

Annual Report
2022–2023



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 2022–2023 has been prepared in accordance with the requirements of the *Rail Safety National Law* (RSNL) and associated regulations.

Yours sincerely,



Peter Doggett
A/Chief Executive

About This Report

ONRSR is a body corporate established under the RSNL and, under the law, is not subject to ministerial direction in the exercising of its functions and powers. The RSNL requires the regulator to deliver to the responsible ministers a report on ONRSR's activities for each financial year. This report covers the activities of ONRSR during 2022–2023. The report is structured in five parts. The overview section includes our purpose, governance structures, summary of major achievements and summary financial report. Part 1 covers corporate performance and Part 2 covers regulatory performance. Financials and appendices follow.





Overview

Acting Chief Executive's Message



A hallmark of *The ONRSR Way* is the pursuit of continuous improvement, an ever-present determination to first seek out and then capitalise on every opportunity to be better and do better. It's an emphasis that has served us well through a year of recognition, reflection, and refreshment at ONRSR. Throughout the year we have maintained a resolute focus on our core business of making Australia's railways safer – but in doing so always looked forward so that we can leverage off new technologies to make sure we remain a world leading rail safety regulator.

The age of 'big data' and artificial intelligence has arrived and ONRSR has been engaged with world leading academics and technical experts to better understand how this impacts the rail industry in Australia, and then how that in turn impacts our role as a regulator. We have already started work on upgrading our internal capability from a software and technology perspective so that as our understanding of this exciting new area grows, we will be in a strong position to adapt and work with industry to take rail safety into the new technological paradigm.

While ONRSR is positioning itself for the future it is important that we continue to report on the present. At the end of 2022, the ONRSR Rail Safety Report detailed a 13 percent year-on-year reduction in rail-related fatalities in Australia and a significant 31 percent drop in serious injuries. Through the same period (2021–2022) the annual rate of notifiable occurrences across the network fell by more than 1500, with the number of Category A incidents alone falling by more than 10 percent. Building on this encouraging trend, in this last financial year, we have increased the number of compliance investigations and formal inspections undertaken by ONRSR rail safety officers. And our compliance efforts were more than matched by our enforcement activities

as multiple prosecutions demonstrated, very publicly, our commitment to using the powers at our disposal when necessary to maintain the highest safety standards and deliver an effective deterrent.

While statistics serve a purpose, they generally serve as lag indicators and reflect what we have done after something has occurred. As a regulator, I am always looking at what we can do proactively – how do we get ahead of the curve and try and influence change to prevent something from happening in the first place? Or at least prevent a reoccurrence. On this front we have had some outstanding recent successes including:

- Conducting world-first research into train conspicuity as part of a renewed focus on safety at regional level crossings.
- Facilitating Australian first innovations in rail safety such as High-Capacity Signalling in Victoria and the introduction of an international standard train protection system to the regional coal network in Queensland.
- Reviewing the ONRSR drug and alcohol testing regime to establish a more risk-based approach informed by intelligence and delivered via targeted testing.
- Initiating a law change to deter workers from producing fraudulent competency records.
- Facilitating an industry forum to improve the safety of trains travelling one of the country's steepest and most technical routes.
- Production of 'lessons learned' videos and animations to share safety lessons.

- Establishment of an internal competency framework to ensure our staff are trained to the highest standard.

Combined with the advances we have made in the quality and accessibility of rail safety data, albeit acknowledging that further improvements to the systems and processes can and will be made, our collective efforts have us well-placed for the timely review of *Rail Safety National Law* announced by Ministers earlier this year. It complements our own focus on how we will operate in an ever-changing social and technological environment. Indeed, the opportunity to assess where national regulation is proving most effective and where the opportunities are for improvements is an invaluable one that we welcome and will embrace.

A big thank you to the whole ONRSR team for another year of unrelenting effort and dedication to rail safety. My own goal while occupying this seat has been to ensure we move the cause forward and in doing so stay true to *The ONRSR Way* and the team behind me has been integral in us achieving this.

Peter Doggett
Acting Chief Executive / Acting National Rail Safety Regulator

July 2023

About Our Organisation

ONRSR is responsible for independently administering, monitoring, educating and enforcing the RSNL across Australia. In doing so ONRSR works on behalf of Australian governments to promote and improve national rail safety and ensure the safety of the community.

In its role as administrator of the RSNL accreditation regime, ONRSR has oversight of over 200 accredited rail transport operators across more than 50 thousand track kilometres of the freight, passenger and tourist and heritage rail sectors.

ONRSR works with operators to improve rail safety nationally through the judicious use of its enforcement powers as well as conducting audits, inspections, site visits and undertaking investigations when appropriate. ONRSR works closely with rail operators, unions, asset owners, contractors, maintainers and rail industry associations as we all strive towards the common goal of improving rail safety.

ONRSR actively promotes the sharing of safety information and has worked with industry to develop a suite of digital animations so that safety lessons are not confined to a narrow audience. ONRSR has a defined function to conduct research and publish information and this is evidenced by the collaboration with the university sector which has led to world first research into train conspicuity at level crossings.

In all its planning and execution, ONRSR aligns its activities with the functions and objectives of the RSNL such that we can achieve our Vision of Safe Railways for Australia.

Our Vision

Safe Railways for Australia

Our Values

Integrity

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

Respect

We have respect for each other and our stakeholders.

Independence

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

Diligence

We persevere and apply ourselves in a conscientious manner.

Excellence

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



Our Governance

THE ONRSR (referred to as the ‘Board’)

Under *Rail Safety National Law*, “the ONRSR” comprises the National Rail Safety Regulator, 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 reviewing ONRSR performance reports and financial operation oversight. The legal authority for specific regulatory actions is vested in the National Rail Safety Regulator only.



Peter Doggett
Acting Chief Executive/Acting National Rail Safety Regulator

Peter has more than 35 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 acted in the role of Chief Executive and National Rail Safety Regulator from January 1 – June 30, 2023. Sue McCarrey was ONRSR Chief Executive and National Rail Regulator until December 31, 2022.



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 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 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).

ONRSR Executive

The Executive team supports the regulator and 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 2022–2023 the Executive met 11 times.



Gabby O’Neill – Executive Director, Strategic Policy

Gabby has held senior government policy roles in road safety, work health and safety, residential tenancy and change management and has been a member of the

ANCAP Board. As Head of the National Office of Road Safety, Gabby was responsible for establishing the Office, setting the national direction of road safety through the National Road Safety Strategy, managing the \$3 billion road safety infrastructure improvement program, and the Australian Government road safety grants program.



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 Vieregger – Executive Director, Corporate Services

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.



Derek Heneker – Acting Chief Operating Officer

Derek has more than 25 years’ experience in transport safety covering engineering, safety policy and regulation. In managing the rail safety regulatory functions

in South Australia from 2004 – 2012, Derek was integral in the establishment of the national rail safety regulatory framework. He has subsequently held a range of senior operational and strategic positions with ONRSR since 2013.

Our Stakeholders

Our primary stakeholder is the Australian public. They are 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 a wide range of bodies including:

- 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), Australian Federated Union of Locomotive Employees (AFULE) and other unions.
- TrackSAFE

