rail safety issues and improved technology that will continue to improve rail safety into the future.

**Sue McCarrey**  
**Chief Executive / National Rail Safety Regulator**  
June 2022



**Our Vision**

**SAFE  
RAILWAYS  
FOR  
AUSTRALIA**

**Our Purpose**

**ONRSR strives to be visible 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.**

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## 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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## About Our Organisation

**ONRSR takes pride in demonstrating its values every day. Although strongly independent, achieving the best in rail safety can only be done by working closely with all our stakeholders - governments, rail industry organisations, rail unions and most importantly the rail operators themselves. This is the strong basis on which ONRSR operates.**

## 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, Trish White AM and Julie-Anne Schafer. 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 2021–2022, the ONRSR met nine 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 complete transition of state-based regulators in New South Wales, Western Australia, Queensland and Victoria to ONRSR. 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.



**Trish White AM**  
Non-executive member

Trish White is a professional engineer and Fellow and former President of the Institute of Engineers Australia. She 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.



**Julie-Anne Schafer**  
Non-executive member

Julie-Anne is an experienced Director and Chair, in highly regulated sectors, including infrastructure and transport, having served as a National Transport Commissioner, Director of Queensland Rail, President of the National Competition Council, President of Royal Automobile Club of Queensland (RACQ) and Chair of RACQ Insurance. Her current directorships include Urban Utilities and CS Energy and she is the Independent External Chair of the Audit and Risk Committee of the Queensland Department of Transport and Main Roads. Julie-Anne holds a Bachelor of Laws with Honours (LL.B. Hons) from the University of Queensland and is a Fellow of the Australian Institute of Company Directors (AICD).

## About Our Organisation

### Independent Audit and Risk Committee

An independent committee responsible for overseeing the effectiveness of ONRSR's financial management, account policies and practices and enterprise risk management systems and framework. With oversight of the independence and quality of both internal and external audits, the committee also reviews statutory accounts subject to external audit and ONRSR's internal audit program. In 2021–2022 the committee comprised Trish White as ONRSR non-executive member and 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 2021–2022 four meetings were held.







## 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 2021–2022 the Executive met 11 times.

### Peter Doggett – Chief Operating Officer

Peter has had more than 30 years' experience in the rail industry both in Australia and overseas. He has combined leadership positions and practical operational experience with a focus on risk management working in the heavy rail, light rail, high speed rail and freight sectors. 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.

### Sasha Viergever – Executive Director, Corporate

Sasha is an experienced leader in Finance and Operations having held senior leadership roles within the UK Financial Services industry for nearly 20 years. Sasha brings a breadth of experience in financial management, business transformation and process improvement, change management, risk management and corporate governance. Sasha is a member of the Institute of Chartered Accountants.

### Dane Newton – Senior Manager, Risk and Analysis

Dane has over 15 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 on improving ONRSR's regulatory intelligence and data analytics capability.

### 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 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 2022.

WORKFORCE PROFILE						
	PERMANENT	FIXED TERM	CASUAL	TOTAL	CONTRACTORS	SLA
2021–2022	146	38	1	185	5	0
2020–2021	154	23	1	178	8	0

GENDER PROFILE				
	2021–2022		2020–2021	
	Male	Female	Male	Female
Executive	2	3	2	3
Senior Manager	14	6	14	5
Employees	86	74	92	62
<b>Total</b>	<b>102</b>	<b>83</b>	<b>108</b>	<b>70</b>

## About Our Organisation

### 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.

#### 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

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 managers and is chaired by the Chief Operating Officer.

#### Managers' Forum

Comprises Managers of Operations from each ONRSR office and is facilitated by the National Manager, Regulatory Operations. The forum is responsible for the consistent delivery and coordination of the national work program while also focussing on and reviewing all National Operations processes and their application.

#### National Investigations Compliance Committee

Oversees ONRSR's compliance and enforcement program, making determinations and recommendations in relation to investigatory activities. The committee comprises the Executive Director, Technical, National Manager, Investigations and General Counsel, and is chaired by the Chief Operating Officer.

#### 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.

#### Work Health and Safety Committee

Provides a communication link between workers and management to raise WHS matters and facilitates contributions to the decision-making process.

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

A steering committee which develops and oversees delivery of the IM&T Strategic Plan.

## About Our Organisation

### Our Stakeholders

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

- » **Infrastructure and Transport Ministers' Meetings (ITMM)**, which comprises all state, territory and federal Ministers for Transport and Infrastructure.
- » **Infrastructure and Transport Senior Officials' Committee**, an executive officer-level committee supporting the ITMM 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

### 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:

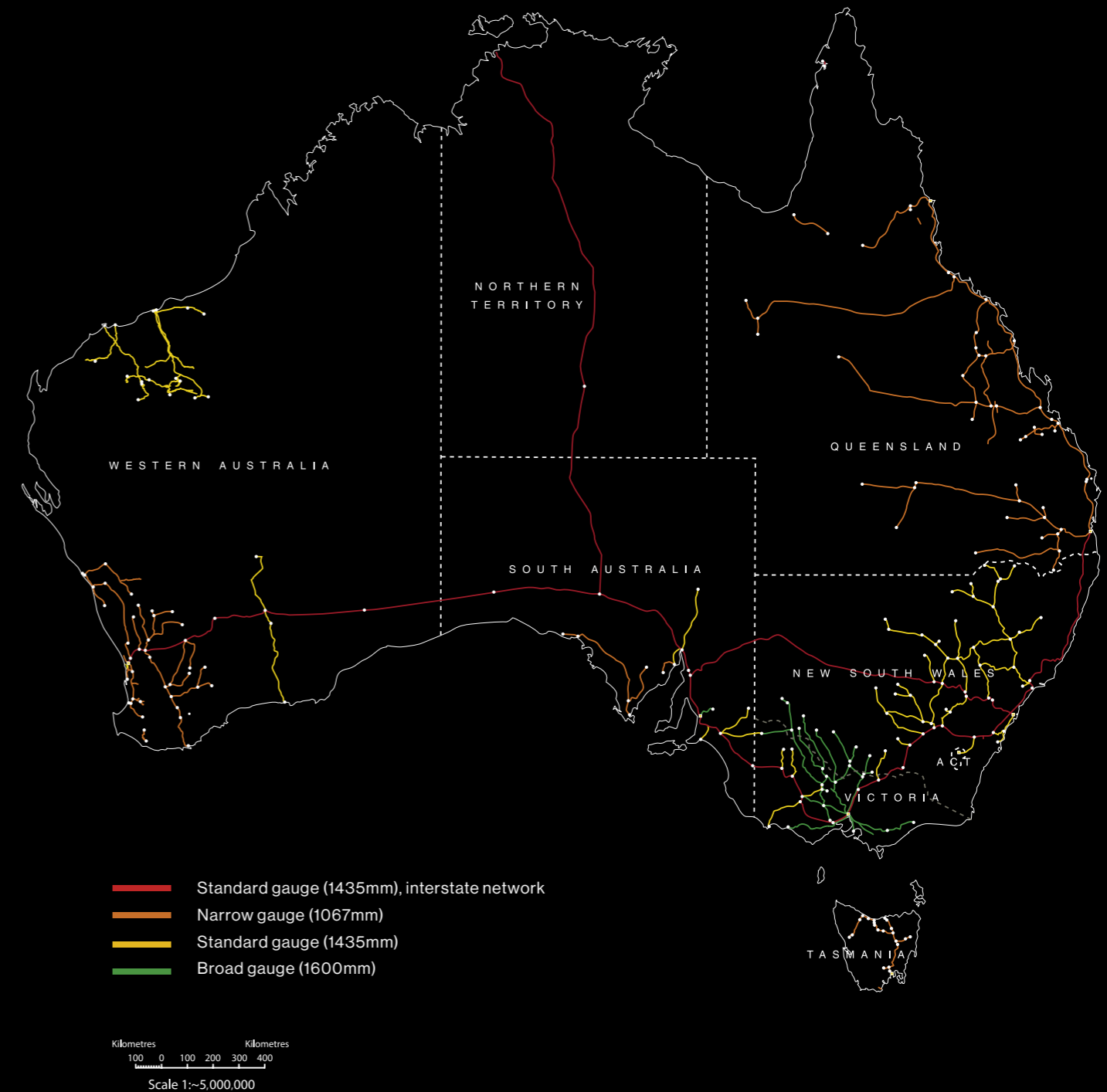
- » **RISB's Safety Managers' Group** comprising safety managers from various rail transport operators.
- » **Association of Tourist and Heritage Rail Australia** comprising representatives from all state tourist and heritage associations.
- » **State tourist and heritage groups** comprising local tourist and heritage operators.
- » **National and state-based level crossing committees**

### Our Resources

In 2021–2022 ONRSR received funding from industry through fees of \$24.8m and from state and territory governments to the value of \$11.7m, together with major projects fees of \$1.6m. ONRSR's primary expenditure items were salaries and wages, and operational costs including rent payments and the development and maintenance of our information technology systems.

## About Our Organisation

### Rail networks operating across Australia



Sourced from the Australasian Railway Association

## ONRSR's Performance

### Industry Safety Performance

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

### Data Analysis

#### Category A and Category B occurrences\*

Under *Rail Safety National Law*, rail transport operators must report occurrences. Category A occurrences must be reported immediately. Category B occurrences must be reported within 72 hours of the occurrence. The table below provides high level data on the rail industry safety performance in 2021–2022:

STATE	CAT. A	CAT. B	FATALITY	SERIOUS INJURY
ACT	1	79	0	1
SA	28	3552	5	3
TAS	4	270	0	0
NT	2	69	0	0
NSW	61	11798	17	15
VIC#	126	10243	35	44
QLD	47	8030	11	7
WA	37	4063	6	14
<b>Total</b>	<b>306</b>	<b>38104</b>	<b>74</b>	<b>84</b>

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

# includes slips, trips and fall occurrences on Melbourne's extensive light rail network

## ONRSR's Performance

### 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 2021–2022:

FATALITIES							
STATE	SUSPECTED SUICIDE	TRESPASSER STRUCK BY TRAIN	SLIPS, TRIPS & FALLS*	LEVEL CROSSING COLLISIONS	RAIL ACCIDENTS**	OTHER	TOTAL
ACT	0	0	0	0	0	0	0
SA	4	0	0	1	0	0	5
TAS	0	0	0	0	0	0	0
NT	0	0	0	0	0	0	0
NSW	11	4	1	0	1	0	17
VIC#	25	4	1	1	2	2	35
QLD	8	1	1	1	0	0	11
WA	5	0	0	1	0	0	6
<b>Total</b>	<b>53</b>	<b>9</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>74</b>

\*Includes members of the public involved in incidents on or in the vicinity of railway infrastructure /operations such as stations and station accesses. Does not include rail safety workers.

\*\*Includes rail accidents such as collisions between trains and persons being struck by trains (excluding level crossing collisions, suspected suicides and trespassers).

## ONRSR's Performance

### Operational statistics

The following table reflects ONRSR's operational activity statistics for its regulatory services for 2021–2022:

	2019–2020	2020–2021	2021–2022
<b>No. of accreditations*:</b>			
Received	10	11	6
Completed	6	4	11
<b>No. of variations to accreditation*:</b>			
Received	40	54	50
Completed	34	33	48
<b>No. of surrenders of accreditation:</b>			
Received	3	4	13
Completed	3	1	13
<b>No. of exemptions to accreditation:</b>			
Received	6	1	3
Completed	3	1	1
<b>No. of variations to registrations:</b>			
Received	5	3	8
Completed	4	2	9
<b>No. of surrenders of registration:</b>			
Received	9	4	4
Completed	8	2	5

\*Many new or variations to accreditation relate to larger infrastructure and technical projects that can take several years to complete.

