

ONRSR Statement of Intent 2020 - 2023

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Introduction

ONRSR administers the *Rail Safety National Law* and performs the functions and responsibilities conferred upon it by that law.

The overarching intent of ONRSR is to improve rail safety for the Australian community and the delivery of seamless national rail safety regulation of rail operations.

The rolling three-year Statement of Intent 2020–2023 reflects the intent and direction further detailed in ONRSR’s Corporate Plan 2020–2023.

1 ONRSR

Vision: “**Safe railways for Australia**”

- > Values:
- > Integrity
- > Respect
- > Independence
- > Diligence
- > Excellence

ONRSR’s key functions are to:

- > improve rail safety for the Australian community;
- > decrease the regulatory burden on the rail industry;
- > provide seamless national safety regulation; and
- > enforce regulatory compliance.

Under *Rail Safety National Law*, ONRSR’s objectives are to:

- > facilitate the safe operations of rail transport in Australia;
- > exhibit independence, rigour and excellence in carrying out its regulatory functions; and
- > promote safety and safety improvement as a fundamental objective in the delivery of rail transport in Australia.

On the 2nd of December 2019 ONRSR realised national rail safety regulation following the formal removal of a service level agreement with Transport Safety Victoria and entered the new decade as a fully integrated national organisation. ONRSR will be an innovative and well-respected regulator that balances the complexities of delivering good regulation with improved safety outcomes and reduced regulatory burden. Improved safety data quality and transparency, jointly facilitated by industry and the regulator, will be a catalyst for all stakeholders to identify and act on safety risks. Regulation of major projects will support the ongoing build of the transport systems of the future. ONRSR will be regarded as leader in its field with skilled and enabled staff supported by continuous investment in business and information management systems.

2 Accountability and transparency

ONRSR is guided by the expectations of the Transport and Infrastructure Council to which it is accountable. It will continue providing regular reports to the council (including its annual report) and to individual Ministers to ensure they are kept fully informed of significant rail safety issues and achievements in their respective jurisdictions. ONRSR will continue to monitor its efficiency and effectiveness as a regulator in accordance with its legislative objectives under the *Rail Safety National Law* with the view to providing consistent, coordinated and streamlined rail safety regulation.

3 Stakeholder relationships

ONRSR values its stakeholders and will continue to work in partnership with its primary stakeholders including:

- > State, Territory and Federal Ministers for Transport
- > Jurisdictional government departments
- > The National Transport Commission
- > The Australian Transport Safety Bureau
- > The Rail Industry Safety and Standards Board (RISSB)
- > The Australasian Railway Association
- > The Association of Tourist and Heritage Railways Australia
- > Rail transport operators and;
- > Unions.

4 Regulatory approach

Rail safety regulation in Australia is administered under a co-regulatory framework with both operators and ONRSR having safety responsibilities. Operators must manage the risks to safety within their organisation while regulatory responsibility rests solely with ONRSR.

ONRSR is a risk-based regulator overseeing the application of a systematic decision-making framework, which prioritises regulatory activities and informs decision outcomes, based on an assessment of risks to rail safety. It involves:

- > developing an understanding of the risks to the safety of railway operations in Australia
- > determining which of these risks ONRSR is able to influence through its regulatory activities; and
- > designing and prioritising regulatory activities and outcomes in a way that best maintains and improves rail safety.

Applying a risk-based approach to regulation has parallels to the *Rail Safety National Law's* requirement for rail transport operators to apply a risk-based approach to safety management. It also enables ONRSR to focus resources on the basis of risk and to improve the effectiveness of regulatory interactions.

The ONRSR Way provides further details on the key principles by which ONRSR regulates. This document is supported by policies, procedures and guidelines to assist accredited parties to fulfil their obligations.

5 ONRSR's safety priorities

While individually unique, national operational safety priorities share specific characteristics. They are defined as a rail safety area of regulatory focus that applies to multiple jurisdictions and operators and warrants a sustained period of regulatory attention. ONRSR typically targets its national priorities through operator-centric, national compliance projects or industry-wide, education projects. ONRSR reviewed its national priorities in late 2019 and further information on why each priority was chosen, what the specific focus for ONRSR is and what progress has been made to date follows.