Stakeholder forums

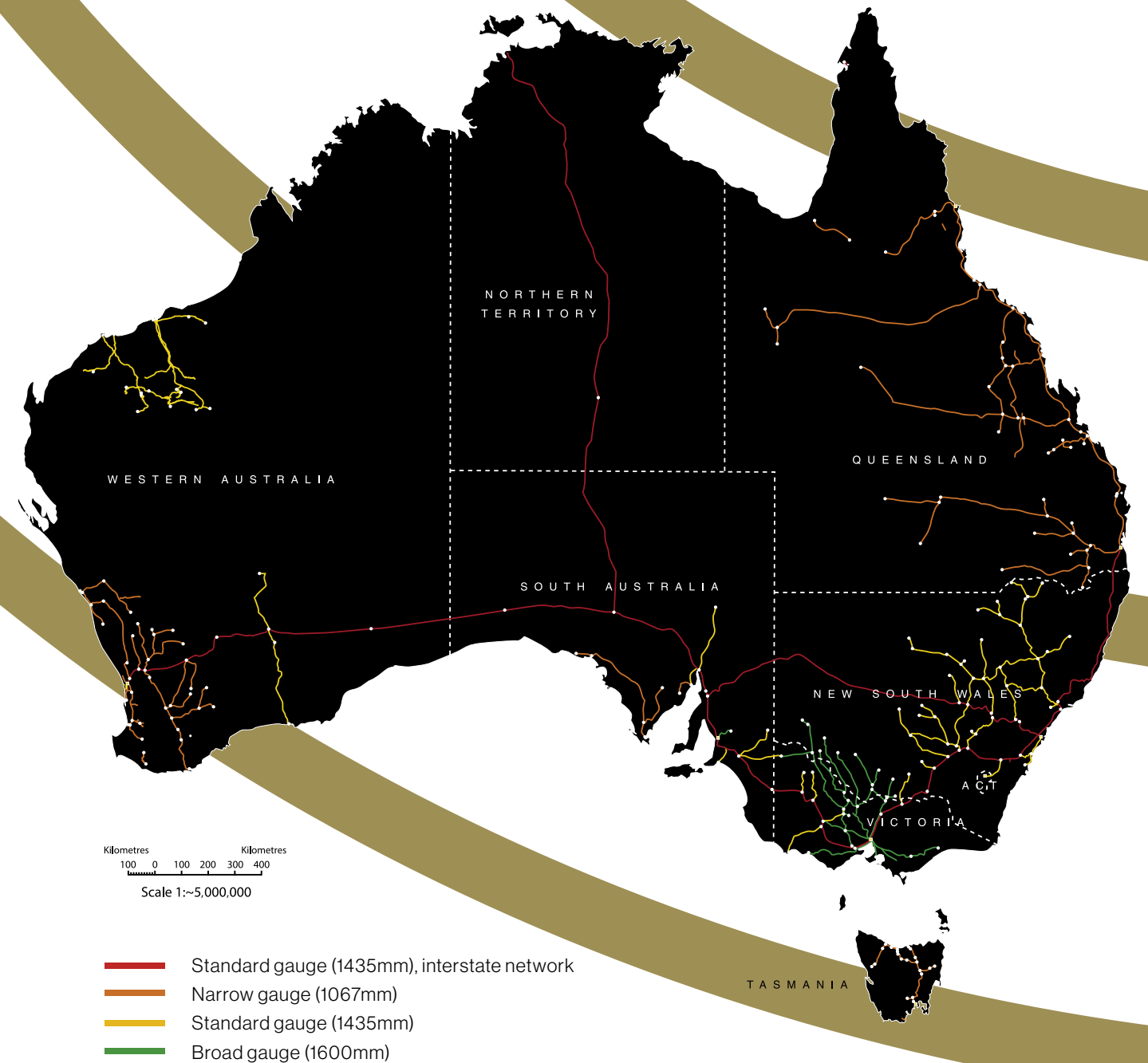
During the year, ONRSR hosted a number of stakeholder forums including:

- **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.
- **Operational Forums** providing the ability for multi-jurisdictional or local operators to discuss safety information or issues with the relevant senior ONRSR operational staff.
- **ONRSR Engagement Forum** sees senior ONRSR staff visit specific operating environments around Australia to discuss localised regulatory, rail safety and operational issues.

ONRSR also participates in industry-led meetings and forums through:

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

Rail Networks Operating Across Australia



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.

Rail Safety Data

Category A and Category B occurrences*

Under *Rail Safety National Law*, rail transport operators must report occurrences. A notifiable occurrence is defined under s4 of the RSNL as an accident or incident associated with railway operations that has, or could have, caused significant property damage, serious injury or death. 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 2022–2023:

STATE	CAT. A	CAT. B	FATALITY	SERIOUS INJURY
ACT	3	2	0	2
SA	51	497	6	3
TAS	12	76	2	1
NT	2	7	0	2
NSW	162	1398	24	16
VIC	338	1147	35	36
QLD	106	1542	11	12
WA	110	1053	6	6
Total	784	5722	84	78

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

Due to the reporting requirement changes introduced in the National Data Strategy, introduced from 1 July 2022, the total number of Category A and B occurrences is significantly lower compared to previous years.

Fatalities

The safety of all who come into contact with any part of Australia's rail network is our key priority. From passengers and employees, contractors, business and industry stakeholders, to pedestrians, drivers or neighboring landowners, we are committed to maintaining and improving safety at every touch-point.

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 2022–2023:

STATE	SUSPECTED SUICIDE	TRESPASSER STRUCK BY TRAIN	PERSON/ TRAIN INTERFACE*	LEVEL CROSSING COLLISIONS	RAIL ACCIDENTS**	OTHER	TOTAL
ACT	0	0	0	0	0	0	0
SA	3	0	0	3	0	0	6
TAS	0	1	0	0	0	1	2
NT	0	0	0	0	0	0	0
NSW	17	4	2	0	0	1	24
VIC	28	0	0	2	2	3	35
QLD	9	1	0	0	0	1	11
WA	5	0	0	0	0	1	6
Total	62	6	2	5	2	7	84

*An incident involving a person at the direct interface point with trains that resulted in a risk to safety.

**Includes rail accidents such as collisions between trains and passengers being struck by trains.



Corporate Performance

Environmental, Social & Governance Performance

Environmental

TOTAL KILOMETRES TRAVELLED – FLIGHTS

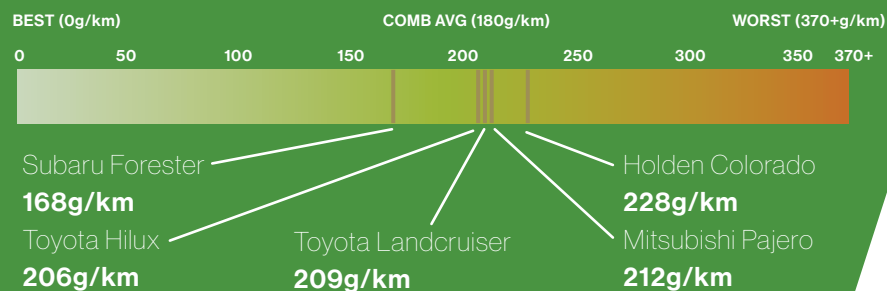


2022–2023
2,582,545km
Tonnes CO2 generated: 325.11

OFFICE FOOTPRINT ENERGY RATING



CO2 EMISSION METER – ONRSR VEHICLE FLEET



Social

GENDER

FULL TIME EMPLOYEE

(at 30 June)

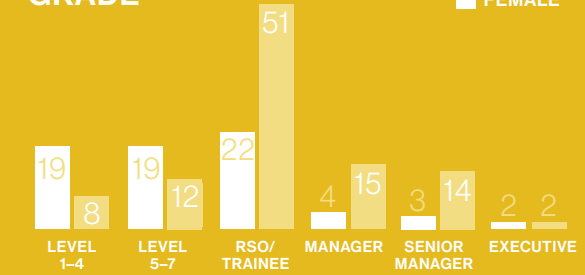


2023
101.7



2023
64.6

SPLIT BY GRADE

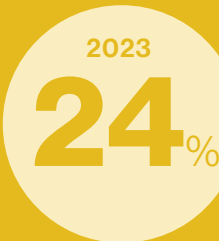


EMPLOYEE AGE RANGE

AGE	2023
18–35	31
36–50	69
51–65	62
66+	9



VOLUNTARY EMPLOYEE TURNOVER



ONRSR SERVICE

(average in years)



LEARNING & DEVELOPMENT



LTIFR 2023
(at 30 June)
0

Governance

New Risk and Internal Audit Framework developed and approved by ONRSR Board



AUDITS

2022–2023

INTERNAL

9

EXTERNAL

2 KPMG, Auditor Generals Department

WORKPLACE INVESTIGATIONS CONDUCTED



2023



MEETINGS

2022–2023

BOARD

8

AUDIT & RISK COMMITTEE

4



RISK REVIEWS

115

2022–2023

ENTERPRISE RISK MANAGEMENT REGISTER

108
Total Number of Risks

58
Total Open Actions

ONRSR's Corporate Goals

Goal 1

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 regulatory intelligence and maturing data collection and analysis. Our investigations will be fair, unbiased and systematic in establishing the facts of an incident or occurrence. By using the right combination of discussion, liaison, education and enforcement powers – we will appropriately focus our regulatory actions to minimise the likelihood of major incidents.