## ONRSR's Performance

### Operational statistics (continued)

	2019–2020	2020–2021	2021–2022
<b>No. of notifications of change:</b>			
Received	417	373	393
<b>No of REPCON's</b>			
Received	9	18	18
Actioned	9	18	18
No. of formal inspections completed	307	348	226
No. of audits completed	47	38	58
No. of compliance investigations completed	0	17	24
No. of improvement notices issued	29	8	8
No. of prohibition notices issued	6	7	1
No. of prosecutions	0	1	5
No. of Enforceable Voluntary Undertakings accepted	1	0	2
No. of site visits**	207	801	919

\*\*A better system to capture this information now exists.

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## ONRSR's Performance

### Drug and Alcohol Testing

#### ONRSR testing

During the 2021–2022 financial year ONRSR conducted the following tests of rail safety workers:

- » 1606 drug tests with nil positive results
- » 1562 alcohol tests with nil positive results.

*One positive alcohol test was recorded following an occurrence in August 2021. Testing was undertaken by Victoria Police and hence ONRSR was not required to test under the RSNL.*

There was an increase of 14% in the number of drug tests and increase of 17% in the number of alcohol tests undertaken under the ONRSR program when compared with 2020–2021.

In 2021–2022 there were 627 prescribed incidents reported which was an increase of 22% from the previous year and resulted in a 20% increase in testing that saw 525 rail safety workers tested including train drivers, guards, controllers/signallers, station staff, rolling stock maintenance staff, railway infrastructure maintenance staff and shunters. Rail safety workers from 116 rail operators were tested in a range of locations, including workshops, depots, worksites, control centres and remote locations.

#### Industry testing

During the 2021–2022 financial year, as part of their drug and alcohol management program required under section 115 of the RSNL, rail transport operators undertook the following testing of rail safety workers across Australia:

- » 46,433 drug tests; 0.2412% positive
- » Number of tests pre sign on 18,680; 0.0642% positive
- » Number of tests post sign on 27,753; 0.3603% positive
- » 906,395 alcohol tests; 0.0173% positive
- » Number of tests pre sign on 812,498; 0.0160% positive
- » Number of tests post sign on 93,897; 0.0288% positive

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## ONRSR's Performance

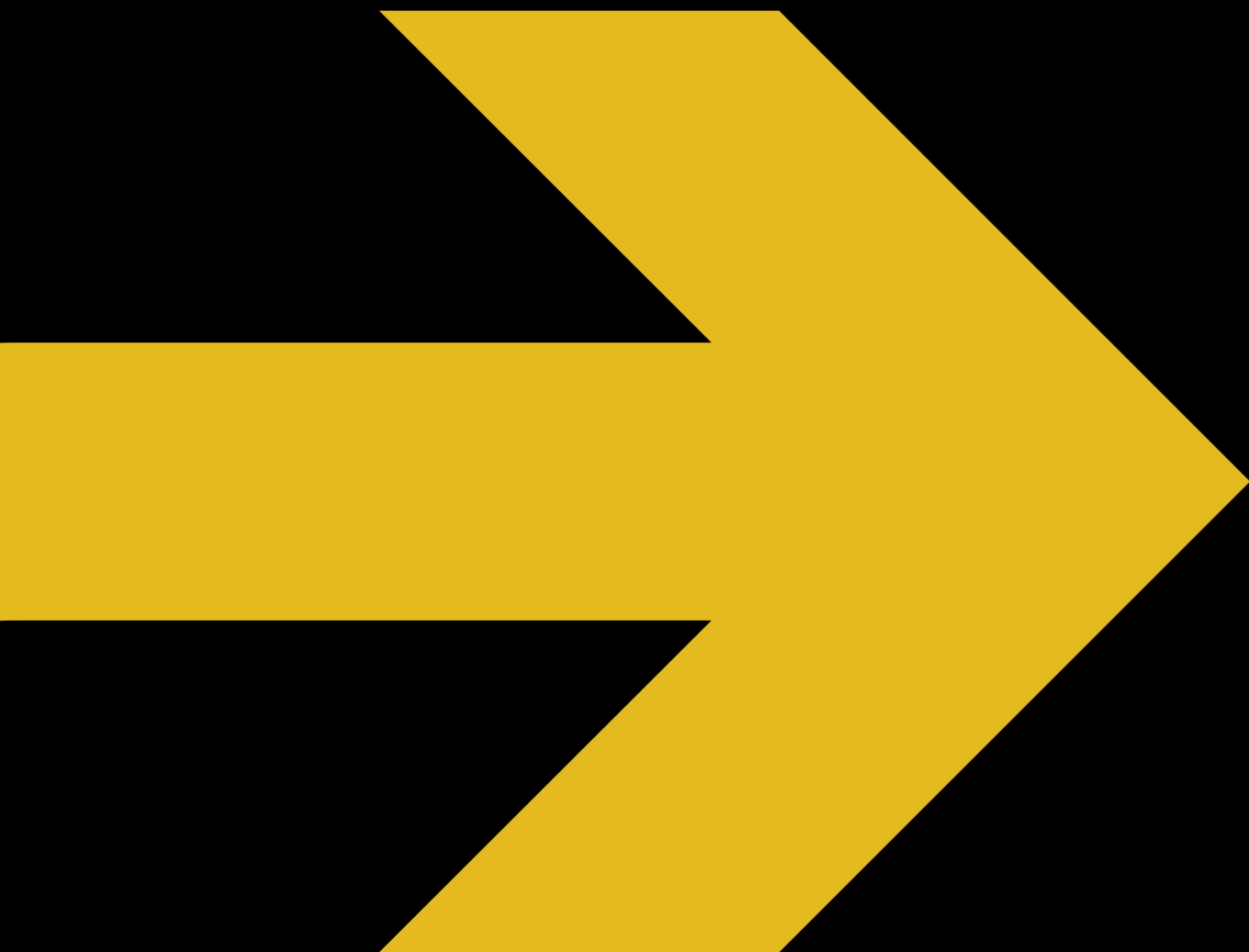
### Implementation of major project fee

Major project fees apply in all jurisdictions except Western Australia as legislative changes after 1 July 2015 are yet to be reflected in the Western Australian mirror law.

In 2021–2022, eight projects were subject to major project fees. The total amount collected from the application of major project fees during 2021–2022 was \$1.567m, noting \$1.150m was reduced from the amount being recovered from industry and governments through standard accreditation fees and the remaining funds were used to engage a specialist on a temporary contract to assist with the workload.

One new project commenced in 2021–2022 and was assessed as complex and two projects were completed during this period. Six projects are being continued through 2022–2023 with two in NSW, two in Victoria and two in Queensland.

ONRSR expended \$1.674m on regulatory oversight of these projects in 2021–2022. As the revenue received was \$1.567m, this resulted in a shortfall of \$107,000 which was funded from ONRSR's operating budget and will be reconciled from future years' major project fees.



# Part A: Corporate Performance

# 1

Goal

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

ONRSR will deliver an annual national work program, with a key focus on undertaking regulatory activities associated with national safety priorities and work with proponents of major rail projects to ensure safety issues are addressed. This risk-based approach will be underpinned by in-field intelligence and maturing data collection and analysis. Our investigations will be fair, unbiased and systematic processes that establish the facts of an incident or occurrence. 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.

ACTIVITIES	WHEN	2021–2022 RESULT
Progress the National Rail Safety Data Strategy Action Plan	2021–2022	Achieved
Implement a national cost recovery model based on regulatory effort and risk subject to Infrastructure and Transport Ministers' approval	July 2022	Progressing
Integrate the findings from an expanded set of analysis activities and products into the regulatory planning and monitoring cycle	Dec 2023	Progressing
Deliver a national drug and alcohol testing program with annual review	Jun 2022	Achieved

### Achievements

#### 1. National Data Strategy

On July 1, 2022 the National Rail Safety Data Strategy came into effect with all accredited rolling stock operators and rail infrastructure managers required to report under new arrangements. The new system champions a single relevant, consistent and quality national rail safety data set that is readily available to stakeholders to make rail safety decisions. The set features unprecedented access to ontology data and facilitates “Chain of Event” reporting that can be used to better understand the root causes of incidents and accidents. The strategy has been developed as a partnership between ONRSR, the ARA and rail industry representatives. Prior to the go live date, throughout 2021–2022, ONRSR worked tirelessly to prepare its reporting portal for the new arrangements and will continue to update functionality and release updates to further enhance the collection, storage and publication of rail safety data.

#### 2. New ONRSR National Safety Priorities

Every two years ONRSR reviews its national priorities, those areas of regulatory focus that apply to multiple jurisdictions and operators and warrant a sustained period of regulatory attention. The priority areas are targeted using tailored regulatory treatments, typically through operator-centric national compliance projects or industry-wide safety improvement projects. ONRSR applies a structured, evidence-based risk assessment process to review and set its national priorities and in doing so considers a range of factors and data and intelligence sources to determine the revised set of priorities. In April 2022, ONRSR announced five national priorities, retaining level crossing safety (with a particular emphasis on regional crossings) and contractor management and adding safety critical communications, rail safety worker competency and altered working arrangements as key safety topics for the next 24 months.

#### 3. Response to Confidential Reports (Repcons)

REPCON reports are confidential reports made to the ATSB by anyone who has a rail safety concern that are then referred to ONRSR for action. ONRSR received 18 REPCON reports requiring action during 2021–2022 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 2022–2023. ONRSR’s operational measures relating to REPCONs are on page 23.

#### 4. New and Emerging Rail Technologies

With an ever-growing focus among rail transport operators on sustainability and climate change, ONRSR has devoted significant resources and expertise to identifying and understanding new and emerging technology - both nationally and internationally. Through our technical division, ONRSR has assessed a range of advances in train propulsion to ensure they are safe and understand how they will be applied here in Australia. Examples include the operation of battery powered rolling stock in Newcastle (light rail), and Australian first deployments of “third rail” technology in Sydney and hybrid diesel-electric heavy rail in regional New South Wales. ONRSR is now closely monitoring development of battery electric locomotives and hydrogen fuel cells that will deliver the zero-emission rolling stock of the future. The introduction of such technology must be safe and ONRSR will work diligently to ensure any operator’s safety cases and risks are managed in accordance with *Rail Safety National Law*.



Goal **2**

## Deliver efficient and effective safety regulation

ONRSR has an ongoing commitment to maximising the effectiveness of *Rail Safety National Law* and applying it in a manner appropriate to the scope and nature of railway operations. This involves our work to undertake maintenance reviews of the RSNL, deliver reforms made possible by national regulation and to identify (in consultation with industry where appropriate) areas for improving the efficiency and productivity of both our regulatory interactions and their operations. These strategies and this goal are pursued while always maintaining an unwavering focus on rail safety.

ACTIVITIES	WHEN	2021–2022 RESULT
Implement the Commonwealth’s response to recommendations of the Productivity Commission’s report into National Transport Regulatory Reform	Jun 2022	Achieved
Develop a policy in relation to less complex operators	Jun 2022	Progressing
Work with governments to remove remaining, and minimise future, derogations to <i>Rail Safety National Law</i>	Jun 2024	Progressing
Leverage the ONRSR portal to increase the range of regulatory and reporting interactions it facilitates	Ongoing	Progressing
Enhance ONRSR’s distribution channels for stakeholder information	Dec 2021	Achieved

### Achievements

**1. In Cab Audio and Video**

In late 2021, Federal and State Transport Ministers endorsed ONRSR’s policy to mandate in-cab audio and video on mainline passenger and freight trains. This will now be progressed into draft legislation for ministers’ consideration in 2022. This policy provides for access to recordings by ONRSR, ATSB, Police and Coroners when undertaking investigations, and when operators are directed to undertake an investigation under *Rail Safety National Law*. The installation of in-cab audio and video recording devices will have significant safety benefits allowing for a better understanding of the circumstances of an incident, facilitating learnings and mitigating the likelihood of similar incidents occurring in the future.