5.1 Track worker safety

Competency of rail safety workers and communication when performing work on and around the track has been an ONRSR priority since 2016. ONRSR's national work program will feature a renewed emphasis on a track worker safety inspection regime that includes planned and unplanned inspections, coordinated and concentrated 'special event' activities and audits. The opportunities presented by new technologies, such as engineering solutions, will also be a focus of discussions with operators.

5.2 Level crossing safety

Industry and governments are taking a leading role in addressing safety risks at level crossings and ONRSR continues to provide its full support. A number of jurisdictions have level crossing committees and ONRSR provides regular occurrence data and information to inform the safety-related decisions made by these committees. In this context ONRSR will continue its development and delivery of a Level Crossing Reporting Portal accessible to relevant operators and stakeholders and its work with TrackSafe and state trucking associations to address the over representation of heavy vehicles in level crossing occurrences.

5.3 Contractor Management

Regulatory activities have identified a number of concerns in relation to those who carry out rail safety work for an accredited rail transport operator. ONRSR will focus on the principle that safety cannot be 'contracted out' and reinforce operators' ultimate accountability and responsibility for safety. Activities in the field will focus on issues such as contractor awareness of duties and requirements, safety assurance, ambiguity around effective management and control (where multiple contractors are engaged) and the competency of labour hire workers.

5.4 Control Assurance

ONRSR will be closely monitoring the requirement, under *Rail Safety National Law*, for operators to specify the control measures used to manage the risks associated with rail operations and to have control assurance procedures in place. Regulatory activities will focus generally on inconsistent and inadequate control assurance practices currently evident across all sectors of the industry. Specifically, ONRSR will seek to address a lack of robust and focused internal audit programs and apparent gaps in the monitoring of safety controls implemented by rail safety workers.

6 ONRSR's strategic goals and priorities

The ONRSR Corporate Plan 2020–2023 reflects the following corporate goals and strategies. These guide the ONRSR business plan and associated organisational performance measures.

GOAL 1: Enhance our risk-based approach to rail safety regulation

Using a Risk-based Regulation Framework, ONRSR schedules its compliance activities via a national work program that reflects its assessment of rail industry safety trends, previous audit and inspection reports, occurrence data and ONRSR regulatory intelligence. *Rail Safety National Law* provides a range of enforcement powers including the ability to shut down unsafe operations and to prosecute. ONRSR continues to further strengthen its intelligence and investigation functions with an emphasis on improved data capture, collation and analysis while also working proactively with proponents of major rail projects to ensure safety issues are addressed through project lifecycles.

GOAL 2: Reduce regulatory burden on industry

ONRSR will undertake ongoing reviews and refinement of the legislative framework, its policies, procedures and guidelines, and regulatory requirements to improve national legislative consistency and contribute to productivity gains where appropriate. This includes implementing the outcomes of reviews of drug and alcohol and fatigue risk management arrangements. In the field the focus is on constantly improving the quality and efficiency of our regulatory interactions supported by more efficient requests for, and exchange of, information with regulated parties via the ONRSR portal. Through regular stakeholder engagement, and in some cases via memorandums of understanding between colleague bodies, roles and responsibilities will continue to be reviewed and clarified where required.

GOAL 3: Work with industry to address national rail safety issues.

ONRSR will continue to support industry taking leadership on safety initiatives, performance and harmonisation. This will include working with RISSB on a range of industry-developed standards, guidelines and products. ONRSR will again issue clear and complementary guidance on its expectations in relation to priority rail safety issues. A strategic focus on the role of ONRSR as an educator of rail transport operators and rail safety workers alike will continue.

GOAL 4: Invest in ONRSR's national capability, governance and culture to drive our strategic intent.

Supporting all staff to deliver their national roles in a dynamic social and technological environment is key to the success of ONRSR and implementing the three-year workforce plan remains a priority. ONRSR's systems continue to mature through the implementation of the rolling Information Management and Technology Strategic Plan, while the Enterprise Risk Management Framework and internal audit program similarly support sound governance within ONRSR.

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