



ANNUAL REPORT 2016-2017



SAFE RAILWAYS FOR AUSTRALIA

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LETTER OF TRANSMISSION

TRANSPORT AND INFRASTRUCTURE COUNCIL

Dear Ministers,

It is my pleasure to submit to you the annual report of the Office of the National Rail Safety Regulator (ONRSR). The report is separately provided to all participating jurisdictional Ministers for Transport for tabling in their respective parliaments.

The ONRSR Annual Report 2016–2017 has been prepared in accordance with the requirements of the *Rail Safety National Law 2012* (RSNL) and associated regulations.

The report is structured to reflect ONRSR's delivery against the ONRSR Statement of Intent 2016–2019 and Corporate Plan 2016–2019 which have been endorsed by the Transport and Infrastructure Council and promoted to stakeholders.

Yours sincerely,



Sue McCarrey
Chief Executive

ABOUT THIS REPORT

ONRSR is a body corporate established under the RSNL and, under the law, is not subject to ministerial direction in the exercising of its functions and powers. The RSNL requires the regulator to deliver to the responsible ministers a report on ONRSR's activities for each financial year.

This report covers the activities of ONRSR during 2016–2017 in those jurisdictions for which it had legal accountabilities for regulation, namely South Australia, New South Wales, the Northern Territory, Tasmania, Victoria, the Australian Capital Territory and Western Australia. Queensland officially transitioned to ONRSR from 1 July 2017.

The report is structured in five parts. The overview section includes our purpose, governance structures, summary of major achievements and summary financial report. Part A covers corporate performance and Part B covers regulatory performance. Financials and appendices follow.

FEEDBACK

ONRSR welcomes feedback on its report, please email contact@onrsr.com.au



CHIEF EXECUTIVE'S MESSAGE

Australia is home to some of the world's great rail journeys. There are the nationwide epics, the regional lifelines linking people with places and goods with markets, there are the scenic routes and the everyday commute. The exciting plans for rail right across Australia will see the number of journeys continue to grow.



The journey to national rail safety regulation has been a different, but no less important one.

The end of the 2016–2017 financial year coincides with ONRSR formally taking responsibility for rail safety regulation in every state and territory across Australia. When coupled with the move to direct delivery of regulatory services in New South Wales earlier this year, the beginning of ONRSR operations in Queensland in July 2017 gives us a presence in every Australian state and territory.

These jurisdictional milestones are undoubtedly among ONRSR's most important achievements of the last 12 months, but so too has been the quality performance of our primary role. Even in these times of flux, the delivery of a comprehensive national audit and compliance program, guidance for accredited rail transport operators and major projects, and our safety improvement initiatives has continued in earnest. Similarly diligent has been our focus on the streamlining and strengthening of the accreditation, reporting and legal processes required under *Rail Safety National Law*.

Through 2016–2017 we have also further enhanced the co-regulatory environment via completion of a wide-ranging stakeholder survey. The results have driven better engagement with industry, in particular by way of a renewed focus on quality rail safety data, and given us invaluable intelligence with which to improve performance on the ground. Progress has also been made in the

pursuit, with industry, of an equitable and efficient cost recovery model. This follows the Transport and Infrastructure Council's approval of a new methodology and a regulation for the collection of fees for major rail projects.

Internally, we are realising the benefits of the experience and insights provided by those we have welcomed into the ONRSR team over the last 12 months and celebrating the contribution they are making to a uniquely ONRSR culture. In support of our people, our corporate systems continue to mature and to deliver genuine efficiency in the way we do business.

I remain convinced and confident that the Australian rail industry, and all of us with a stake in it, are properly focused on creating the safest possible environment and that we understand the collective benefits such a situation can provide. I thank all of you for your continued efforts toward achieving that goal, especially the staff here at ONRSR.

And so, while many achievements have been realised, the journey toward regulatory reform continues.

Sue McCarrey
**National Rail Safety Regulator
 and Chief Executive**
 June 2017

ABOUT OUR ORGANISATION

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 RESOURCES

ONRSR received funding from industry through fees of \$15.6m and from state and territory governments to the value of \$18.9m. ONRSR's primary expenditure items were the service level agreement payments to Victoria, salaries and wages and operational costs including rent payments and the development and maintenance of the information technology systems.