ACTIVITIES	WHEN	2022–2023 RESULT
Implement the National Rail Safety Data Strategy Action Plan	2022–2025	Progressing in line with project plan
Implement a national cost recovery model based on regulatory effort and risk subject to Infrastructure and Transport Ministers' approval	July 2023	Subject to review
Integrate the findings from an expanded set of analysis activities and products into the regulatory planning and monitoring cycle	Dec 2023	Progressing in line with project plan
Deliver an intelligence led national drug and alcohol testing program with annual review	Jun 2023	Achieved

**This report is structured to reflect delivery against the ONRSR Corporate Plan 2022-2025, hence some dates sit outside the 2022-2023 financial year.*

Achievements

1. National Rail Safety Data Strategy (NDS) – Go Live

The NDS has been developed as a partnership between ONRSR and the Australasian Railway Association and rail industry representatives to achieve a relevant, consistent and quality national rail safety data set that is readily available to stakeholders to inform rail safety decisions.

Go Live for this project, which commenced new data reporting by operators, was a long-coveted milestone and the culmination of a collaboration between ONRSR and the broader rail industry. While the full potential of the new strategy is still to be realised, most notably in relation to user experience, ongoing development will see significant enhancements in the short to medium term.

2. Performance Benchmarking Report

ONRSR has been collecting data as per the requirements of the National Data Strategy since its launch in July 2022 and in March 2023, released the first external stakeholder access product to selected rail transport operators. The operators now have access to a Performance Benchmarking Report, published through the ONRSR Portal, that enables them to view their occurrence performance against one or more reference groups of equivalent operators. The National Rail Safety Data Strategy aims to improve stakeholder access to rail safety data to inform safety decision making, and the development and release of this reporting functionality is an important step forward in its maturity.

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 15 REPCON reports requiring action during 2022–2023 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 2023–2024. ONRSR's operational measures relating to REPCONS are on page 33.

Goal 2

Deliver efficient and effective safety regulation

ONRSR has an ongoing commitment to maximising the effectiveness and consistency 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 and, deliver reforms made possible by national regulation. ONRSR proactively looks for opportunities to improve the efficiency and productivity of both our regulatory interactions and industry operations. These strategies and this goal are pursued while always maintaining an unwavering focus on rail safety.

ACTIVITIES	WHEN	2022–2023 RESULT
Work with governments to remove remaining, and minimise future, derogations to <i>Rail Safety National Law</i>	Jun 2025	Progressing
Increase the range of regulatory and reporting interactions the ONRSR portal facilitates	Ongoing	Progressing
Conduct the next ONRSR Stakeholder Survey	Jun 2022	Achieved

Achievements

1. RSNL Reform: Fraudulent Rail Safety Qualifications

Rail safety workers using fraudulent qualifications now face fines of up to \$10,000 under changes made to *Rail Safety National Law* that were enacted in May 2023 in response to proposals initiated by ONRSR. The changes make it an offence to knowingly provide a document or information, for the purposes of an assessment of competency, that is false or misleading. In recent years, ONRSR has made contractor management and the actions of labour hire companies a key focus of its national priority program. Through the program it has issued specific advice to rail transport operators and warned of fraudulent activities they may have been subjected to. The amendments to the law will provide further confidence in the training and qualifications of all rail safety workers and help further improve national rail safety.

2. ONRSR Stakeholder Survey 2022

In 2022 ONRSR conducted its third triennial survey of rail safety stakeholders. The fully independent analysis elicits information in relation to ONRSR's performance as a national rail safety regulator, the execution of key functions and the effectiveness of external stakeholder engagement. Once again, the survey received a healthy response rate from accredited operators, industry bodies, government representatives and Ministerial offices. ONRSR has reviewed the feedback and results and is now progressing a range of actions in response. These include measures to further improve the data quality and outputs associated with the National Data Strategy, providing additional information to operators post audits and other regulatory activities, continuing to deliver quality incident re-creations as part of a focus on educating operators and communication with industry about ONRSR's openness to the introduction of new technology.

3. Engagement With Major Railway Projects

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. In 2022–2023 ONRSR worked closely with planning and construction teams delivering an array of major rail projects in all parts of Australia. These 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)

Goal 3

Work with industry to address national rail safety issues

Rail safety is a shared responsibility. ONRSR expects industry to take a proactive approach on safety initiatives, performance and harmonisation. ONRSR will continue to work with industry bodies to support this and where required, will develop specific strategies and programs to address systemic rail safety issues. This includes using the information and resources at its disposal to educate accredited parties in relation to the RSNL generally and safety issues specifically.

ACTIVITIES	WHEN	2022–2023 RESULT
Finalise 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 In-Cab audio and video recording policy as approved by ITMM	2023	Progressing
Implement a National Level Crossing Portal on behalf of the National Level Crossing Safety Committee (NLCSC)	2023	Achieved
Oversee outcomes of the train visibility research trials review to improve level crossing safety	2022	Achieved
Actively support RISSB to drive production of standards that address safety controls and their assurance	Ongoing	Achieved / Ongoing
Investigate opportunities to partner with universities to further rail safety research	Ongoing	Achieved / Ongoing
Develop an ONRSR Education Framework to guide educational activities	Dec 2022	Achieved
Upgrade regulatory information systems in order to implement framework directions	2023	Progressing

Achievements

1. Train Visibility

Throughout the 2022–2023 financial year ONRSR oversaw the Monash Institute of Rail Technology’s (MIRT) scientific testing regime to validate two suggested recommendations from the Australasian Centre for Rail Innovation report into improving train visibility. Fundamentally, the trials of flashing beacons on locomotives and conversion of locomotive headlights from halogen globes to LED found that in certain conditions additional lighting on trains, specifically additional beacon lighting, does improve their visibility. The final report from MIRT also included several recommendations in relation to improving the current Australian Standard as it relates to lighting and visibility of rolling stock. The results of the research were subsequently conveyed to a range of stakeholders including a number of Australian families that have lost loved ones at level crossing incidents. ONRSR also commenced discussions with the National Transport Commission and has begun the process to develop an industry code of practice for train illumination.

2. Level Crossing Isolation – Safety Production

Following a series of concerning incidents involving incorrect isolation procedures at level crossings around Australia, ONRSR produced a detailed safety video highlighting how operators could avoid simple mistakes and their potentially catastrophic consequences. The video, which has been downloaded more than 1700 times, outlined the errors common to each incident and, with the assistance of rail transport operators, detailed best practice in relation to isolation procedures.

3. Control Assurance Resources – Tourist & Heritage Sector

ONRSR’s Control Assurance national priority was finalised in late 2022 with several resources developed to support compliance strategies. Throughout this process, it was recognised that in general tourist and heritage operators have struggled with the concept of control assurance and could benefit from additional assistance, mainly in the form of education. ONRSR subsequently developed a range of sector-specific resources including a tailored industry fact sheet and a Control Assurance Self-Assessment tool. To complement these paper-based offerings, ONRSR adapted its successful digital animation format to create a digital resource promoting the need for tourist and heritage operators to have a control assurance strategy that reflects the scope and nature of their operation.

4. ONRSR Rail Safety Report 2021–2022

The Rail Safety Report 2021–2022 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



Goal 4

Invest in ONRSR's national capability, governance and culture

ONRSR recognises its people are its most important asset. A complementary investment in our people's health and safety, their capabilities, ONRSR's governance and culture will drive our strategic intent. A focus on fostering a positive and collaborative culture and strengthening skill sets remains a priority along with the ongoing enhancement of our business and regulatory information systems. This goal recognises the aim for ONRSR staff to be equipped to work safely and effectively in an efficient, informed, coordinated and consistent manner wherever they are located around Australia.

ACTIVITIES	WHEN	2022-2023 RESULT
Monitor developments in cyber security defences and continually enhance our response capacity	Ongoing	Achieved
Continue to invest in the learning and development of the national team and the systems that support them	Ongoing	Achieved
Enhance the recruitment strategies and supporting resources to attract and retain the most talented employees	Jun 2023	Achieved
Deliver a Rail Safety Officer Competency Program	2022	Achieved

Achievements

1. Rail Safety Officer Competency Program

With the aim of maintaining the highest possible standards in the execution of our core activities, the roles and responsibilities of our rail safety officers were reviewed. ONRSR's People and Capability and National Operations teams collaborated on the development of a wide-ranging training program for rail safety officers. The process involved the development of a custom designed Regulatory Officer Competency Framework. This facilitated improvements to Regulatory Officer Training (induction) and creation of a new Regulatory Officer Competency Maintenance Program. Together, these programs, along with our rail safety officer trainee program, ensure all Rail Safety Officers are comprehensively trained from the outset and remain current in their workplace practice and regulating the ONRSR way.