**2. ONRSR National Regulatory ‘Blitz’: May 2-6, 2022**

In May 2022, ONRSR conducted a regulatory blitz that saw it deploy more than 50 rail safety officers from each state office into the field in a coordinated and strategic operation. The initiative was the largest coordinated regulatory activity in ONRSR’s history and saw rail safety officers deploy to a wide range of metropolitan and regional rail corridors to conduct unannounced visits. A key focus was assessing the processes and procedures accredited rail transport operators have in place to ensure the safety of track workers. ONRSR’s officers conducted operations both day and night, across all major railways, covering every state and territory in Australia. In all around 130 work sites were visited, with a range of issues being identified for follow up activities.

**3. Investigation of Wallan Derailment (20/2/2020)**

Following a comprehensive process involving representatives from ONRSR’s National Operations and Technical Divisions and General Counsel, a two-year investigation into the tragic derailment at Wallan in February 2020 was completed. Two rail safety workers were fatally injured in the derailment, with 61 passengers and crew injured, eight of whom required hospitalisation for serious injuries. The exhaustive investigation, the largest in ONRSR’s history, involved thousands of hours of work in the field, hundreds of interviews with those directly involved in the accident and witnesses to it, and extensive liaison with other safety agencies and emergency services. The matter is now the subject of ongoing legal proceedings.

### Achievements (continued)

#### 4. Engagement with Major Railway Projects

In 2021–2022 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 & Digital Systems (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)
- » Melbourne Airport Rail (Vic)
- » Melbourne Suburban Loop (Vic)
- » X'Trapolis 2.0 Fleet (Vic)

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.



# 3

Goal

## Work with industry to address national rail safety issues

Rail safety is a shared responsibility. To complement regulatory activities, ONRSR will, where required, develop specific strategies and programs to address its national priority projects and continue its active contribution to the implementation of industry’s safety strategy. The development of guidance material that provides clarity for operators and supports industry and the Rail Industry Safety and Standards Board with the development of selected national standards, guidelines and products will continue. 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 the RSNL generally and safety issues specifically.

ACTIVITIES	WHEN	2021–2022 RESULT
Develop and deliver national priority projects including:		
» Level crossing safety	Jun 2022	Achieved
» Contractor management	Jun 2022	Achieved
» Control Assurance	Jun 2022	Achieved
» Track Worker Safety	Jun 2022	Achieved
Implement a policy for the introduction of In-Cab audio and video recording subject to Infrastructure and Transport Ministers’ approval	2022	Achieved
Develop and manage the National Level Crossing Portal on behalf of the National Level Crossing Safety Committee (NLCSC)	Sept 2021	Achieved
Facilitate information sharing with industry	Ongoing	Achieved / Ongoing
Actively support RISSB to drive production of standards that address safety controls and their assurance	Ongoing	Achieved / Ongoing
Distribute safety messages and resources for all rail safety stakeholders	Ongoing	Achieved / Ongoing

### Achievements

#### 1. National Level Crossing Reporting Portal

Appropriately launched as part of Rail Safety Week in August 2021, the National Level Crossing Reporting Portal (NLXP) was an initiative of the National Level Crossing Safety Committee (NLCSC) and was developed and delivered by ONRSR. The NLXP is a tailor-made data analytics software program designed to help various level crossing safety committees to inform governments and to also help industry make better informed planning and investment decisions on level crossing safety treatments. The portal comprises a series of predefined, user-friendly reports that draw together specific level crossing occurrence data with an agreed subset of Australian Level Crossing Assessment Model data. The NLXP was developed with widespread consultation with rail safety stakeholders and provides on demand level crossing safety data, at no cost, through a self-serve online portal. ONRSR has continued to manage and enhance the portal on behalf of the NLCSC.

#### 2. Train Visibility

In 2021-2022 ONRSR commissioned the Australasian Centre for Railway Innovation to review research and best practice, nationally and internationally, in relation to the visibility of trains – particularly in regional settings. Through extensive consultation with a range of stakeholders including the Freight On Rail Group and a number of Australian families that have lost loved ones at level crossing incidents, trials of improved lighting treatments began in early 2022. ONRSR is overseeing these trials that are being independently verified by the renowned Monash Institute of Railway Technology. ONRSR will continue to work with all stakeholders, including State and Federal Governments, to realise improvements in train visibility and level crossing safety across Australia.

#### 3. Climate Change and Extreme Weather

In response to the effects of climate change, ONRSR has placed a specific focus on understanding how rail transport operators and rail infrastructure managers are affected by increasingly extreme weather events across Australia. A key component of the work has been to compare Bureau of Meteorology Data with incident occurrence data to identify metropolitan and regional weather-related incident hotspots and the most regularly impacted RTOs and RIMs. Rail safety officers in each state are then able to work with operators to raise awareness of the need for consideration of extreme weather events and their impact on safe operations. A particular focus is being put on ensuring safety management systems seek to prevent a recurrence of weather-related damage by recognising the increasingly extreme nature of modern weather events and improving controls associated with the heightened risk.

#### 4. ONRSR Rail Safety Report 2020–2021

The Rail Safety Report 2020–2021 was our most comprehensive and consistent view of the rail industry’s safety performance to date. The report is available in print and online at [www.onrsr.com.au](http://www.onrsr.com.au)

Goal **4**

## Invest in ONRSR’s national capability, governance and culture

ONRSR recognises its people are its most important asset and that complementary investment in their health and safety, capabilities, governance and culture will drive our strategic intent, and help us manage the impact of COVID-19. Building the culture and enhancing the skill set remains a priority along with the ongoing enhancement of our business and regulatory information systems. This goal recognises the desire for ONRSR staff to be equipped to work safely and smart in an efficient, informed, coordinated and consistent manner wherever they are located around Australia.

ACTIVITIES	WHEN	2021–2022 RESULT
Monitor COVID-Safe business continuity planning to ensure agility and responsiveness	Ongoing	Achieved
Continue to invest in the learning and development of the national team and the systems that support them	Ongoing	Achieved
Enhance the capability, governance and infrastructure for appropriate information sharing with stakeholders	Dec 2021	Achieved

### Achievements

**1. New ONRSR Website**

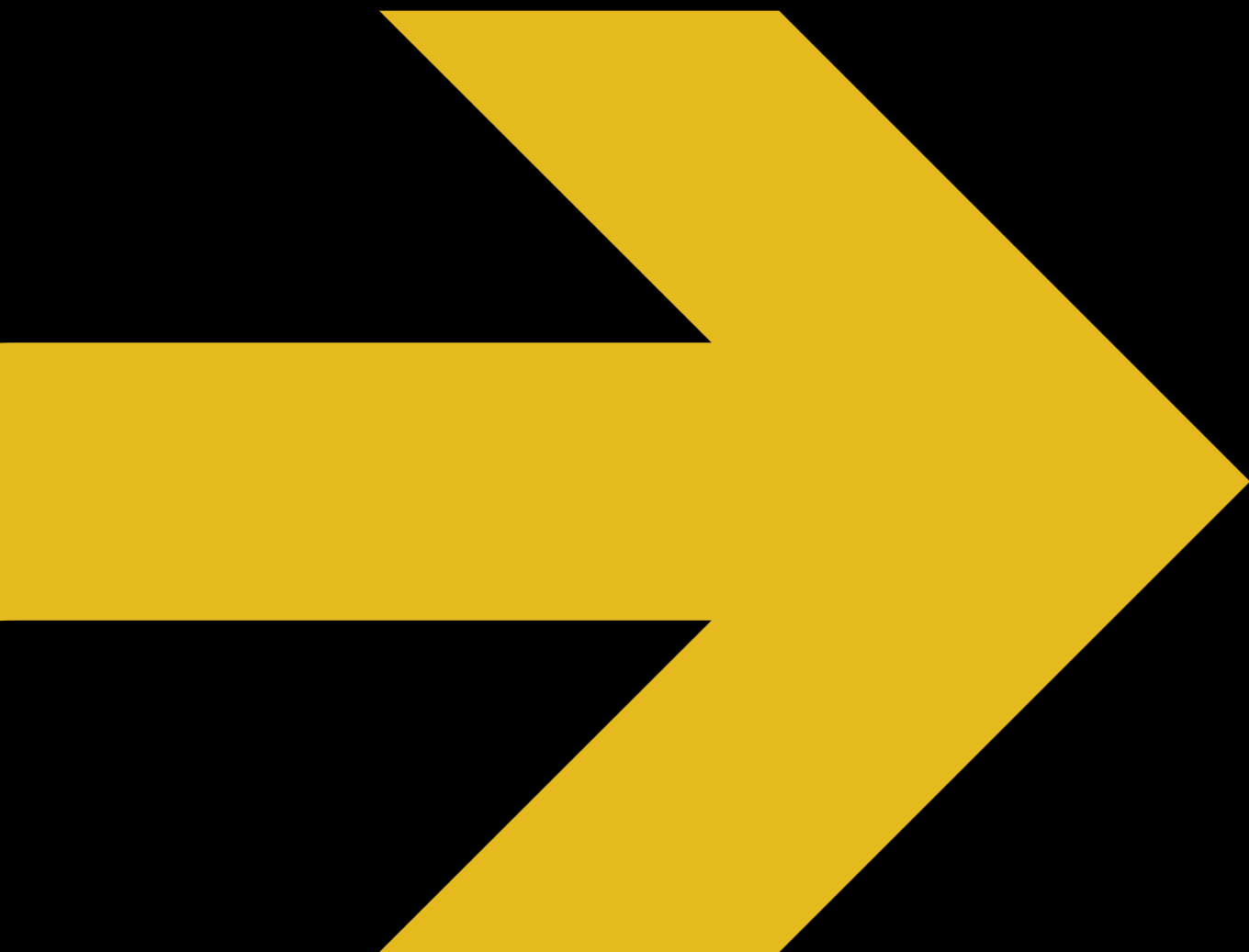
The ONRSR website has been a popular and very useful source of information, news and rail safety resources since the national regulator’s inception in 2013. A series of updates and enhancements had been made over the years, but this new release represented the first major overhaul of the site. The new site provides an enhanced user experience for all visitors, with a particular focus on rail transport operators, with the design informed by a conscious effort to surface more of the information that visitors to [www.onrsr.com.au](http://www.onrsr.com.au) need most. Through a simplified menu structure, the addition of a quick link feature on the front page and a more powerful search function, users can now quickly and seamlessly find what they are looking for.

**2. ONRSR Learning and Development Strategy 2021–2023**

Learning and Development at ONRSR drives a culture of continuous learning across the organisation which will enable us to constantly evolve and develop skills and capability in our workforce. The new strategy, developed in close consultation with staff at every stage, provides an overarching approach to ensure the robust and structured delivery of learning and development across the organisation. Our vision is to have a highly skilled and capable workforce that is provided with access to high quality opportunities for continued growth. The strategy is a rolling plan that defines the associated actions linked to the overarching objectives. Initially a two-year plan to align with the current business cycle, this is a working document that will be revised and adapted as required.

**3. 2021 Being and Improving ONRSR Staff Survey**

Following the successful negotiation of a new Enterprise Agreement for ONRSR staff, in November 2021 an independent and confidential survey of all staff was held to elicit feedback on the ONRSR working environment. The results of the survey, which drew an extremely encouraging 85% response rate, have been used to inform the development and execution of a Being and Improving ONRSR Plan. This plan documents a range of small to medium size projects that will further enhance the capability and productivity of our people and ensure ONRSR maintains a very positive working environment with staff guided by a shared vision and values.



# Part B: Regulatory Performance

### Rail Industry Context

As at 30 June 2022 there were 55 operators accredited by ONRSR under *Rail Safety National Law* for operations in Western Australia.