OUR GOVERNANCE

THE ONRSR

Under *Rail Safety National Law*, the ONRSR comprises the National Rail Safety Regulator, Sue McCarrey, and two non-executive members, Catherine Scott and Peter Batchelor. These three appointments are made by the South Australian Transport Minister on the unanimous recommendation from the responsible ministers. The ONRSR performs core governance functions including review of ONRSR performance reports and financial operation oversight. The legal authority for specific regulatory actions is vested in the National Rail Safety Regulator only. During 2016–2017, the ONRSR met 11 times and endorsed ONRSR's budget, forward strategic directions, progress against its business plan and revised suite of key performance indicators.

Sue McCarrey

Chief Executive/National Rail Safety Regulator

Sue was appointed as Australia's National Rail Safety Regulator in November 2014. Under her leadership, ONRSR continues to take great strides toward becoming a fully fledged national operation facilitating a safe, efficient and prosperous Australian rail industry.

Peter Batchelor

Non-executive member

Peter brings an extensive knowledge of government obtained through his 20 years as a member of the Victorian Parliament. During this time Peter held senior cabinet positions including Minister for Transport.

Catherine Scott

Non-executive member

Catherine is an experienced non-executive director. Her career combines investment banking and corporate experience in transport, infrastructure, natural resources and agriculture.





ONRSR EXECUTIVE

ONRSR's Executive comprises four Executive Directors, and the Senior Manager, Risk and Analysis. During 2016–2017, the Executive met 12 times and discussed ONRSR's strategic directions, corporate risks and issues, operational strategies, policy and legislative requirements, safety intelligence and data, transitional issues and recommendations from its supporting committees.

James Stormonth Executive Director, Corporate

James has been a CPA for over 30 years and has led and managed financial management over a diverse range of industries, from establishing a two-partner taxation and small business practice to manufacturing, retail and government financial roles.

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.

Julie Bullas Executive Director, Policy, Reform and Stakeholder Engagement

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

Sue McCarrey Chief Executive

Sue was appointed as Australia's National Rail Safety Regulator in November 2014. Under her leadership, ONRSR is maturing into a fully fledged national operation that is facilitating a safe, efficient and prosperous Australian rail industry.

Peter Doggett Executive Director, National Operations

Peter has had nearly 30 years' experience in the rail industry where he has combined leadership roles (including the role of Rail Commissioner in South Australia) and practical operational experience with a focus on risk management.

Dane Newton Senior Manager, Risk and Analysis

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

CORPORATE COUNSEL

Laura Paulus

Laura is a respected legal professional with more than 10 years' experience in private and public practice. Laura complements her expertise and knowledge in Australian transport safety law with practical experience in railway operations and policy development as well as an understanding of the regulatory craft.

THE TEAM

At year-end, ONRSR employed 125 staff of which 20 were employed on fixed-term contracts. 84 staff members were in the National Office, 16 in the New South Wales Branch, 11 in the Central Branch, 2 in the Queensland Branch and 12 in the Western Australia Branch. In addition, services were provided by 27 staff in Victoria under the service level agreement.

INTERNAL COMMITTEES

Independent Audit and Risk Committee

An independent committee that oversees and reviews ONRSR's corporate risk and financial management and reviews statutory accounts subject to external audit and ONRSR's internal audit program. The committee comprises Catherine Scott, ONRSR non-executive member as Chair and Malcolm Renney, an external appointment with extensive risk management experience in the banking sector. The Auditor-General, or representative, is invited as a guest to each meeting to facilitate effective communication with the South Australian Auditor General's Office. During 2016–2017 seven meetings were held.

National Operations Committee (NOC)

With responsibility for the development and implementation of the national workplan, assessment and review of regulatory rail safety risks and for discussing operational matters including applying a consistent approach across Australia, the committee comprises Branch Directors from each jurisdiction and other senior operational officers and is chaired by the Executive Director, National Operations.