2. ONRSR National Convention

In marking its tenth anniversary of commencing operations in January 2013, ONRSR gathered its national team in Adelaide for an intensive two-day program of training and engagement via presentations and facilitated workshops. These were designed to help position the organisation for the next decade of national rail safety regulation. The convention provided ONRSR unique insights into emerging trends in the management of people, the very latest technological advances in rail and the challenges and opportunities the rail industry will face over the next 10 years.

3. ONRSR Employee Value Proposition

Fundamental to the ongoing aim of attracting and retaining the most talented people, ONRSR developed its first Employee Value Proposition (EVP). ONRSR needs to remain an employer of choice in the increasingly competitive modern labour market. ONRSR's EVP, "Our People, Our Passion", details how employees make a difference, how our people are supported and the results we achieve together.



Regulatory Performance

Rail Industry Context

As at 30 June 2023 there were 201 operators accredited by ONRSR under *Rail Safety National Law* for operations in Australia.

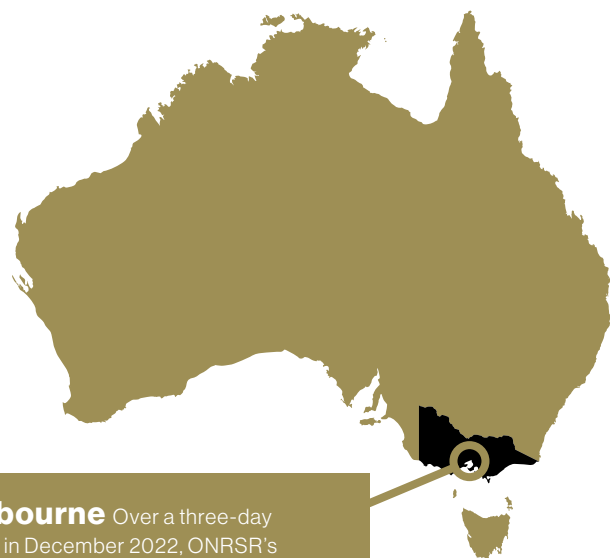


Operational statistics

The following table reflects ONRSR's operational activity statistics for its regulatory services for 2022–2023:

	2020–2021	2021–2022	2022–2023
No. of accreditations:			
Received	11	6	7
Completed	4	11	3
No. of variations to accreditation:			
Received	54	50	28
Completed	33	48	26
No. of surrenders of accreditation:			
Received	4	13	5
Completed	1	13	4
No. of exemptions to accreditation:			
Received	1	3	1
Granted	1	1	3
No. of variations to registrations:			
Received	3	8	1
Completed	2	9	1
No. of surrenders of registration:			
Received	4	4	6
Completed	2	5	6
No. of notifications of change:			
Received	373	393	411
No of REPCON's:			
Received	18	18	15
Actioned	18	18	15
No. of formal inspections completed	348	226	243
No. of audits completed	38	58	54
No. of compliance investigations completed	17	24	33
No. of improvement notices issued	8	8	14
No. of prohibition notices issued	7	1	2
No. of prosecutions	1	5	4
No. of Enforceable Voluntary Undertakings accepted	0	2	1
No. of site visits	801	919	860

Significant Regulatory Activities

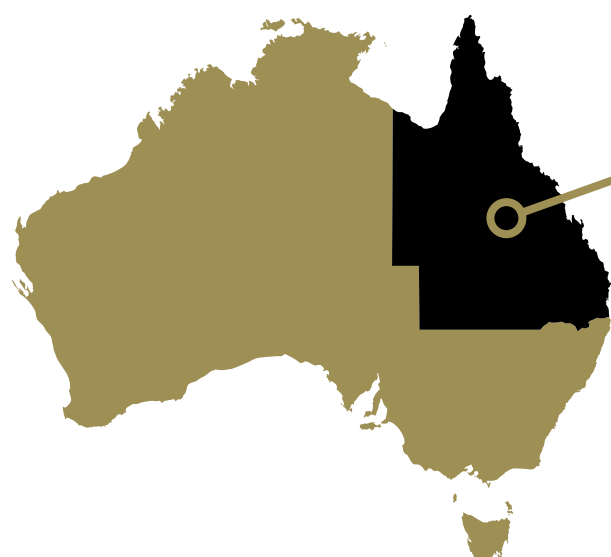


Victoria

Melbourne Following a fatal incident in June 2022 involving a passenger train, ONRSR increased its regulatory focus in relation to incidents involving forced door openings. ONRSR was able to establish ongoing safety concerns or failings and commenced engagements with both the Rail Transport Operator and the Department of Transport and Planning (DTP). A number of undertakings were provided, including the funding approval for the design, procurement and installation of door locking mechanisms, and the design and implementation of an audible in-cab alarm. Design and initial trials of door locking mechanisms have commenced, and risk assessments for the audible alarm have been undertaken. ONRSR will continue to engage with the Rolling Stock Operator and DTP regarding door openings and the longer-term strategy for the retirement of the ageing fleet.

Melbourne Over a three-day period in December 2022, ONRSR's regulatory officers undertook a significant number of site visits across Melbourne's metropolitan tram network. The purpose of the site visits was to understand the levels of compliance by tram drivers to the operator's systems and procedures. In total, 1115 observations were made of trams operating on the network, including many in relation to the approach and interfacing with tram stops. As a result, ONRSR made a number of findings against the Rail Transport Operator, including in the areas of "gong" application, application of hazard lights and indicators, stopping locations, checking of points, safe separation of rolling stock, and proceeding on an unauthorised signal. ONRSR has met with the Rolling Stock Operator regarding the findings and will monitor the implementation of identified improvements.

Queensland



ONRSR has identified an ongoing safety concern relating to how freight trains are shunted and loads secured. In some cases this has led to rolling stock running away from the yard and onto the main line. Consequently, ONRSR has been closely engaged with rail transport operators to understand the operational issues and what actions they are taking to resolve the concerns. Additionally, it has been targeting yards where shunting occurs to engage with rail safety workers undertaking shunting duties and inspecting their competencies and implementation of procedures. ONRSR's review of a range of data sources indicated issues with communication, inconsistent application of procedures, driver and shunter competency and assurance activities. While operators are aware of the safety concerns, ONRSR's engagement ensured that a comprehensive review of practices and procedures is now being conducted and ONRSR will continue to monitor the operator through future activities.

New South Wales



Lithgow In 2012 passenger operations on the Zig Zag Tourist and Heritage Railway came to a halt following safety concerns raised by the then NSW rail safety regulator. At the time Zig Zag was a prominent tourist attraction, carrying up to 70,000 passengers annually. In 2013 and 2019, bushfires caused extensive damage to the railway's infrastructure and equipment. A new management team assumed control in 2018, leading to the revision of the organisation's safety systems and the comprehensive restoration of track, rolling stock, and infrastructure. As a result, an application was submitted to ONRSR in 2021, seeking a variation of accreditation to resume passenger operations. Zig Zag Railway conducted a series of operational training and validation activities to demonstrate the implementation of its Safety Management System. Throughout this period, ONRSR conducted a series of compliance activities and observed several operational activities to assess the system. In May 2023, ONRSR granted approval to commence passenger operations and on 27 May the organisation operated its first passenger service in more than 10 years.