#### Significant Regulatory Activities

- » As part of the continued expansion of its mining operations in Western Australia, Rio Tinto constructed the 174-kilometre Gudda Dari rail extension. The line was conceived and designed to be equipped for Rio Tinto's autonomous AutoHaul system. Following the accreditation of autonomous (driverless) operations in 2018, Rio Tinto has completed 17 million kilometres of driverless operations which now accounts for 93.6% of its network. ONRSR worked with Rio Tinto to broaden permissions during this variation to allow for driverless operations wherever rail infrastructure in the Pilbara region has been designed, constructed and commissioned for AutoHaul operations.
- » ONRSR has worked closely with the PTA Major Projects Team and the Office of Major Transport Infrastructure Delivery to develop a staged safety assurance strategy for delivery of the Forrestfield Airport Link. This has allowed the PTA and ONRSR to track major safety critical milestones on the project, understand the governance arrangements for project stage gates and hold points, and track engineering change management throughout the delivery of the project. The development of this project methodology will enable the PTA and ONRSR to track safety outcomes for future rail infrastructure projects under the Metronet scheme in Western Australia.
- » During 2021 Aurizon Operations were awarded the long-term grain haulage contract for Co-Operative Bulk Handling from multiple grain receipt points across the WA Wheatbelt region to ports for export. This significant contract provided an opportunity for the Perth and Brisbane ONRSR teams to work closely together to track the transition of the locomotive driver workforce, the maintenance of rolling stock and management of train operations from the outgoing contract holder. This close co-operation was effective in providing an assurance that the key safety decisions and actions relating to the contract changes were effectively managed.

#### Incident Response

- » In November 2021, ONRSR rail safety officers and investigators dispatched to the Kalgoorlie to Esperance line at Lefroy, where an iron ore train had derailed. Although a remote location, the response teams examined the incident site in detail, using a drone to take detailed footage and to map the site with precision. Post incident examination of photographic evidence of the site led to the identification of rolling contact fatigue leading to a rail defect to be a probable cause of the derailment. ONRSR has engaged with the operator to understand the processes it has developed after this incident to identify and remedy examples of rolling contact fatigue.
- » On 5 March 2022, rail safety officers attended Gosnells station in the metropolitan Perth area following a report of a person being struck by a train. Specifically they were required to investigate the incident and similarities between it and a previous incident at the same location. Rail safety officers were able to examine the scene and the associated CCTV footage to establish that there were no common safety issues between the two events and on both occasions the actions of station staff and the rail car driver were in accordance with the operator's safety management system.

### Rail Industry Context

As at 30 June 2022 there were 56 operators accredited by ONRSR under *Rail Safety National Law* for operations in South Australia.

#### Significant Regulatory Activities

- » During the reporting period ONRSR conducted a regulatory activity with a major rail infrastructure manager to ensure its compliance with the RSNL in relation to emergency management training and the competence of network control officers in dealing with a runaway train. The activity was scheduled as a result of a series of incidents that had occurred on the RIM's network and identified opportunities for improvement such as providing formalised training and undertaking control assurance activities to ensure network control officers are following established communication protocols. The RIM has since taken steps to address the identified areas of improvement across its network control centres.
- » In 2020 a major rail infrastructure manager formally entered into an Enforceable Voluntary Undertaking (EVU) with ONRSR following a serious safeworking breach in 2018. The EVU comprises a series of interdependent projects that are delivering a range of agreed safety solutions. Ongoing regulatory activities during 2021–2022 associated with the EVU included the assessment of the rail infrastructure manager's implementation of safety initiatives and compliance monitoring to verify the evidence provided during, and at the completion of, defined activities. ONRSR has noted improvements as a result of the safe working improvement plan in the areas of protection officer training and competency standards, safety critical information communications and corridor access management.
- » As a result of notifiable occurrence reports regarding rolling stock failures, ONRSR conducted an unannounced audit of a rail transport operator that focused on maintenance and management of freight rolling stock. The regulatory activity identified multiple opportunities for improvement and the operator has since procured new locomotive rolling stock and taken previously outsourced maintenance activities back inhouse. ONRSR has implemented scheduled meetings with the operator to monitor the ongoing implementation of its maintenance and management of rolling stock.

## South Australia

### Incident Response

- » In separate incidents in October and December 2021, motor vehicles collided with trains at Mannum Road level crossing in Murray Bridge, approximately 75 kilometres east of Adelaide. On both occasions rail safety officers attended the location and undertook an assessment of the level crossing's compliance from the public road and rail infrastructure manager perspective. In addition, information was sought from the rolling stock operator regarding conformance to rolling stock and train crew operational parameters at the time of the incident. The rail infrastructure manager was requested to undertake a review of any joint risks contained within the safety interface agreement it had with the public road manager. Follow up meetings between ONRSR and the rail infrastructure manager have confirmed the review of the joint risks has occurred.
- » There were 11 reported incidents at level crossings within South Australia during 2021–2022 that involved a train colliding with a vehicle or a pedestrian. Rail safety officers conducted site visits to every location post incident to assess sighting distances and assess the level crossing compliance with the Australian Standard. ONRSR has subsequently met with all rail infrastructure and road managers in relation to all issues identified.
- » In February 2022, two contract workers on the Gawler Rail Electrification Project were involved in a serious incident when their elevated working platform collided with overhead electrical infrastructure. The incident occurred during an uncontrolled movement of a Road Rail Vehicle and ONRSR instructed the contractor to undertake an immediate investigation to determine the cause. ONRSR continues to work with the contractor and the accredited operator to ensure that circumstances of the incident are fully understood and that all corrective actions identified are implemented and reviewed.

## Victoria

### Rail Industry Context

As at 30 June 2022 there were 65 operators accredited by ONRSR under *Rail Safety National Law* for operations in Victoria.

### Significant Regulatory Activities

- » Through incident reporting and discussions with a Melbourne metropolitan rail operator, ONRSR identified a significant increase in the number of wrong side door releases during revenue services. The operator subsequently undertook a detailed review of its rolling stock and on-board diagnostics which identified that many of the incidents were the result of drivers using the incorrect door release button. As a result of ongoing discussions with ONRSR, the operator commenced a trial of an engineering control that isolates the incorrect button (preventing an inadvertent door release). Coupled with updated interlocking devices, the trial has resulted in a significant reduction in wrong side door releases and a safety improvement for passengers. ONRSR continues to work with the operator regarding further safety improvements and the implementation of controls.
- » ONRSR has sought to address a concerning number of interface agreements that had remained largely unsigned and were not being progressed by either rail infrastructure or road managers in Victoria. Through a concerted effort to engage a range of councils and Transport for Victoria, by April 2022 more than 90% of interface agreements required in Victoria had been signed and completed. The signing of agreements translates into a significant safety outcome for rail operators, passengers, and members of the public. ONRSR's engagement with these various stakeholders continues with regards to the updating and signing of the remaining interface agreements.
- » During 2021, a Victorian light rail operator experienced several collisions between trams and end of line protection (buffer stops). ONRSR became aware of the incidents and reviewed the circumstances, including the identification of causal factors. As a result, ONRSR issued an improvement notice to the operator requiring a network wide review of its end of line protection, specifically requiring risk assessments of each location and, where deficiencies were identified, a prioritisation process to upgrade the protection and/or amend the design of the terminal locations. The operator has been proactive in its conversations with ONRSR and has commenced a network wide review to address the improvement notice. The matter remains ongoing.
- » In July 2021, ONRSR issued an improvement notice to a regional rail passenger operator following an investigation into a level crossing collision at Lydiard Street, Ballarat. The safety issues identified during the investigation related to insufficient braking data within the operator's standards, and a requirement for a network wide review of overruns at high-risk locations. In January 2022, the operator demonstrated it had complied with the notice and had utilised braking data from various sources to inform its braking data calculations. The operator continues to undertake risk assessments of their network regarding overruns and these are being monitored by ONRSR.





**Incident Response**

- » On 27 October 2021, a contracted engineer accessed a track maintenance worksite under a total occupation via an unauthorised entry point. While attempting to cross the track within the worksite, the individual was struck by a Road Rail Vehicle (RRV) and sustained serious leg injuries. An ONRSR investigation revealed that at the time of the incident the engineer was using a mobile telephone, and while other workers at the site observed him enter the site they failed to challenge either his unauthorised access or use of a mobile phone while in close proximity to machinery. The investigation uncovered evidence of an “authority gradient” whereby workers were apprehensive about challenging the engineer about his behaviour for fear of recriminations. Following the incident, a number of safety improvements were made to safety systems and the RRV. Subsequently, ONRSR released an animated safety video to industry highlighting the incident and the safety issues identified.
- » On 6 August 2021, two pedestrians were struck by a tram, while attempting to cross the tracks at a dedicated pedestrian crossing. Both were transported to hospital for treatment of non-life-threatening injuries. Police attended the scene and performed a preliminary breath test on the driver of the tram who subsequently returned a positive alcohol reading. An assessment of the crossing revealed it was non-compliant with relevant standards at the time of the incident, with faded line markings and a lack of warning signs evident at the scene. ONRSR has worked with the operator since the incident to oversee improvements at the crossing while also conducting a review of other similar crossings on the network. Legal proceedings have commenced against the tram driver.
- » On 14 October 2021, two teenagers trespassed onto the Tullamarine viaduct – a dedicated rail bridge traversing the Moonee Ponds Creek. When a train approached and sounded its horn, one of the teenagers sought refuge on the bridge while the second was fatally struck while attempting to flee the scene. ONRSR inquiries revealed numerous near misses and reported trespasses along the viaduct, and after conducting inspections of the area, identified insufficient network security and poorly maintained fencing. After ongoing discussions with the rail infrastructure manager, rectification works in and around the area were undertaken, particularly with regard to fencing improvements. This has significantly reduced unlawful access to the area and the risk of a reoccurrence of this incident.

**Rail Industry Context**

As at 30 June 2022 there were 18 operators accredited by ONRSR under *Rail Safety National Law* for operations in Tasmania.

**Significant Regulatory Activities**

- » ONRSR maintained a program of regulatory activities to monitor the actions taken by a major tourist and heritage operator in Tasmania to address concerns associated with previously issued statutory notices. ONRSR was pleased to note several engineering reviews of key infrastructure and rolling stock standards had taken place and significant effort had been made by the operator to improve the training and competency assessment of rail safety workers. There remains significant work for the operator to remedy bridge infrastructure maintenance items, areas of geotechnical risk and to improve its governance structures, particularly regarding the procurement of major items.
- » During 2021–2022, ONRSR continued its engagement with the state-based freight operator regarding safety assurance activities associated with the planned re-introduction of locomotive remote-control operations. This included a formal inspection to examine whether the operator was developing the appropriate artefacts to demonstrate it was following its Safety Assurance Plan for this project. As the project has entered the testing and commissioning phase, ONRSR is continuing to monitor adherence to the safety management system as it moves toward formal re-introduction.

**Incident Response**

- » In October 2021, ONRSR received a report that a freight train had derailed at Rhyndaston after running into a landslip. A site inspection immediately following the occurrence revealed it had occurred after a period of heavy rain with soft material being washed across the track. The derailment was not as severe as initially expected, as the train was travelling at low speed resulting in the lead axle of the front locomotive leaving the tracks.
- » On November 2021, the front two axles of a locomotive hauling a tourist and passenger train derailed as it rounded a tight curve at a speed of 10 kilometres per hour. Investigation carried out by the operator identified that there was considerable uneven weight distribution across the locomotive’s six wheels which had caused the derailment.

On both occasions ONRSR’s examinations of the incidents revealed that the operators enacted and followed their safety management systems to effectively manage these incidents.





### Rail Industry Context

As at 30 June 2022 there were 73 operators accredited by ONRSR under *Rail Safety National Law* for operations in Queensland.