Strategic Policy Committee (SPC)

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

Information Management and Technology Committee (IM&T)

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

Senior Leadership Group

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

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



OUR STAKEHOLDERS

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

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

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

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

STAKEHOLDER FORUMS

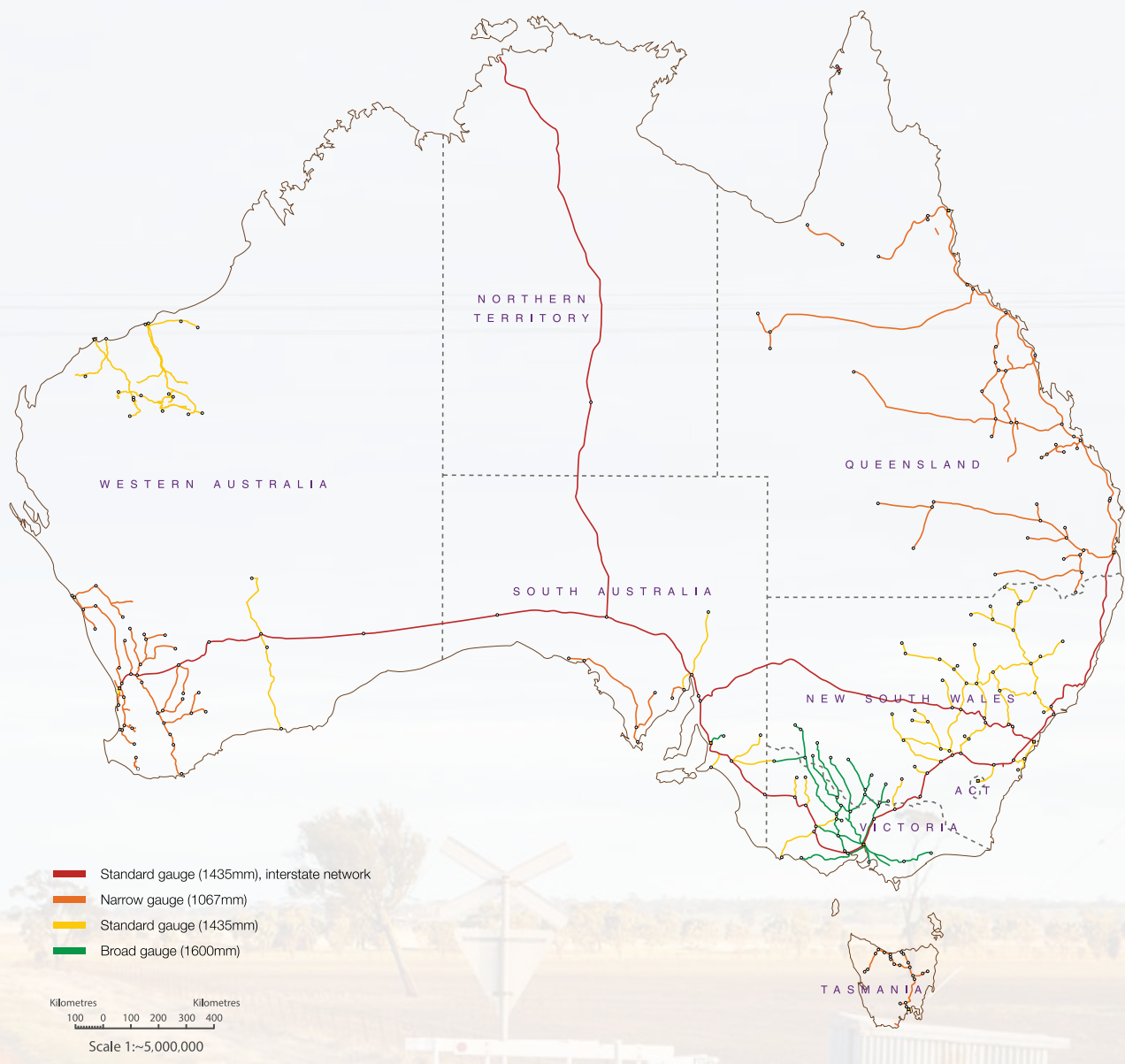
During the year, ONRSR hosted a number of stakeholder forums including:

- **CEO industry reference group** to discuss strategic policy and industry and regulatory directions, safety issues and improvements. Participants include senior representatives from the rail industry.
- **Senior Government Policy Group** comprising senior state and territory government personnel discussing policy and legislative reform.
- **Union reference group** comprising senior representatives from the Rail, Tram and Bus Union.
- **National Operations Forum** which allows multi-jurisdictional operators to discuss safety issues and consistency of application with senior ONRSR operational staff.
- **Branch Operations Forums** in individual states to address local operational issues with accredited operators.