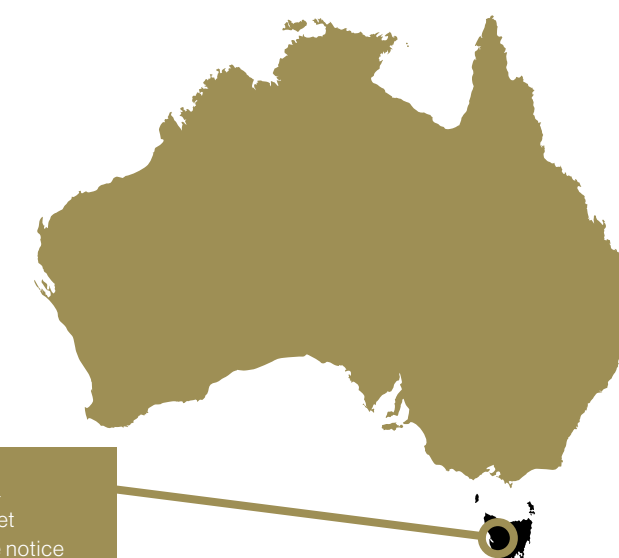
Illawarra Mountain

On 10 October 2022, a grain train travelled in an uncontrolled manner down a steep section of track within the Dombarton to Unanderra section on the Illawarra Mountain. This was one of several uncontrolled movements at this location in recent years, some of which have resulted in derailments. The risk of runaway and derailment on the Illawarra Mountain is shared by several Rail Transport Operators and to help address this risk, ONRSR hosted a forum with representatives of each to discuss current working practices, safety issues identified from ONRSR investigations and to explore better practices for operating in this unique environment. The forum identified train handling, asset maintenance and fatigue management as key to improving railway operations on the Illawarra Mountain, while rail transport operators were also able to discuss improvements to the risk management arrangements currently in place. The participants committed to reviewing risk registers and safety interface agreements associated with operations on the Illawarra Mountain and have recognised the need to develop an ongoing industry workgroup to manage this shared risk.

Sydney

On 16 July 2022, a 30-tonne infrastructure trailer moved unbraked and uncontrolled for 1.5 kilometres from the entrance of the new Sydney Metro City and Southwest tunnel at Sydenham. ONRSR's initial enquiry into this incident identified design flaws with the coupling and braking system, which contributed to an unintended separation of the trailer from the road rail vehicle hauling it and a subsequent failure of the brakes. ONRSR worked with the operator involved to ensure the trailers were taken out of service until a safe coupling and braking system was installed. An industry-wide Safety Alert was also issued advising all operators that use infrastructure trolleys and trailers to examine and, if necessary, rectify the equipment to prevent similar occurrences.

Tasmania

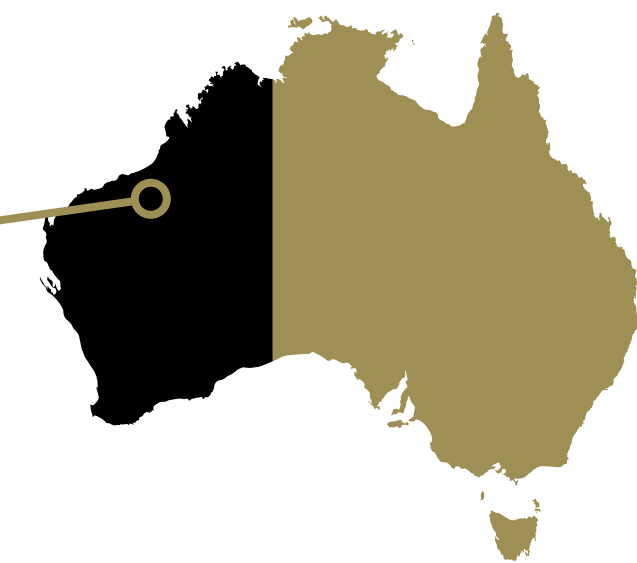


Through its monitoring activities ONRSR became increasingly concerned that a Rail Transport Operator had failed to achieve several milestones required to meet undertakings it had made in response to an historic Improvement Notice. As the notice related to maintenance of bridges and installation of risk mitigation measures to address identified areas of potential land instability, the operator agreed to suspend passenger operations from early June 2023 until the required works are complete.

ONRSR is also observing reduced capacity amongst volunteer-based tourist and heritage operators to provide diligent governance oversight of their respective railway operations. There is a similar reduction in this sector's capability to manage and supervise the technical aspects of their operation such as the maintenance of rolling stock and infrastructure. ONRSR has found it necessary to escalate its regulatory response to address these emerging issues.

Western Australia

The Pilbara In February 2023, a rail safety worker was fatally injured during shunting operations at the Boodarie rail yard. ONRSR investigators attended the site and have completed a formal investigation into the incident, the findings of which have been shared with the Rail Transport Operator. As a result interim risk controls have been enacted at all yard locations and the operator is now actively pursuing a range of engineering controls to better manage the risk to rail safety workers working on or around rolling stock.



Northern Territory

Katherine On 14 June 2023, four people were injured when a truck and a freight train collided at a level crossing on the outskirts of Katherine in the Northern Territory. The train was travelling to Darwin from Adelaide and the collision resulted in the derailment of two locomotives, a crew car and several wagons, all of which were subsequently destroyed by fire. ONRSR deployed two senior investigators to the incident and spent 24 hours at the scene collecting evidence. While the initial observations suggest infrastructure including signalling and level crossing equipment was functioning correctly, the investigation remains ongoing.



South Australia

Adelaide ONRSR received intelligence concerning a freight operator breaching its safety management system in relation to hours worked by train crew and the train crew not being appropriately qualified. ONRSR undertook an enquiry into the matter and sought information directly from the operator to determine the veracity of the information received. The evidence provided by the operator failed to confirm that train crews identified had all the required competencies as listed in the operator's safety management system. ONRSR subsequently undertook a detailed audit focussing on train crew competency and fatigue risk management that identified a number of areas of non-compliance resulting in notices being issued to the operator to address compliance with the *Rail Safety National Law*.





Investigations



ONRSR INVESTIGATIONS	2021-2022	2022-2023
Investigations initiated	45	61
Investigations completed	24	57
Total ongoing (as at June 30)	27	26

Developments

ONRSR has made significant efforts to strengthen its investigations function by focusing on the professional development of its team members. This includes pursuing formal qualifications in relevant rail specific skill areas.

Similarly, ONRSR has continued to invest in technology and adopt contemporary investigation techniques. This was particularly evident at several remote incident sites where the introduction of 360-degree camera technology has significantly improved the collection of photographic and video evidence and facilitated efficient sharing of imagery and evidence with internal and external stakeholders.

ONRSR's investigations team and functions were also the subject of a tailored video production that outlined how they operate and what operators and rail safety workers should expect when interacting with them. The production received positive feedback from the industry and has contributed to enhanced communication and understanding at incident sites.

Outcomes

Throughout 2022-2023, ONRSR's National Investigations Team successfully completed numerous investigations resulting in enforcement activities with the following matters the subject of high-level enforcement action:

- A rail safety worker pleaded guilty to breaching safety duty by leaving four wagons unprotected on the main line near Kaleentha, NSW. The individual was fined \$30,000.
- A rail safety worker pleaded guilty to breaching safety duty by removing worksite protection without notifying workers on the track at Newlands, QLD. A fine of \$15,000 was imposed.
- A rail safety worker pleaded guilty to failing to adhere to fatigue management requirements when performing shifts as a Protection Officer. A fine of \$50,000 was imposed.
- Proceedings commenced against Queensland Rail for alleged breaches of safety duties resulting in a collision and the death of a locomotive driver and injury to two rail safety workers at Westwood in 2021.
- Proceedings commenced against a Victorian rail safety worker for alleged breaches of safety duty in failing to take reasonable steps to prevent a near hit incident involving two passenger trains at Seymour in 2021.
- Acceptance of a legally binding Enforceable Voluntary Undertaking from Pacific National following the death of a freight train driver at Jumperkine, Western Australia in 2019.



Financial Report

Financial Summary 2022–2023

ONRSR's detailed audited financial statements are on page 45 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

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 263 of the *Rail Safety National Law (South Australia) Act 2012*, the financial statements of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2023 have been audited by the South Australian Auditor-General's Department.

For the financial year ending 30 June 2023 ONRSR reports an overall deficit of \$3.169m, which equates to a reduced deficit of \$2.093m when excluding the impact of a one-off accounting adjustment to the residual value of the RegIS regulatory platform. Other key factors impacting ONRSR's overall performance include:

- Self-funding of the National Data Strategy and Cost Recovery projects;
- Increased training and development costs associated with the rollout of our Regulatory Safety Officer (RSO) Traineeship program, and ongoing development for our RSOs;
- Funding of research into improving train visibility through Monash University; and
- CPI-related increases to salary costs, in line with the Enterprise Agreement.