#### Significant Regulatory Activities

- » ONRSR has undertaken an extensive compliance program examining track worker safety on all major rail networks in Queensland with more than 50 worksites visited in the last 12 months. The work has included a focus on seeking assurances from some RTOs to improve how workers are protected on track following serious track work incidents. As a result, RTOs have initiated changes to track work protection procedures clarifying who has responsibility for managing the work and communications with network control. It is also noted that major operators are implementing a range of initiatives with the aim of identifying engineering solutions that accurately locate and protect workers on track. These include the Track Access System, electronic prestart briefings and the External Precision Global Positioning System (EPG). The EPG does not allow a trackwork authority to be issued until the system confirms the location via a GPS device. When fully developed, this system has the potential to eliminate human error from the process of issuing a trackwork authority.
- » Queensland's suite of major rail projects was again a significant focus for ONRSR regulatory activities in 2021–2022. With the Cross River Rail's twin tunnels now fully excavated, ONRSR continues to be actively engaged with the relevant alliance stakeholders to monitor ongoing safety assurance plans for the delivery of the project. The adoption and installation of the European Train Control System in Queensland has been monitored throughout the year with no major concerns identified.
- » The accreditation for a rail line to support a new coal mine was a significant focus with ONRSR monitoring the progress of rail infrastructure and rollingstock construction, and testing and commissioning activities. While some issues with accreditation scope and safeworking procedures were identified, the proponents provided ONRSR with assurances to implement corrective actions that delivered continued compliance with the law. These issues will continue to be monitored by ONRSR as the railway operations transition to the operational phase.
- » Following a near miss between an excavator and passenger train in March 2020, an operator entered into an EVU with ONRSR. Under the terms of the EVU, the operator committed to a number of operational safety improvements including amendments to trackwork safety procedures and the implementation of electronic systems to manage requests for track access to undertake maintenance work. ONRSR has been engaging with an independent verifier of the EVU on a regular basis to ensure the operator is delivering under the terms of the EVU. ONRSR is also undertaking a program of regulatory activities to provide assurance that the undertakings are being implemented effectively.
- » In October 2021, ONRSR became aware that a tourist and heritage operator was planning to undertake a tour outside the geographic boundaries of its accreditation. ONRSR took immediate action to inform the operator of its oversight and prevented any breach of *Rail Safety National Law*. ONRSR's subsequent enquiries into the matter found there were issues with the management committee's understanding of its notice of accreditation and how they should manage change. Additionally, it was identified that the network manager had not fully understood or examined the access request made by the tourist and heritage operator. As a result of ONRSR's intervention the network manager has improved its monitoring of rolling stock operators who access its network and further education and compliance actions have been undertaken with the tourist and heritage operator.



#### Incident Response

- » On 1 October 2021, a freight train collided with a red board at a worksite between Ogmoo and Kooltandra, approximately two hours north of Rockhampton. The train continued through the worksite and stopped close to the location of a second red board. ONRSR commenced an investigation into the occurrence which found the protection for the worksite was placed in the incorrect location, some 45 kilometres south of the designated worksite. The investigation also revealed issues with the use of GPS for coordinating the location of blocking facilities, and that the Protection Officer had no prior working knowledge of the area. ONRSR issued an improvement notice requiring a full review of the project and for consideration to be given to implementing technology that would ensure the location of workgroups is confirmed before a Track Authority can be issued by network control. The Rail Infrastructure Manager is also required to consider implementing a route knowledge competency framework for Protection Officers to ensure they are familiar with the locations in which they work.
- » On 23 February 2022, a freight train derailed after traversing a section of track near Gympie, that was affected by floodwaters. The train driver was not aware of the condition of the track and was unable to stop the train before entering the flooded area. The initial findings of an ONRSR investigation revealed that an Environmental Monitoring System (EMS), located approximately 270 metres north of the derailment site, did not provide an alarm to network control to warn of a flooded track. Additionally, the EMS was not maintained in accordance with the rail infrastructure manager's safety management system. ONRSR subsequently issued an improvement notice requiring attention to the appropriate management and use of EMS, including better coordination and communication with network control.
- » On 3 March 2021, the driver of a passenger train passed a signal at stop at Northgate in Brisbane, resulting in the train entering a section of track occupied by another passenger train and the triggering of a SPAD alarm in the train control centre. The network controller made an emergency broadcast instructing the driver to stop, however, by the time the driver responded to the emergency broadcast, the train had passed a point where it was possible for the two trains to collide. In the aftermath of the incident, ONRSR directed the operator to undertake a detailed investigation. The direction included a specific requirement to examine the effectiveness of the existing mitigating controls to prevent a train-to-train collision at this and other similar locations.

### Rail Industry Context

As at 30 June 2022 there were 97 operators accredited by ONRSR under *Rail Safety National Law* for operations in New South Wales.

#### Significant Regulatory Activities

- » Significant regulatory effort was afforded to a range of major rail projects underway across New South Wales in 2021–2022. Most notable was ONRSR’s ongoing engagement with Australia’s biggest public transport project, Sydney Metro. ONRSR’s major projects specialists have remained focussed on the systems supporting the Bankstown corridor upgrade and the greenfield works from Chatswood to Sydenham that form the Sydney Metro City and South West. ONRSR has also worked with the projects on their safety requirements on Sydney Metro West and on the Sydney Metro Western Sydney Airport, in particular tunnel evacuation designs.
- » In July 2021, ONRSR completed an extensive assessment of NSW Trainlink’s safety argument for the introduction of the Mariyung (New Intercity Fleet) and was satisfied with the safety of the proposed operation. Throughout the year, ONRSR had regular engagement with Transport for New South Wales in relation to the safe construction of Parramatta Light Rail, and the design and construction of the new NSW Trains regional fleet and associated maintenance centre in Dubbo. In addition, the roll out of Automatic Train Protection infrastructure across the electrified network area is well underway, with ONRSR monitoring progress regularly with the project.
- » Following the decision in 2021 to award UGL Regional Linx the contract to operate the NSW Country Regional Network from January 2022, replacing the John Holland consortium that had previously operated the network, UGL was required to obtain a new accreditation as a Rail Infrastructure Manager. After a detailed assessment by ONRSR, the new accreditation was granted on 20 August 2021 and was followed by a series of verification activities designed to gain assurance that operations could safely commence on 30 January 2022.
- » Following the identification of safety concerns relating to track worker safety and subsequent enforcement activity undertaken by ONRSR, a major passenger operator ceased using Absolute Signal Blocking on certain parts of its network. ONRSR has since conducted several follow-up activities with the operator, focusing on track worker safety and network rules management to verify the changes.

### Incident Response

- » On 15 January 2022, a freight train traveling north between Junee and Cootamundra derailed and jack-knifed ten intermodal freight wagons within the Bethungra spiral. This resulted in significant track damage and delays to rail traffic on the busy north south corridor between Sydney and Melbourne. ONRSR launched an investigation into the incident, where it was established that the derailment was caused by a failed bearing on one of the derailed wagons.
- » On 25 March 2022, a diesel passenger service struck an object on a section of track in the vicinity of Marulan in the southern tablelands of New South Wales. The collision caused significant damage to the underside of the rolling stock and required specialised recovery for transport of the train to a suitable maintenance facility. The object is believed to be a sandbox which detached from a locomotive operating as part of a freight train. ONRSR attended the initial incident site, and a second location to view the locomotive which it is believed the sandbox fell from. ONRSR has subsequently launched an investigation into the incident which is ongoing.
- » On 12 May 2022, a grain train travelling on the South Sydney Freight Line Main Line collided with a stationary container train at Glenfield. Two wagons in the middle of the grain train derailed along with multiple wagons from the rear of the container. The train crew were unharmed. ONRSR attended on-site and has initiated an investigation which is ongoing.



## Australian Capital Territory

### Rail Industry Context

As at 30 June 2022 there were 16 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 Canberra's light rail network throughout 2021–2022 in support of the ongoing compliance program. ONRSR also held quarterly operator engagement meetings for the purpose of monitoring the actions undertaken in managing safety issues and to discuss the extension of the light rail network.

#### Incident Response

- » During the reporting period there were no significant rail safety incidents within the ACT that required the attendance of ONRSR rail safety officers.



## Northern Territory

### Rail Industry Context

As at 30 June 2022 there were 21 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Northern Territory.

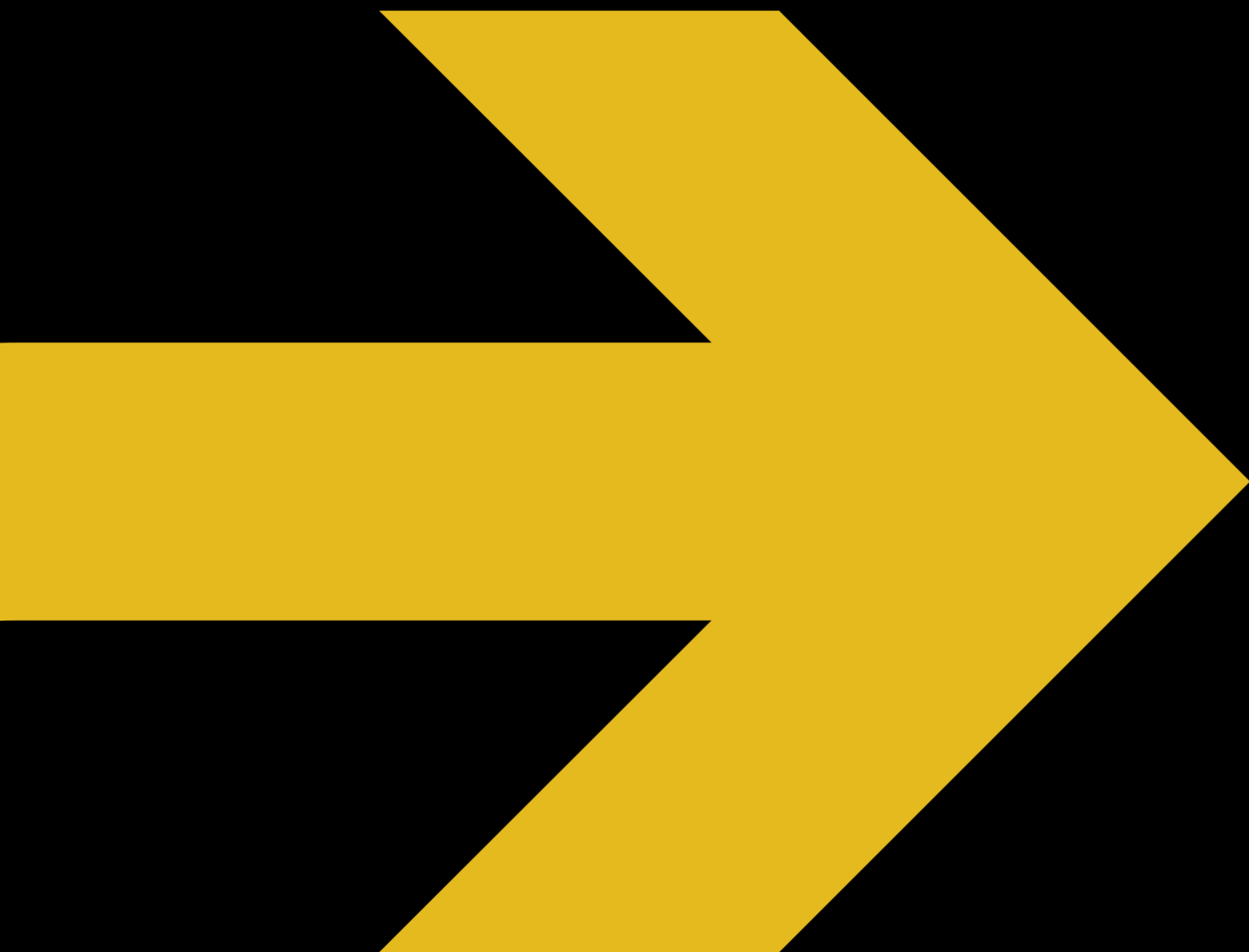
#### Significant Regulatory Activities

- » During the reporting period, ONRSR conducted in-field patrols between Berrimah in the Northern Territory and Tarcoola, South Australia looking at rail safety worker competence and the appropriate implementation of safeworking track protection at worksites. While in Alice Springs rail safety officers routinely attended to the operations of rail infrastructure managers, passenger and freight rolling stock operators and private sidings.
- » Following a period of inactivity due to the COVID-19 pandemic, The Ghan passenger train's return to service was carefully monitored by ONRSR. Rail safety officers undertook a regulatory activity in Adelaide during February 2022 to ensure rail safety workers had appropriate skills and knowledge to carry out off train duties, and that contract maintainers were working under the rolling stock operator's safety management system. When in the Northern Territory, ONRSR observed rail operations for the arrival and departure of The Ghan at the Alice Springs, Katherine and Darwin Passenger Terminals.