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

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

RAIL NETWORKS OPERATING ACROSS AUSTRALIA



Sourced from the Australasian Railway Association.



ONRSR'S PERFORMANCE

INDUSTRY SAFETY PERFORMANCE

ONRSR produces an annual Rail Safety Report, a detailed analysis of rail safety performance including breakdowns by jurisdiction and year with current and previous versions available on the ONRSR website. In 2017 ONRSR also began publishing six-monthly updates of key rail safety data sets on its website.

DATA ANALYSIS

Category A and Category B occurrences

Under *Rail Safety National Law*, rail transport operators must report occurrences. Category A occurrences must be reported immediately. Category B occurrences must be reported to ONRSR within 72 hours of the occurrence. The table below provides high level data on the rail industry safety performance in 2016–2017:

STATE	CATEGORY A	CATEGORY B	FATALITY	SERIOUS INJURY
ACT	0	6	0	0
SA	22	3,310	5	4
TAS	3	436	0	0
NT	3	118	0	0
NSW	112	20,129	33	45
VIC	91	8,836	41	20
WA	54	2,938	9	15
TOTAL	285	35,773	88	84

Fatalities and injuries

Fatalities and injuries can involve staff employed by railway companies, railway passengers or members of the public affected by railway operations.

The following table reflects comparative data on the causes of fatalities in participating jurisdictions in 2016–2017:

JURISDICTION	SUSPECTED SUICIDE	STRUCK BY TRAIN	SLIPS, TRIPS & FALLS	OTHER	TOTAL
ACT	0	0	0	0	0
SA	2	2	0	1	5
TAS	0	0	0	0	0
NT	0	0	0	0	0
NSW	27	6	0	0	33
VIC	37	4	0	0	41
WA	7	1	0	1	9
TOTAL	73	13	0	2	88

Operational statistics

The following table reflects ONRSR's operational activity statistics for its regulatory services for 2016–2017 in participating jurisdictions:

OPERATIONAL ACTIVITY	2014–15	2015–16	2016–17
No. of accreditations:			
Received	6	10	5
Completed	1	2	10
No. of variations to accreditation:			
Received	40	30	45
Completed	24	11	41
No. of surrenders of accreditation:			
Received	5	3	6
Completed	4	3	5
No. of exemptions to accreditation:			
Received	3	2	4
Granted	1	1	2
No. of variations to registrations:			
Received	2	6	4
Completed	1	5	4
No. of surrenders of registration:			
Received	4	7	6
Completed	2	6	7
No. of notifications of change:			
Received	226	260	273
No of REPCONs received	10	5	5
Actioned	13	4	5
No. of formal inspections completed	196	216	176*
No. of audits completed	48	74	65*
No. of compliance investigations completed	10	7	4
No. of Improvement Notices issued	5	19	13
No. of Prohibition Notices issued	2	3	4
No. of site visits	Not previously captured	Not previously captured	110