Revenue primarily consists of annual fees from industry, government and major projects. Overall revenue was higher than the previous year due to:

- A year-on-year reduction in the COVID-19 related rebate provided to industry in 2023;
- Application of CPI to fees, in line with the CPI rate applied under the Enterprise Agreement;
- Increased interest income on cash reserves, due to higher interest rates received; and
- A partial reimbursement of legal costs previously funded from cash reserves.

ONRSR anticipates a net deficit of approximately \$7.3m over the subsequent financial year ending 30 June 2024, primarily due to:

- Delays in receiving approval for, and progressing the implementation of, the new cost recovery model – this is expected to result in the under-recovery of approximately \$4m of the cost of providing regulation to the sector;
- CPI-related increases in salaries (under the Enterprise Agreement) and other costs, which are unable to be recovered through the cost of regulation as in prior years; and
- Self-funding of a comprehensive IT & Data strategy from cash reserves, the cost of which will not be passed on to industry.

Albeit lower than in the prior year, ONRSR continues to maintain a prudent level of cash reserves and working capital to ensure that it is able to meet its ongoing regulatory and operational commitments – these include the delivery of strategic investment projects, prosecution costs, end-of-lease requirements, employee entitlements and capital equipment renewal.

INDEPENDENT AUDITOR'S REPORT



Government of South Australia
Auditor-General's Department

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To the Acting Chief Executive 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 2023.

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 2023, its financial performance and its cash flows for the year then ended under the provisions of the *Public Finance and Audit Act 1987*, the *Rail Safety National Law (South Australia) Act 2012* and Australian Accounting Standards - Simplified Reporting Requirements.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2023
- a Statement of Financial Position as at 30 June 2023
- a Statement of Changes in Equity for the year ended 30 June 2023
- a Statement of Cash Flows for the year ended 30 June 2023
- notes, comprising material accounting policy information and other explanatory information
- a Certificate from the Acting Chief Executive and the Executive Director, Corporate Services.

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 Acting Chief Executive for the financial report

The Acting Chief Executive is responsible for the preparation of the financial report that gives a true and fair view 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 – Simplified Reporting Requirements, 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 that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Acting Chief Executive is responsible for assessing the Office of the National Rail Safety Regulator's ability to continue as a going concern. The Acting 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 2023.

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

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

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control

- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office of the National Rail Safety Regulator's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Acting Chief Executive
- conclude on the appropriateness of the Acting 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 the Acting 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)

01 September 2023

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:

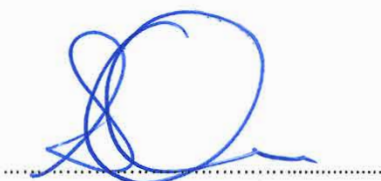
- comply with Section 263 of the *Rail Safety National Law (South Australia) Act 2012* and Regulation 48 of *Rail Safety National Law National Regulations 2012*, and relevant Australian Accounting Standards;
- are in accordance with the accounts and records of the Office of the National Rail Safety Regulator; and
- present a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2023 and the results of its operation and cash flows for the financial year.

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



Acting Chief Executive

28 / 8 / 2023



Executive Director - Corporate Services

28 / 8 / 2023

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF COMPREHENSIVE INCOME

For the year ended 30 June 2023

	Note	2023 \$'000	2022 \$'000
Income:			
Revenues from fees and charges	4	40,137	38,076
Interest revenues	5	852	116
Other income	6	781	4
Total income		41,770	38,196
Expenses:			
Employee benefits expenses	7	28,956	28,820
Supplies and services	8	11,401	8,492
Depreciation and amortisation	9	3,333	3,461
Finance costs	10	132	169
Other expenses	11	1,117	25
Total expenses		44,939	40,967
Net result		(3,169)	(2,771)
Total comprehensive result		(3,169)	(2,771)

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 2023

	Note	2023 \$'000	2022 \$'000
Current assets:			
Cash and cash equivalents	12	13,051	10,153
Receivables	13	1,057	814
Financial assets	14	10,000	14,000
Total current assets		24,108	24,967
Non-current assets:			
Receivables	13	-	3
Property, plant and equipment	15	8,672	11,470
Intangible assets	16	-	1,511
Total non-current assets		8,672	12,984
Total assets		32,780	37,951
Current liabilities:			
Payables	18	1,068	489
Financial liabilities	19	2,249	2,117
Employee benefits	20	4,805	5,427
Other liabilities	22	-	1
Total current liabilities		8,122	8,034
Non-current liabilities:			
Financial liabilities	19	4,778	6,925
Employee benefits	20	728	671
Provisions	21	1,219	1,219
Total non-current liabilities		6,725	8,815
Total liabilities		14,847	16,849
Net assets		17,933	21,102
Equity:			
Retained earnings		17,776	20,945
Reserves		157	157
Total equity		17,933	21,102

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 2023

	Note	2023 \$'000	2022 \$'000
Retained earnings:			
Opening balance			
Balance carried forward from previous period		20,945	23,716
Adjusted opening balance		20,945	23,716
Comprehensive income			
Net result		(3,169)	(2,771)
Total retained earnings		17,776	20,945
Asset revaluation reserve:			
Opening balance			
Balance carried forward from previous period		157	157
Adjusted opening balance		157	157
Comprehensive income			
Revaluation of property, plant and equipment		-	-
Total asset revaluation reserve		157	157
Total equity:			
Opening balance			
Balance carried forward from previous period		21,102	23,873
Adjusted opening balance		21,102	23,873
Comprehensive income			
Net result		(3,169)	(2,771)
Movement in reserves		-	-
Total equity		17,933	21,102

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 2023

	Note	2023 \$'000	2022 \$'000
Cash flows from operating activities:			
<i>Cash outflows</i>			
Employee benefit payments		(29,440)	(28,143)
Payments for supplies and services		(12,366)	(9,686)
Interest paid on finance costs		(132)	(169)
Cash used in operations		(41,938)	(37,998)
<i>Cash inflows</i>			
Fees and charges received		40,140	38,082
Interest received		655	65
GST recovered from the ATO		1,303	1,078
Other receipts		893	88
Cash generated from operations		42,991	39,313
Net cash provided by operating activities		1,053	1,315
Cash flows from investing activities:			
<i>Cash outflows</i>			
Purchase of financial instruments		-	(6,000)
Purchases of intangibles		-	(1,026)
Cash used in investing activities		-	(7,026)
<i>Cash inflows</i>			
Proceeds from sale of financial instruments		4,000	-
Cash generated from investing activities		4,000	-
Net cash provided by/(used in) investing activities		4,000	(7,026)
Cash flows from financing activities:			
<i>Cash outflows</i>			
Repayment of principal portion of lease liabilities		(2,155)	(2,056)
Cash used in financing activities		(2,155)	(2,056)
Net increase/(decrease) in cash and cash equivalents		2,898	(7,767)
Cash and cash equivalents at 1 July		10,153	17,920
Cash and cash equivalents at 30 June	12	13,051	10,153

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, applying simplified disclosures.

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 2023. ONRSR has assessed the impact of the new or changed Australian Accounting Standards and interpretations not yet implemented and has determined they will not have any material effect on ONRSR's financial statements.

Income**4. Revenue from fees and charges**

	2023	2022
	\$'000	\$'000
Revenue from accreditations	77	74
Revenue from major projects	1,724	1,567
Revenue from annual fees from industry and government	38,336	36,435
Total revenue from fees and charges	40,137	38,076

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 in accordance with AASB 1004 *Contributions* (for those fees and charges payable by government) and AASB 1058 *Income of Not-for-Profit Entities* (for those fees and charges payable by industry).

5. Interest

	2023	2022
	\$'000	\$'000
Interest received	852	116
Total interest revenues	852	116

Interest is recognised using the effective interest rate method.

6. Other income

	2023	2022
	\$'000	\$'000
Penalties	16	-
Sale of assets	9	4
Reimbursement of legal costs	676	-
Reimbursement of other costs	80	-
Total other income	781	4

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

7. Employee benefits expenses

	2023	2022
	\$'000	\$'000
Salaries and wages	22,516	22,408
Annual leave	1,774	1,913
Long service leave	521	525
Separation and redundancy payments	-	50
Employment on-costs - superannuation ¹	2,525	2,419
Employment on-costs - other	1,455	1,358
Workers compensation	164	147
Total employee benefits expenses	28,955	28,820

¹The 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 are contained in note 20.