#### Incident Response

- » In 2021–2022 there were two Category A notifiable occurrence in the Northern Territory. The first was a main line derailment where two wagons split points while the train was entering Alice Springs yard. The second incident involved a motor vehicle colliding with the side of a train at a level crossing near Three Ways around 475 kilometres north of Alice Springs. There were no injuries as a result of either incident and ONRSR reviews found no grounds for further investigations.





# Investigations

## Investigations

ONRSR INVESTIGATIONS	2021–2022
Investigations initiated	45
Investigations completed	24
Total ongoing (as at June 30)	27

Throughout 2021–2022 ONRSR's National Investigations Team again devoted considerable time and resources to both the Wallan, Victoria (February 2020) and Jumperkine, Western Australia (December 2019) fatal incident investigations. As a result of these comprehensive inquiries, the National Rail Safety Regulator has seen fit to bring prosecutions in relation to both occurrences. The investigation into the fatal collision at Westwood in Queensland (June 2021) has also progressed with the final investigation report to come soon.

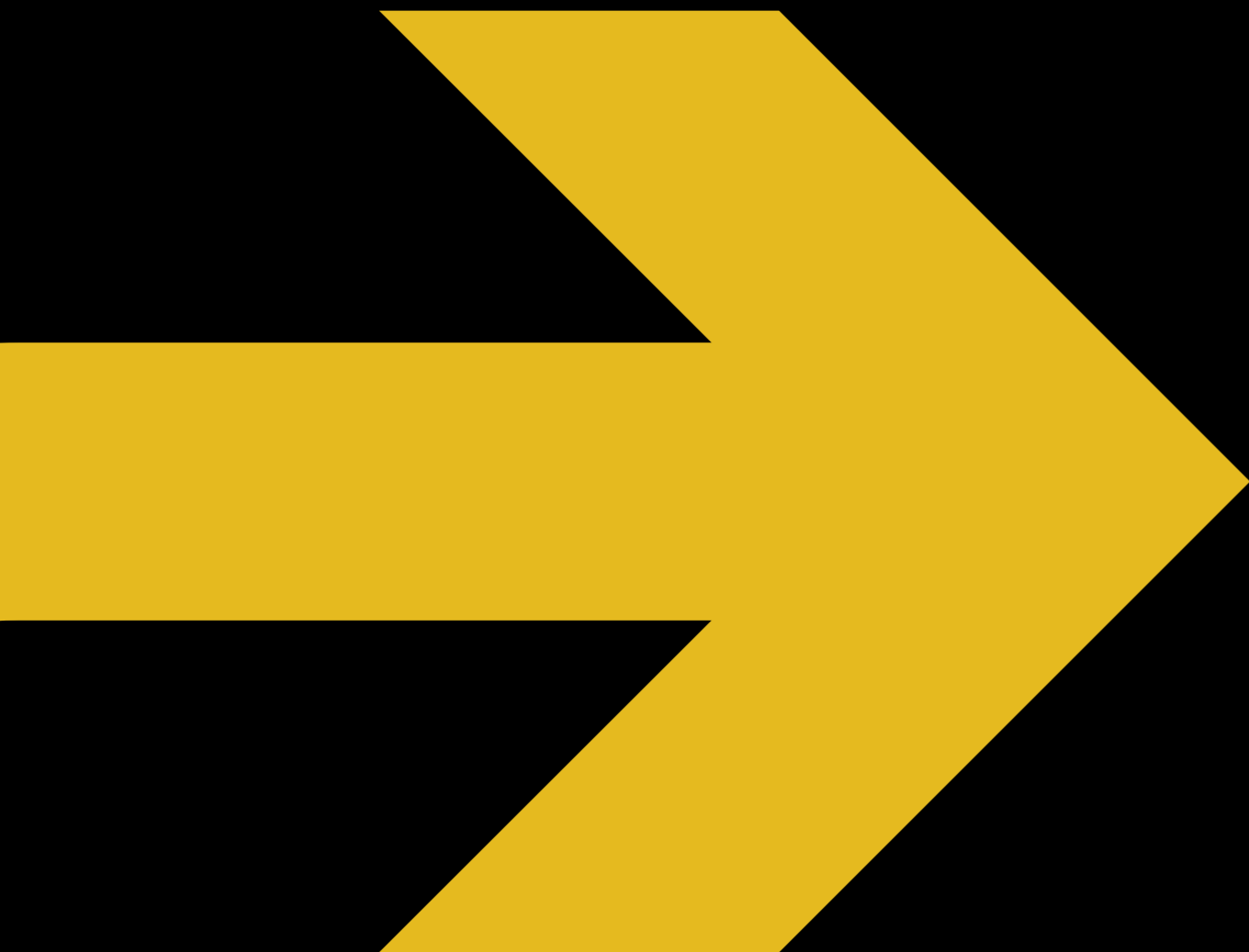
A range of additional investigations were also undertaken around the country during the reporting period and were the precursor to regulatory action. These have included incidents involving runaways, main line collisions, track irregularities, rolling stock defects, train partings and where environmental factors have been significant causal factors in derailments. ONRSR has also investigated a range of drug and alcohol matters and training competency issues, including fraudulent use of qualifications by rail safety workers.

Once again ONRSR has invested in the skills and experience of its investigations function with a focus on onboarding experienced personnel with the right combination of rail, regulatory and investigative backgrounds. Additionally, all investigators have now completed the Diploma of Government Investigations ensuring they now hold qualifications covering the competencies required for the coordination and conducting of complex investigations. This qualification formally complements the extensive qualifications and experience already held by members of the team.

Elsewhere, ONRSR continues to innovate and expand its contemporary investigation techniques having this year gained a CASA accredited commercial licence to operate a drone. The drone provides ONRSR with the ability to:

- » Survey and map incident/accident scenes
- » Assess and virtually review incident/accident scenes
- » Produce aerial imagery
- » Analyse and inspect infrastructure and rolling stock.





# Financial Report

**ONRSR's detailed audited financial statements  
are on page 63 of this annual report.**

### Financial Summary 2021–2022

ONRSR's detailed audited financial statements are on page 63 of this annual report. The financial statements are general purpose financial statements and have been prepared in accordance with:

- » Section 36 and 43 of the *Rail Safety National Law*;
- » Provisions of the Public Finance and Audit Act 1987 as modified by the *Rail Safety National Law National Regulations*; and
- » Relevant Australian Accounting Standards

For the financial year ending 30 June 2022 ONRSR reports a net deficit of \$2.771m compared to a net surplus of \$2.053m in 2021. The net deficit is the result of:

- » A reduction in revenue from fees after applying the 2020–21 COVID-19 related rebate
- » An increase in legal costs related to prosecutions
- » An increase in investment spend to deliver key strategic projects
- » An increase in employee salary related costs in line with the Enterprise Agreement

Revenue from fees and charges primarily consisted of annual fees from industry and government and fees in relation to major projects. Overall net revenue was down by \$1.7m, including the application of the COVID-19 related rebate of \$2.030m identified from prior years. A final COVID-19 rebate of \$1.4m has been identified during 2021–22 and will be applied against the 2022–23 fees.

Expenses increased year on year, primarily due to legal fees associated with prosecution proceedings, employee expenses (in line with the approved Enterprise Agreement) and the delivery of key National Data Strategy projects and supporting IT projects.

Financial assets reduced by \$1.767m primarily due to the allocation of the COVID-19 rebate back to industry and government through lower fees and the increase in expenses. Albeit lower than prior year, ONRSR continues to maintain modest cash reserves and working capital to ensure future financial commitments, including delivery of strategic investment projects, make good liabilities, employee entitlements and capital replacement, can be met.

### INDEPENDENT AUDITOR'S REPORT



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Auditor-General's Department

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

#### Opinion

I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2022.

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 2022, its financial performance and its cash flows for the year then ended in accordance with relevant Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987*, the *Rail Safety National Law (South Australia) Act 2012* and Australian Accounting Standards.

The consolidated financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2022
- a Statement of Financial Position as at 30 June 2022
- a Statement of Changes in Equity for the year ended 30 June 2022
- a Statement of Cash Flows for the year ended 30 June 2022
- notes, comprising material accounting policies and other explanatory information
- a Certificate from the Chief Executive and 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 I have 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.

In preparing the financial report, the Chief Executive is responsible for assessing the Office of the National Rail Safety Regulator's ability to continue as a going concern. The Chief Executive is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

### 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 2022.

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 ONRSR's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Executive

- conclude on the appropriateness of the Chief Executive's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify the opinion. My conclusion is based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause an entity to cease to continue as a going concern
- 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 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.



Daniel O'Donohue  
**Assistant Auditor-General (Financial Audit)**

02 September 2022



## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### CERTIFICATION OF FINANCIAL STATEMENTS

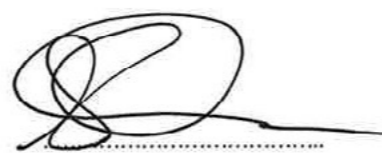
We certify that the attached financial statements for the Office of the National Rail Safety Regulator:

- comply with Section 263 of the *Rail Safety National Law (South Australia) Act 2012* and Regulation 48 of *Rail Safety National Law National Regulations 2012*, 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 2022 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

30/8/2022

  
Executive Director - Corporate

30/08/2022

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### STATEMENT OF COMPREHENSIVE INCOME

For the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
<b>Income:</b>			
Revenues from fees and charges	5	38,076	39,713
Other income	6	120	209
<b>Total income</b>		<b>38,196</b>	<b>39,922</b>
<b>Expenses:</b>			
Employee benefits expenses	7	28,820	27,727
Supplies and services	8	8,492	6,208
Depreciation and amortisation	9	3,461	3,552
Finance costs	10	169	174
Other expenses	11	25	208
<b>Total expenses</b>		<b>40,967</b>	<b>37,869</b>
<b>Net result</b>		<b>(2,771)</b>	<b>2,053</b>
<b>Total comprehensive result</b>		<b>(2,771)</b>	<b>2,053</b>

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

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### STATEMENT OF FINANCIAL POSITION

As at 30 June 2022

	Note	2022 \$'000	2021 \$'000
<b>Current assets:</b>			
Cash and cash equivalents	12	10,153	17,920
Receivables	13	814	693
Financial assets	14	14,000	8,000
<b>Total current assets</b>		<b>24,967</b>	<b>26,613</b>
<b>Non-current assets:</b>			
Receivables	13	3	9
Property, plant and equipment	15	11,470	14,579
Intangible assets	16	1,511	1,081
<b>Total non-current assets</b>		<b>12,984</b>	<b>15,669</b>
<b>Total assets</b>		<b>37,951</b>	<b>42,282</b>
<b>Current liabilities:</b>			
Payables	18	489	478
Financial liabilities	19	2,117	2,038
Employee benefits	20	5,427	4,700
Other liabilities	22	1	-
<b>Total current liabilities</b>		<b>8,034</b>	<b>7,216</b>
<b>Non-current liabilities:</b>			
Financial liabilities	19	6,925	9,235
Employee benefits	20	671	739
Provisions	21	1,219	1,219
<b>Total non-current liabilities</b>		<b>8,815</b>	<b>11,193</b>
<b>Total liabilities</b>		<b>16,849</b>	<b>18,409</b>
<b>Net assets</b>		<b>21,102</b>	<b>23,873</b>
<b>Equity:</b>			
Retained earnings		20,945	23,716
Reserves		157	157
<b>Total equity</b>		<b>21,102</b>	<b>23,873</b>