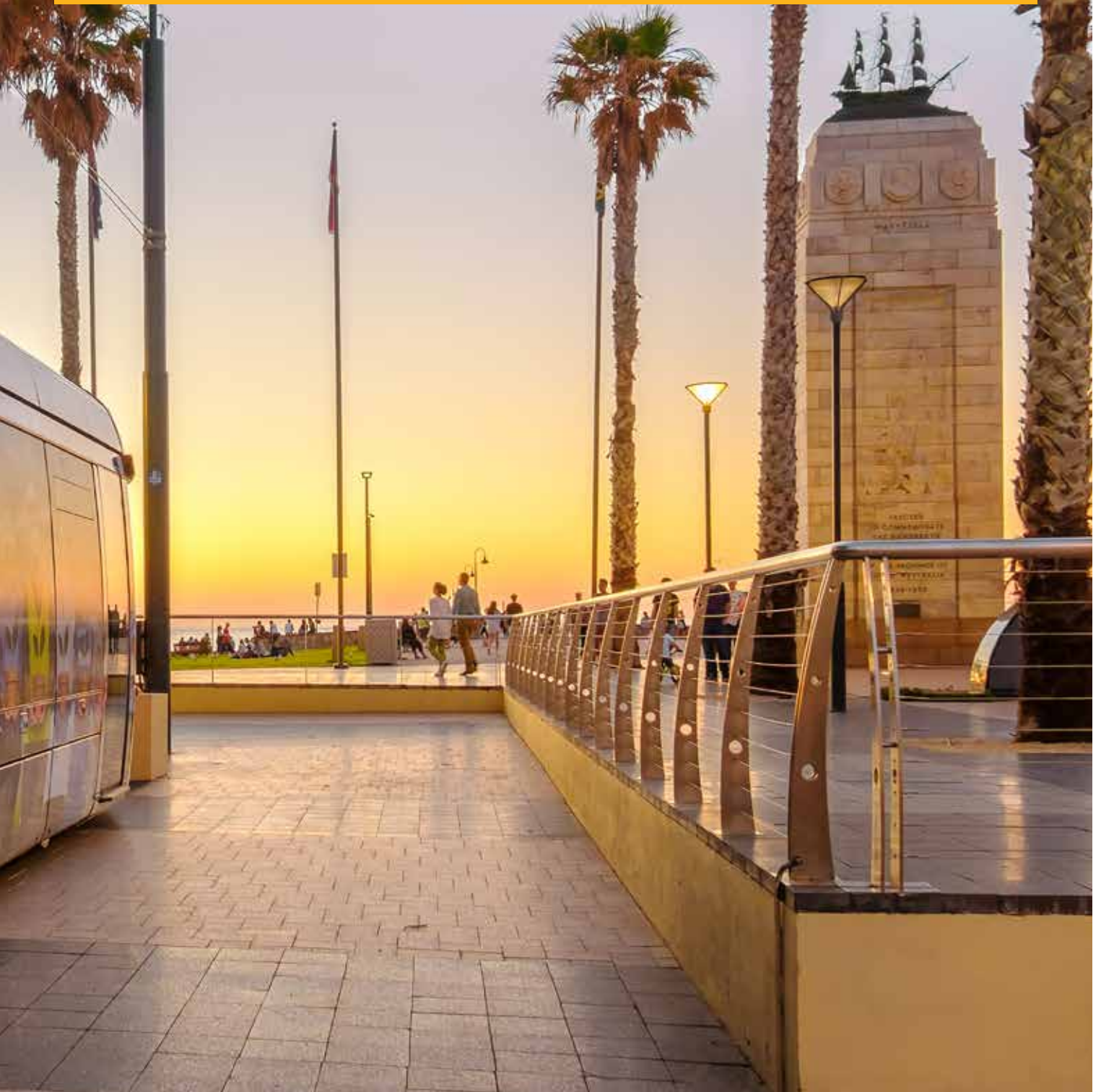
* A slight decrease in inspections and audits is partly due to more accurate reporting and an increase in educational site visits.





PART A:

CORPORATE PERFORMANCE





GOAL 1 MAINTAIN AND IMPROVE RAIL SAFETY THROUGH A RISK-BASED APPROACH TO REGULATION

By providing an independent regulatory function with a particular focus on high risk areas, and working together with the rail industry and governments to achieve this goal, ONRSR can most effectively minimise the likelihood of major incidents which may result in death or injury.

MILESTONES	WHEN	2016–17 RESULT
Determine and deliver the annual national work program using a risk-based approach	Annual	Achieved
Enhance and embed a nationally consistent ONRSR regulatory risk framework	Dec 2016	Achieved
Engage with proponents of major rail projects across Australia	Ongoing	Ongoing
Transition all jurisdictions to a national drug and alcohol testing program with annual review	Dec 2017	Partially achieved (Ongoing)

ACHIEVEMENTS

1. RISK-BASED REGULATION FRAMEWORK

This framework offers a formally documented approach to risk-based regulation and describes ONRSR's model for risk-based regulation. It defines roles and responsibilities and sets requirements for key regulatory decisions – those that have the greatest potential to impact rail safety. Benefits of the framework's systematic, structured and risk-informed approach include better targeted and more efficient use of resources, greater consistency of judgement, and increased objectivity, clarity and transparency when making regulatory decisions. Development of the framework involved a review of academic literature and the risk-based approaches of other regulators, a review of ONRSR's key legal functions, identification of key decisions, establishment of a reference group and consultation with primary stakeholders.