8. Supplies and services

	2023	2022
	\$'000	\$'000
Consultants	859	682
Contractors fees	2,343	544
Information Technology	2,564	2,478
Insurance	534	478
Legal costs ¹	1,020	1,427
Property	805	686
Short-term leases	36	27
Training and development	576	324
Travelling expenses	1,685	778
Drug and alcohol testing	253	273
Other ³	726	795
Total supplies and services	11,401	8,492

¹ Legal costs primarily relate to prosecution proceedings initiated by the Regulator in accordance with section 220 of the Law.

² 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.

³ Other expenses include audit fees paid / payable to the Auditor-General's Department relating to work performed under the *Public Finance and Audit Act 1987* of \$57,600 (2022: \$56,300). No other services were provided by the Auditor-General's Department.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

9. Depreciation and amortisation

	2023	2022
	\$'000	\$'000
Fixtures and fittings	44	52
Computer equipment	45	56
Computer software	433	552
Leasehold improvements	621	621
Right-of-use assets	2,190	2,180
Total depreciation and amortisation	3,333	3,461

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

	2023	2022
	\$'000	\$'000
Interest expense on lease liabilities	132	169
Total finance costs	132	169

11. Other expenses

	2023	2022
	\$'000	\$'000
Impairment of intangible assets ¹	1,076	-
Net loss on disposal of intangible assets	2	-
Net loss on disposal of property, plant and equipment	38	25
Impairment loss on receivables	1	-
Total other expenses	1,117	25

¹ Further information regarding the impairment of intangible assets is provided within note 16.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Assets

12. Cash and cash equivalents

	2023	2022
	\$'000	\$'000
Cash at bank	13,051	10,153
Total cash and cash equivalents	13,051	10,153

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

	2023	2022
	\$'000	\$'000
Current		
Accounts receivable	3	7
Less: Impairment loss allowance	(1)	-
Prepayments	697	637
Accrued interest	251	53
Security deposit	5	5
GST input tax receivable	102	112
Total current receivables	1,057	814
Non-current		
Prepayments	-	3
Total non-current receivables	-	3
Total receivables	1,057	817

Movement in impairment loss allowance

An impairment loss allowance is recognised when there is objective evidence (based upon past experience and current and expected changes in client credit rating) that an account receivable has become impaired.

An impairment loss has been recognised within 'other expenses' in the Statement of Comprehensive Income in relation to specific accounts receivable for which such evidence exists, as well for total accounts receivable when assessed on a collective basis.

	2023	2022
	\$'000	\$'000
Carrying amount at the beginning of the period	-	-
Increase in allowance recognised in profit and loss	1	-
Amounts written off	-	-
Amount recovered during the year	-	-
Carrying amount at the end of the period	1	-

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

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.

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14. Financial assets

	2023	2022
	\$'000	\$'000
Terms deposits - current	10,000	14,000
Total financial assets	10,000	14,000

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

15. Property, plant and equipment

	2023	2022
	\$'000	\$'000
Leasehold improvements		
At cost	4,778	4,778
Accumulated depreciation	(2,875)	(2,254)
Total leasehold improvements	1,903	2,524
Fixtures and fittings		
At cost	721	794
Accumulated depreciation	(345)	(336)
Total fixtures and fittings	376	458
Computer equipment		
At cost	218	222
Accumulated depreciation	(154)	(113)
Total computer equipment	64	109
Right-of-use assets		
At cost	15,007	14,952
Accumulated depreciation	(8,678)	(6,573)
Total right-of-use assets	6,329	8,379
Total property, plant and equipment	8,672	11,470

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 in Adelaide, Brisbane, Darwin, Hobart, Melbourne, Perth and Sydney as well as 11 motor vehicles to support ONRSR's operational activities across those locations. Office leases are non-cancellable with terms ranging up to 10 years and rent payable monthly in advance. Office accommodation lease payments are increased annually in accordance with the terms of the lease agreement and no options exist to renew the leases at the end of their term. Motor vehicle leases are non-cancellable terms ranging up to five years and rental payable monthly in advance, with lease payments fixed over the term of the lease and no options exist to renew the leases at the end of their term.

Commitments for lease payments are included at note 24.

Impairment

There were no indications of impairment of property, plant and equipment or right-of-use assets at 30 June 2023.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

16. Intangible assets

	2023	2022
	\$'000	\$'000
Computer software		
Internally developed computer software	16	2,844
Accumulated amortisation	(16)	(2,337)
	-	507
Other computer software	622	849
Accumulated amortisation	(622)	(827)
	-	22
Total computer software	-	529
Work in progress (intangibles):		
At cost	-	982
Total work in progress (intangibles)	-	982
Total intangible assets	-	1,511

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

During the year ended 30 June 2023 as part of the development of a comprehensive IT and Data Strategy ONRSR determined to discontinue the further development of its core regulatory platform 'RegIS' in favour of an alternative (yet to be determined) platform, resulting in a material reduction in the expected useful life of this previously recognised asset. As a result ONRSR determined that the RegIS asset had become impaired as at 30 June 2023, with an impairment recognised equal to its remaining carrying value (including amounts classified as work in progress) as at that date.

17. Asset movement reconciliation 2023

	Leasehold improvements	Fixtures and fittings	Computer equipment	Intangible assets	Right-of-use assets	Total
2023	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Carrying amount at 30 June 2022	2,524	458	109	1,511	8,379	12,981
Additions of right-of-use assets	-	-	-	-	104	104
Disposals	-	(38)	-	(2)	-	(40)
Impairment losses	-	-	-	(1,076)	-	(1,076)
Remeasurement of leases	-	-	-	-	36	36
Depreciation/amortisation	(621)	(44)	(45)	(433)	(2,190)	(3,333)
Carrying amount at 30 June 2023	1,903	376	64	-	6,329	8,672

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Liabilities**18. Payables**

	2023	2022
	\$'000	\$'000
Current		
Creditors	202	126
Accrued expenses	684	237
Employee on-costs ¹	169	121
Paid Parental Leave Scheme payable	7	-
FBT payable	6	5
Total current payables	1,068	489

¹ Employee on-costs include payroll tax, workers compensation levies and superannuation contributions. ONRSR makes contributions to various state government and commercial superannuation schemes, which are treated as an expense when they occur. There is no liability for payments to beneficiaries, as those obligations 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 generally settled within 30 days of an invoice being received.

19. Financial Liabilities

	2023	2022
	\$'000	\$'000
Current		
Lease liabilities	2,249	2,117
Total current financial liabilities	2,249	2,117
Non-Current		
Lease liabilities	4,778	6,925
Total non-current financial liabilities	4,778	6,925
Total financial liabilities	7,027	9,042

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

20. Employee benefits

	2023	2022
	\$'000	\$'000
Current		
Accrued salaries and wages	931	953
Separation and redundancy payments	-	50
Annual Leave	1,631	2,007
Long service leave	2,243	2,417
Total current employee benefits	4,805	5,427
Non-Current		
Long service leave	728	671
Total non-current employee benefits	728	671
Total Employee benefits	5,533	6,098

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

	2023	2022
	\$'000	\$'000
Non-current		
Make Good	1,219	1,219
Total provisions	1,219	1,219

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

	2023	2022
	\$'000	\$'000
Current		
Unearned revenue	-	1
Total other liabilities	-	1

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23. Unrecognised contractual commitments

Capital commitments

	2023	2022
	\$'000	\$'000
Within one year	-	32
Later than one year but no longer than five years	-	-
Total capital commitments	-	32

Expenditure commitments - Other

	2023	2022
	\$'000	\$'000
Within one year	120	932
Later than one year but no longer than five years	13	14
Total other commitments	133	946

Amounts disclosed include commitments arising from IT maintenance contracts and contractors as well as short-term and low value leases not recognised in accordance with AASB 16 *Leases*.

Future lease payments commitments

	2023	2022
	\$'000	\$'000
Within one year	2,346	2,246
Later than one year but no longer than five years	4,874	7,111
Total other commitments	7,220	9,357

Future lease payments commitments relate to lease liabilities recognised in accordance with AASB 16 *Leases* and do not include short-term and low value leases.