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

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
<b>Retained earnings:</b>			
<b>Opening balance</b>			
Balance carried forward from previous period		23,716	21,663
<b>Adjusted opening balance</b>		<b>23,716</b>	<b>21,663</b>
<b>Comprehensive income</b>			
Net result		(2,771)	2,053
<b>Total retained earnings</b>		<b>20,945</b>	<b>23,716</b>
<b>Asset revaluation reserve:</b>			
<b>Opening balance</b>			
Balance carried forward from previous period		157	157
<b>Adjusted opening balance</b>		<b>157</b>	<b>157</b>
<b>Comprehensive income</b>			
Revaluation of property, plant and equipment		-	-
<b>Total asset revaluation reserve</b>		<b>157</b>	<b>157</b>
<b>Total equity:</b>			
<b>Opening balance</b>			
Balance carried forward from previous period		23,873	21,820
<b>Adjusted opening balance</b>		<b>23,873</b>	<b>21,820</b>
<b>Comprehensive income</b>			
Net result		(2,771)	2,053
Movement in reserves		-	-
<b>Total equity</b>		<b>21,102</b>	<b>23,873</b>

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

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### STATEMENT OF CASH FLOWS

For the year ended 30 June 2022

	Note	2022 \$'000	2021 \$'000
<b>Cash flows from operating activities:</b>			
Cash outflows			
Employee benefit payments		(28,143)	(26,944)
Payments for supplies and services		(9,686)	(7,148)
Interest paid on finance costs		(169)	(174)
<b>Cash used in operations</b>		<b>(37,998)</b>	<b>(34,266)</b>
Cash inflows			
Fees and charges received		38,082	39,773
Interest received		65	167
GST recovered from the ATO		1,078	833
Other receipts received		88	88
<b>Cash generated from operations</b>		<b>39,313</b>	<b>40,861</b>
<b>Net cash provided by operating activities</b>		<b>1,315</b>	<b>6,595</b>
<b>Cash flows from investing activities:</b>			
Cash outflows			
Purchase of financial instruments		(6,000)	-
Purchase of property, plant and equipment		-	(42)
Purchases of intangibles		(1,026)	(147)
<b>Cash used in investing activities</b>		<b>(7,026)</b>	<b>(189)</b>
<b>Cash flows from financing activities:</b>			
Cash outflows			
Repayment of lease liability		(2,056)	(1,924)
<b>Cash used in financing activities</b>		<b>(2,056)</b>	<b>(1,924)</b>
<b>Net (decrease)/increase in cash and cash equivalents</b>		<b>(7,767)</b>	<b>4,482</b>
<b>Cash and cash equivalents at 1 July</b>		<b>17,920</b>	<b>13,438</b>
<b>Cash and cash equivalents at 30 June</b>	12	<b>10,153</b>	<b>17,920</b>

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

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

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

#### 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.

#### 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.

The historical cost convention is used unless a different measurement basis is specially disclosed in the note associated with the item measured.

##### (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.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

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) 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 2022. 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.

### 4. Impact of COVID-19 pandemic

The COVID-19 pandemic has impacted on the operations of ONRSR. The most significant impact being an underspend on supplies and services as a result of restriction on movements imposed by State Governments and Territories. Identified savings of \$1.4m (2021: \$2.3m) as a result of the COVID-19 pandemic have been offset against the cost of regulation through the application of the fee regulation for the year ending 30 June 2023. It is not anticipated any further savings will be identified as a result of the COVID-19 pandemic.

### Income

#### 5. Revenue from fees and charges

	2022	2021
	\$'000	\$'000
Revenue from accreditations	74	131
Revenue from major projects	1,567	1,404
Revenue from annual fees from industry and government	36,435	38,178
<b>Total revenue from fees and charges</b>	<b>38,076</b>	<b>39,713</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 in the reporting period when revenues are due.

#### 6. Other income

	2022	2021
	\$'000	\$'000
Interest received	116	166
Gain on derecognition of financial liabilities	-	1
Other	4	42
<b>Total other income</b>	<b>120</b>	<b>209</b>

Interest is recognised using the effective interest rate method.

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*.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### Expenses

#### 7. Employee benefits expenses

	2022	2021
	\$'000	\$'000
Salaries and wages	22,408	21,602
Annual leave	1,913	1,896
Long service leave	525	600
Separation and redundancy payments	50	-
Employment on-costs - superannuation <sup>1</sup>	2,419	2,182
Employment on-costs - other	1,358	1,285
Workers compensation	147	162
<b>Total employee benefits expenses</b>	<b>28,820</b>	<b>27,727</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.

Accounting policies for employee related expenses is contained in note 20.

#### 8. Supplies and services

	2022	2021
	\$'000	\$'000
Consultants	682	549
Contractors fees	544	682
Information technology	2,478	1,849
Insurance	478	420
Legal costs <sup>1</sup>	1,427	199
Property	686	722
Short-term leases <sup>2</sup>	27	59
Training and development	324	359
Recruitment	315	65
Travelling expenses	778	615
Other	753	689
<b>Total supplies and services</b>	<b>8,492</b>	<b>6,208</b>

<sup>1</sup>Legal costs have increased following the Regulator commencing prosecution proceedings in relation to two separate occurrences in accordance with section 220 of the Law.

<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, except when it has been determined that a short term lease will continue to be utilised beyond the lease term. ONRSR recognises lease payments associated with short term leases as an expense when they are incurred.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 9. Depreciation and amortisation

	2022	2021
	\$'000	\$'000
Fixtures and fittings	52	62
Computer equipment	56	78
Computer software	552	511
Leasehold improvements	621	621
Right-of-use assets	2,180	2,280
<b>Total depreciation and amortisation</b>	<b>3,461</b>	<b>3,552</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	2 - 10
Intangible assets	2 - 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.

### 10. Finance costs

	2022	2021
	\$'000	\$'000
Interest expense on lease liabilities	169	174
<b>Total finance costs</b>	<b>169</b>	<b>174</b>

### 11. Other expenses

	2022	2021
	\$'000	\$'000
Property, plant and equipment write-off	25	208
<b>Total other expenses</b>	<b>25</b>	<b>208</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### Assets

### 12. Cash and cash equivalents

	2022	2021
	\$'000	\$'000
Cash at bank	10,153	17,920
<b>Total cash and cash equivalents</b>	<b>10,153</b>	<b>17,920</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.

### 13. Receivables

	2022	2021
	\$'000	\$'000
<b>Current</b>		
Account receivables	7	14
Prepayments	637	581
Accrued interest	53	1
Security deposit	5	5
GST input tax receivable	112	92
<b>Total current receivables</b>	<b>814</b>	<b>693</b>
<b>Non-current</b>		
Prepayments	3	9
<b>Total non-current receivables</b>	<b>3</b>	<b>9</b>
<b>Total receivables</b>	<b>817</b>	<b>702</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.

### 14. Financial assets

	2022	2021
	\$'000	\$'000
Terms deposits - current	14,000	8,000
<b>Total financial assets</b>	<b>14,000</b>	<b>8,000</b>

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

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 15. Property, plant and equipment

	2022 \$'000	2021 \$'000
Leasehold improvements		
At cost	4,778	4,778
Accumulated depreciation	(2,254)	(1,633)
<b>Total leasehold improvements</b>	<b>2,524</b>	<b>3,145</b>
Fixtures and fittings		
At cost	794	818
Accumulated depreciation	(336)	(295)
<b>Total fixtures and fittings</b>	<b>458</b>	<b>523</b>
Computer equipment		
At cost	222	322
Accumulated depreciation	(113)	(144)
<b>Total computer equipment</b>	<b>109</b>	<b>178</b>
Right-of-use assets		
At cost	14,952	15,152
Accumulated depreciation	(6,573)	(4,419)
<b>Total right-of-use assets</b>	<b>8,379</b>	<b>10,733</b>
<b>Total property, plant and equipment</b>	<b>11,470</b>	<b>14,579</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 on acquisition.

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 6).

Leased 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.

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 2022.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 16. Intangible assets

	2022 \$'000	2021 \$'000
Computer software		
Internally developed computer software	2,844	2,823
Accumulated amortisation	(2,337)	(1,815)
	<b>507</b>	<b>1,008</b>
Other computer software	849	921
Accumulated amortisation	(827)	(869)
	<b>22</b>	<b>52</b>
<b>Total computer software</b>	<b>529</b>	<b>1,060</b>
Work in progress (intangibles):		
At cost	982	21
<b>Total work in progress (intangibles)</b>	<b>982</b>	<b>21</b>
<b>Total intangible assets</b>	<b>1,511</b>	<b>1,081</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.

#### Impairment

There were no indications of impairment of intangibles at 30 June 2022.

### 17. Asset movement reconciliation 2022

	Leasehold improvements \$'000	Fixtures and fittings \$'000	Computer equipment \$'000	Intangible assets \$'000	Right-of-use assets \$'000	Total \$'000
<b>2022</b>						
Carrying amount at 1 July 2021	3,145	523	178	1,081	10,733	15,660
Additions at cost	-	-	-	21	-	21
Additions work in progress	-	-	-	982	-	982
Additions of right-of-use assets	-	-	-	-	206	206
Reclassification of prior year WIP	-	-	-	(21)	-	(21)
Disposals	-	(13)	(13)	-	-	(26)
Lease modification	-	-	-	-	(199)	(199)
Remeasurement of leases	-	-	-	-	(181)	(181)
Depreciation/amortisation	(621)	(52)	(56)	(552)	(2,180)	(3,461)
<b>Carrying amount at 30 June 2022</b>	<b>2,524</b>	<b>458</b>	<b>109</b>	<b>1,511</b>	<b>8,379</b>	<b>12,981</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### Liabilities

#### 18. Payables

	2022 \$'000	2021 \$'000
<b>Current</b>		
Creditors	126	114
Accrued expenses	237	203
Employee on-costs <sup>1</sup>	121	143
Paid Parental Leave Scheme payable	-	8
FBT payable	5	10
<b>Total current payables</b>	<b>489</b>	<b>478</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.

#### 19. Financial Liabilities

	2022 \$'000	2021 \$'000
<b>Current</b>		
Lease liabilities	2,117	2,038
<b>Total current financial liabilities</b>	<b>2,117</b>	<b>2,038</b>
<b>Non-Current</b>		
Lease liabilities	6,925	9,235
<b>Total non-current financial liabilities</b>	<b>6,925</b>	<b>9,235</b>
<b>Total financial liabilities</b>	<b>9,042</b>	<b>11,273</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

#### 20. Employee benefits

	2022 \$'000	2021 \$'000
<b>Current</b>		
Accrued salaries and wages	953	721
Separation and redundancy payments	50	-
Annual Leave	2,007	1,904
Long service leave	2,417	2,075
<b>Total current employee benefits</b>	<b>5,427</b>	<b>4,700</b>
<b>Non-Current</b>		
Long service leave	671	739
<b>Total non-current employee benefits</b>	<b>671</b>	<b>739</b>
<b>Total Employee benefits</b>	<b>6,098</b>	<b>5,439</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 period. Consideration is given to expected future wage and salary levels. 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.