24. Contingent assets and liabilities

The Regulator commenced four prosecutions prior to 30 June 2023 in accordance with section 220 of the Law which had not been ultimately determined as at that date. If the Regulator is successful in these matters, ONRSR will be entitled to seek an order for up to 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.

The Regulator was also the subject of two Supreme Court Judicial Review Applications that were not ultimately determined as at 30 June 2023. Accordingly, ONRSR may be liable for the costs of defending these Applications.

25. Events after the reporting period

There has not arisen in the interval between the end of the financial year and the date of this report any item, transaction or event of a material and unusual nature likely to significantly affect the operations of ONRSR, the results of those operations, or the state of affairs of ONRSR, in subsequent financial years.

26. 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. For the year ended 30 June 2023 the total number of key management personnel was 10 (2022: 8), who were collectively awarded total compensation of \$2.637 million (2022: \$1.964 million).

Transactions with key management personnel

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

27. 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

28. Financial instruments

Categorisation of financial instruments

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

	2023	2022
	\$'000	\$'000
Financial assets:		
Financial assets		
Cash and cash equivalents	13,051	10,153
Term deposits	10,000	14,000
Financial assets at amortised cost		
Receivables	258	65
Total financial assets	23,309	24,218
Financial liabilities:		
Financial liabilities at amortised cost		
Payables	828	307
Lease liabilities	7,027	9,042
Total financial liabilities	7,855	9,349
Net gain or loss on financial assets:		
Cash and cash equivalents		
Interest on cash and cash equivalents	455	41
Financial assets		
Interest on term deposits	397	75
Net gain on financial assets	852	116
Net gain or loss on financial liabilities:		
Lease Liabilities		
Interest expense on lease liabilities	(132)	(169)
Net (loss) on financial liabilities	(132)	(169)

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 *Presentation of Financial Statements*. Prepayments are not financial assets as defined in AASB 132 *Financial Instruments: Presentation* as the future economic benefit of these assets is the receipt of goods and services rather than the right to receive cash or another financial asset.

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

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

Financial assets are assessed for impairment at each balance date.

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



Appendices

Appendix 1

Key performance indicators

ONRSR CORPORATE GOAL	ONRSR KPI	KPI MEASURE(S)	KPI TARGET(S)	2020–2021	2021–2022	2022–2023
Goal 1 Enhance our risk-based approach to rail safety regulation	Australia's rail networks are safer	The national rate of key occurrence category incidents, as reported to ONRSR*	Decrease (3 yr. trend)	1.08	1.04	0.83
		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	0.273%	0.2412%	0.6281%
	0% alcohol		0.0167%	0.0173%	0.0309%	
ONRSR's regulatory effort is risk-based	Risk-Based Effort Index correlation coefficient	0.6	N/A	N/A	0.658	
Goal 2 Deliver efficient and effective safety regulation	ONRSR's regulatory activities are efficient	% of preliminary audit reports issued within four weeks of an audit	90%	93.75%	96.10%	96.30%
		% of inspection reports issued within four weeks of an inspection	90%	94.22%	93.22%	99.60%
Goal 3 Work with industry to address national rail safety issues	ONRSR collaborates with industry to deliver projects that improve rail safety	% of policies and legislative changes consulted on	100%	100%	100%	100%
		% adoption of ONRSR's major project guidance	100%	90%	90%	91%
Goal 4 Invest in ONRSR's national capability, governance and culture to drive our strategic intent	ONRSR has appropriately skilled and experienced staff	% annual voluntary staff turnover	10-15%	7.3%	18.9%	24%
		% of payroll invested in training and development activities	1-2%	1.3%	1.12%	2.03%
	ONRSR staff are safe in the workplace	Annual lost time injury frequency rate (LTIFR)	0	3.0	2.8	0

*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 2

Office of the National Rail Safety Regulator Structure and Functions

Freedom of Information Statement 2022–2023

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 earlier in this report and are also available on ONRSR's website 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

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

16 (1) *ONRSR consists of—*

(a) *a person appointed by the South Australian Minister acting on the unanimous recommendation of the responsible Ministers as the National Rail Safety Regulator (the Regulator); and*

(b) *2 non-executive members (full-time or part-time) as are appointed by the South Australian Minister acting on the unanimous recommendation of the responsible Ministers.*

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

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

(a) *to administer, audit and review the accreditation regime under this Law;*

(b) *to work with rail transport operators, rail safety workers, and others involved in railway operations, to improve rail safety nationally;*

(c) *to conduct research, collect and publish information relating to rail safety;*

(d) *to provide, or facilitate the provision of, advice, education and training in relation to rail safety;*

(e) *to monitor, investigate and enforce compliance with this Law;*

(f) *to engage in, promote and coordinate the sharing of information to achieve the objects of this Law, including the sharing of information with a prescribed authority;*

(g) *at the request of the Commonwealth or a jurisdiction—to carry out any other function as agreed between ONRSR and the jurisdiction.*

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

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:

- Joint CEO/Industry and Stakeholders 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.

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 X 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*
 - *Safety Improvement policy*
 - *Drug and alcohol testing policy*
 - *Compliance and enforcement policy*
 - *Application of AQF to Rail Safety Worker competency assessment policy*

- *Application of cost benefit analysis requirement policy*
- *Review of decisions policy*
- *Level 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) and may also be inspected, by appointment between 9.00am and 4.00pm 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 or by contacting the Manager, Strategic Planning and Communications on (08) 8406 1555.

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

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

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

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

Making a Freedom of Information application

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

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

Requesting access or amendment to ONRSR records

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

Requests for access made under the FOI Act must:

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



Office of the National Rail Safety Regulator

Freedom of Information Report 2022–2023 in accordance with section 54AA of the FOI Act (as modified by the RSNL National Regulations)

Accredited FOI Officers:

Cathy Ray: cathy.ray@onrsr.com.au

PO Box 3461, Rundle Mall
Adelaide SA 5000

08 8406 1500

Applications for Access 2022–2023

INDIVIDUAL/ ORGANISATION	APPLICANT TYPE	STATUS	FEE	SUMMARY	TIME TAKEN/ OUTCOME/ EXEMPTIONS CLAIMED
Individual	Personal	Determined	NIL	Access to ONRSR audit assessing how ARTC proposes to manage the risk of new level crossings constructed in NSW as part of the Inland Rail project	Refused
Organisation	Non Personal	Determined	\$39.00	ONRSR's site attendance and investigation – derailment of a train at Bomen Loop (NSW) on 15 April 2021	Refused
Individual	Personal	Determined	\$39.00	Truck vs Train – Cormorant and Heron Roads, Kooraganag Island NSW – 15 June 2022 – seeking access to emails, photos, advices, correspondence, reports, investigations.	Partial release
Individual	Personal	Determined	\$39.00	Access to incident reports in relation to Sydney Metro Line projects	Full release
Organisation	Non Personal	Determined	\$39.00	Incident documentation, outcomes and recommendation re accident at Minyip Vic on 12 January 2021	Partial release
Organisation	Non Personal	Determined	\$39.00	Daniel Kelly vs Pushbah Pty Ltd & Queensland Rail - documentation in relation to a near miss incident on 7 March 2020 (Thorneside)	Refused
Organisation	Non Personal	Determined	\$39.00	Incident between a Light Rail Vehicle and NSW Fire Brigade Truck on 5 September 2022 at the intersection of Eddy Avenue & George Street, Sydney NSW	Partial release
Organisation	Non Personal	Determined	\$39.00	Information and correspondence concerning fire safety and emergency incident considerations for the Sydney Metro rail projects over the past 24 months	Partial release
Individual	Personal	Determined	\$39.00	Safety data incident reports for the Progress Street, Dandenong South Level Crossing for the past five years	Full release
Individual	Personal	Determined	\$39.00	Level crossings in Victoria - fatalities, serious injuries, near misses - between 2012 and present	Refused
Individual	Personal	To Be Determined	\$39.00	Level crossing removal project in Victoria between 19 May 2014 and present	TBA
Individual	Personal	To Be Determined	-	ONRSR documentation provided to June 2023 Infrastructure & Transport Ministers' meeting re Level Crossing Safety	TBA

Safe Railways for Australia



Level 1, 75 Hindmarsh Square Adelaide SA 5000
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