#### 21. Provisions

	2022 \$'000	2021 \$'000
<b>Non-current</b>		
Make Good	1,219	1,219
<b>Total provisions</b>	<b>1,219</b>	<b>1,219</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.

#### 22. Other liabilities

	2022 \$'000	2021 \$'000
<b>Current</b>		
Unearned revenue	1	-
<b>Total other liabilities</b>	<b>1</b>	<b>-</b>

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 23. Unrecognised contractual commitments

#### Capital commitments

	2022 \$'000	2021 \$'000
Within one year	32	57
Later than one year but no longer than five years	-	-
<b>Total capital commitments</b>	<b>32</b>	<b>57</b>

#### Expenditure commitments - Other

	2022 \$'000	2021 \$'000
Within one year	932	1,056
Later than one year but no longer than five years	14	408
<b>Total other commitments</b>	<b>946</b>	<b>1,464</b>

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

### 24. Contingent assets and liabilities

The Regulator has commenced prosecutions in accordance with section 220 of the Law in the Magistrates Court of Western Australia and the Magistrates Court of Victoria in relation to two separate occurrences resulting in fatalities of rail safety workers from 2019 and 2020 respectively. If the Regulator is successful in either one or both matters, ONRSR will be entitled to seek an order for one half of any fines imposed by the Courts as a penalty against the defendants, and ONRSR will also seek an order for its external legal costs. If the Regulator is unsuccessful, costs may be awarded against ONRSR.

### 25. 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 \$1.964 million (2021: \$1.915 million). The total number of key management personnel is 8 (2021: 7).

#### Transactions with key management personnel

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

### 26. 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.

## OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

### 27. Financial instruments

#### Categorisation of financial instruments

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

	2022 \$'000	2021 \$'000
<b>Financial assets:</b>		
<b>Financial assets</b>		
Cash and cash equivalents	10,153	17,920
Term deposits	14,000	8,000
<b>Financial assets at amortised cost</b>		
Receivables	65	20
<b>Total financial assets</b>	<b>24,218</b>	<b>25,940</b>
<b>Financial liabilities:</b>		
<b>Financial liabilities at amortised cost</b>		
Payables	307	262
Lease liabilities	9,042	11,273
<b>Total financial liabilities</b>	<b>9,349</b>	<b>11,535</b>
<b>Net gain or loss on financial assets:</b>		
<b>Cash and cash equivalents</b>		
Interest on cash and cash equivalents	41	61
<b>Financial assets</b>		
Interest on term deposits	75	105
<b>Net gain (loss) on financial assets</b>	<b>116</b>	<b>166</b>
<b>Net gain or loss on financial liabilities:</b>		
<b>Lease Liabilities</b>		
Interest expense on lease liabilities	(169)	(174)
<b>Payables</b>		
Gain on derecognition of financial liabilities	-	1
<b>Net gain (loss) on financial assets</b>	<b>(169)</b>	<b>(173)</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 13 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.

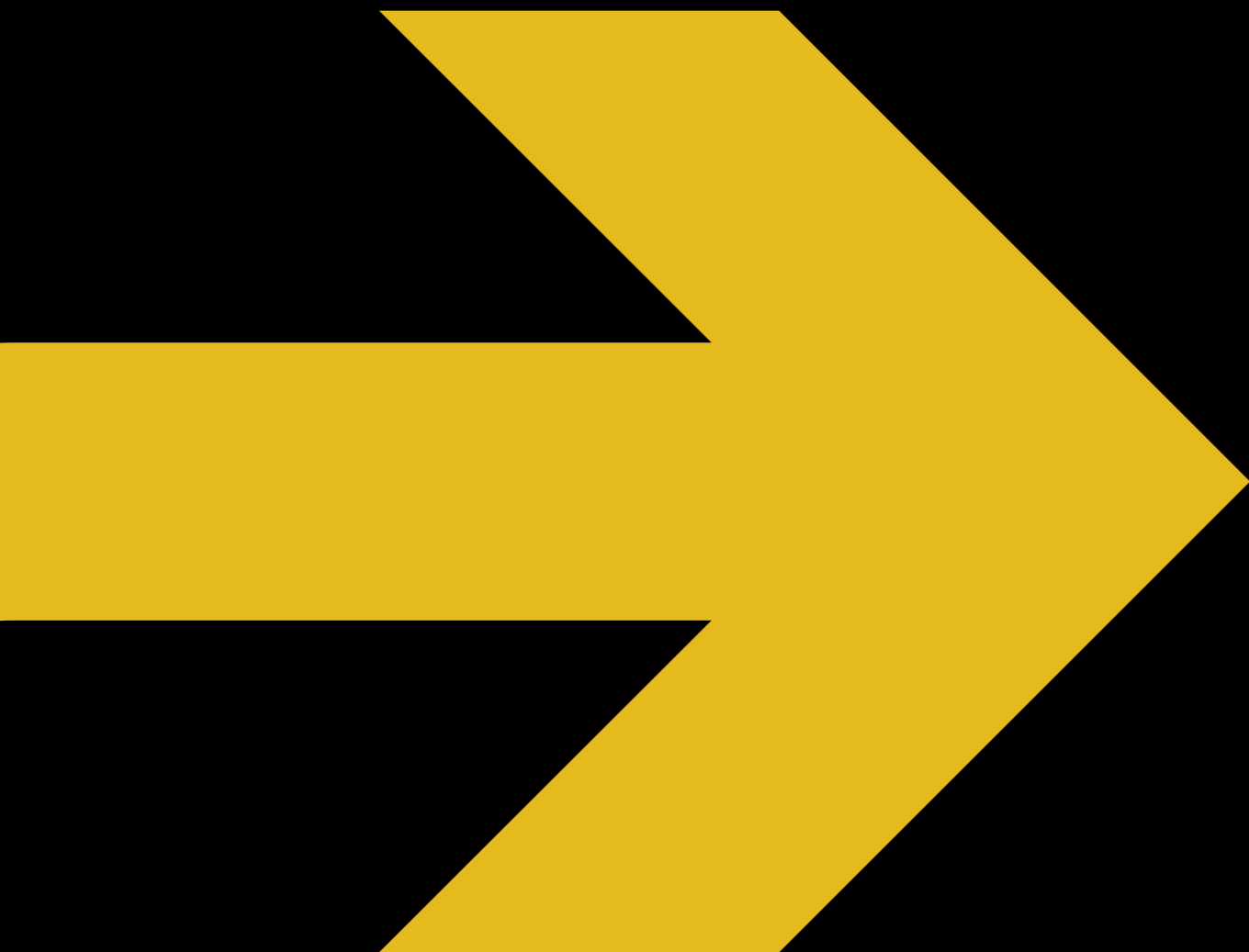
Financial assets include contractual rights to receive cash or another financial asset from another entity. Financial assets also include receivables that arise from statutory requirements, as the statutory requirements provide ONRSR with a right to receive cash or another financial asset from another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

ONRSR KPI	KPI MEASURE(S)	KPI TARGET(S)	2019–2020	2020–2021	2021–2022
<b>ONRSR CORPORATE GOAL 1 – Enhance our risk-based approach to rail safety regulation</b>					
» Australia's rail networks are safer	» The national rate of key occurrence category incidents, as reported to ONRSR*	» Decrease (3 yr. trend)	0.59	0.57	0.62
	» Number of drug and alcohol tests and % positive (ONRSR)	» 0% drug	0%	0%	0%
		» 0% alcohol	0%	0%	0%
	» Number of drug and alcohol tests and % positive (industry)	» 0% drug	0.2625%	0.273%	0.2412%
» 0% alcohol		0.0195%	0.0167%	0.0173%	
» ONRSR's regulatory effort is risk-based	» % of set minimum interaction levels achieved in previous calendar year	» 100%	100%	100%	100%
<b>ONRSR CORPORATE GOAL 2 – Reduce the regulatory burden on industry</b>					
» ONRSR's regulatory activities are efficient	» % of preliminary audit reports issued within four weeks of an audit	» 90%	87%	93.75%	96.10%
	» % of inspection reports issued within four weeks of an inspection	» 90%	94.5%	94.22%	93.22%
	» % of policies and legislative changes consulted on	» 100%	100%	100%	100%
	» % of key activities (occurrences and monthly returns) reported via the ONRSR Portal	» 100%	99%	99.4%	99.5%
<b>ONRSR CORPORATE GOAL 3 – Work with industry to address national rail safety issues</b>					
» 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	11.44	9.66	9.97
		» Level Crossing Safety	0.97	0.69	0.68
		» T&H Sector SMS Capability	3.43	N/A	N/A
	» RRV Safety	47.27	N/A	N/A	
» % adoption of ONRSR's major project guidance	» 100%	91%	90%	90%	
<b>ONRSR CORPORATE GOAL 4 – Invest in ONRSR's national capability, governance and culture</b>					
» ONRSR has appropriately skilled and experienced staff	» % annual voluntary staff turnover	» 10–15%	7.2%	7.3%	18.9%
	» % of payroll invested in training and development activities	» 1–2%	1.26%	1.3%	1.12%
» ONRSR staff are safe in the workplace	» Annual lost time injury frequency rate (LTIFR)	» 0	9.58	3.0	2.8

\*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.

## Appendix 1

\*\* 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.

## Appendix 2

### Office Of The National Rail Safety Regulator

#### Freedom of Information Statement 2021–2022

##### 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*.

An outline of ONRSR's establishment, functions and corporate goals are outlined on page XX of this report and is also available on ONRSR's website [www.onrsr.com.au](http://www.onrsr.com.au)

##### Oversight Compliance

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

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

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

##### Structure and Functions

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

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

## Appendix 2

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.

##### Stakeholder Forums

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

- » National Operations Forum;
- » Branch Operations Forums;
- » Joint CEO/Industry and Union Reference Group;
- » Senior Government Policy Group;
- » ITSOC.

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

### 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
- » National Level Crossing 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*.

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.

## Appendix 2

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

### 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 \$38.25 (current July 2021)

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)

## Appendix 2

### Office of the National Rail Safety Regulator

### Freedom of Information Report 2021-2022

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

#### Accredited FOI Officers:

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

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

Jodie Lindsay: [jodie.lindsay@onrsr.com.au](mailto:jodie.lindsay@onrsr.com.au) (left ONRSR May 2022)

PO Box 3461, Rundle Mall  
Adelaide SA 5000

08 8406 1500



## Appendix 2

### Applications for Access 2021–2022

AGENT/ ORGANISATION	APPLICANT TYPE	STATUS	FEE	SUMMARY	TIME TAKEN/ OUTCOME/ EXEMPTIONS CLAIMED
Melinda Griffiths Lawyers	Personal	Determined	\$38.25	Investigation documents relating to their client GB who was injured in an incident	Partial access Clause 21; Clause 2(2)(a)(iii)
Bartier Perry Lawyers	Personal	Determined	\$38.25	Investigation documents relating to an incident at Hawkesbury Rail Bank.	Partial access Clause 21; Clause 6(2)
Turner Freeman Lawyers	Personal	Determined	\$38.25	Documents related to an incident on the Armadale train line, WA	Partial access Clause 16(1)(a)(i)
RTBU NSW	Non Personal	Determined	\$38.25	Documents relating to a variation of accreditation by Aurizon Operations	Section 18(1) refused to deal with application
Willem Schoonwinkel	Personal	Determined	\$38.25	Documents relating to property at Surat Development Road, Tara, QLD	Partial Access Clause 16(1)(a)(i) Clause 9(1)(a)
Elizabeth Eisel	Personal	To be Determined	NIL	Access to ONRSR audit assessing how ARTC proposes to manage the risk of new level crossings to be constructed in NSW as part of the Inland Rail project	TBA

SAFE RAILWAYS FOR AUSTRALIA

**onrsr** Office of the  
National Rail  
Safety Regulator

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