2. NATIONAL RAIL SAFETY PRIORITIES

1. Track condition
2. Track work – competency and communication
3. Rolling stock maintenance
4. Road rail vehicle safety

ONRSR is giving these four national priorities particular focus through regulatory activities right across Australia. While individually unique, each of the priorities shares specific characteristics in that they require sustained regulatory focus, they affect railways across the country and they are areas where compliance and enforcement methods are appropriate regulatory responses. While progress has been made with all of the priorities, further work is required to achieve the desired safety outcomes.

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 five REPCON reports requiring action during 2016–2017 and any immediate safety issues were addressed as a priority. For other safety issues, ONRSR sought further information from operators and/or conducted compliance inspections to verify the concerns and the operator's response. These issues will be monitored as part of the ONRSR national work program for 2017–2018. Once finalised, the ATSB publishes REPCON reports on its website which includes the response from ONRSR to each individual issue. ONRSR's operational measures relating to REPCONS are on page 11.

4. ENGAGEMENT WITH MAJOR RAILWAY PROJECTS

Throughout 2016–2017 ONRSR has continued to engage with proponents of major railway projects across Australia. These have included but are not limited to:

- Canberra Light Rail (ACT)
- Sydney Metro Northwest (NSW)
- Sydney CBD and South East Light Rail (NSW)
- Melbourne Metro Rail (Vic)
- Level Crossing Removal (Vic)
- Forrestfield Airport Link (WA)

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





GOAL 2 REDUCE REGULATORY BURDEN ON INDUSTRY

ONRSR administers a national scheme of accreditation and, in consultation with industry, develops guidance material that provides clarity for operators and helps address potential delays and costs that can arise from uncertainty.

MILESTONES

	WHEN	2016–17 RESULT
Support transition of remaining jurisdictions into direct delivery of regulatory services by ONRSR:	Dec 2017	Ongoing
<ul style="list-style-type: none"> Support NSW transition from a service level agreement with ONRSR to direct delivery by ONRSR 	Oct 2016	Achieved
<ul style="list-style-type: none"> Review the service level agreement with Victoria 	Dec 2016	Progressing
<ul style="list-style-type: none"> Support the legislative development to enable the <i>Rail Safety National Law</i> to be passed through the Queensland Parliament and transition of Queensland into ONRSR 	April 2017	Achieved
Progress identified opportunities within the <i>Rail Safety National Law</i> to provide for national legislative consistency including:		
<ul style="list-style-type: none"> An internal review of all jurisdictions' Application Law implementing the <i>Rail Safety National Law</i> (excluding drug and alcohol requirements) 	Mar 2017	Achieved
<ul style="list-style-type: none"> Preparation of a report to the Transport and Infrastructure Council on the review of drug and alcohol and fatigue management arrangements under <i>Rail Safety National Law</i> 	Nov 2017	Progressing
<ul style="list-style-type: none"> Legislative proposals to improve the national rail safety legislative framework for National Transport Commission consideration 	Annual	Achieved
Conduct an inaugural ONRSR external stakeholder survey and develop strategies to address the opportunities for improvement	Dec 2017	Achieved
Work with industry to gain efficiencies in regulatory service delivery:		
<ul style="list-style-type: none"> Conduct a targeted review, with industry, of ONRSR forms to simplify their use 	Mar 2017	Achieved
<ul style="list-style-type: none"> Develop a portal for electronic regulatory activities and trial with selected stakeholders 	Dec 2017	Re-scoped (Progressing)



MILESTONES

WHEN

2016–17 RESULT

Develop a user-friendly index to support easy reference to ONRSR guidelines aligned to the *Rail Safety National Law*

June 2017

Not required

Review the effectiveness of current MOUs and complete MOUs for transitioning jurisdictions

Dec 2017

Progressing

ACHIEVEMENTS

1. TRANSITION TO DIRECT DELIVERY MODEL IN NEW SOUTH WALES

ONRSR officially transitioned to a direct delivery model in NSW on 10 March 2017, following the termination of the service level agreement that had been in place with the Independent Transport Safety Regulator (ITSR) since January 2013. Facilitated via the integrated management approach that had been in place since June 2013, a range of support was provided to staff transitioning from ITSR to become ONRSR employees, with all required systems put in place including connection to ONRSR's document and information systems. Also as of 10 March, rail safety regulation in the ACT became the responsibility of the NSW Branch. This was previously handled by ONRSR's Central Branch.

2. PASSAGE OF RAIL SAFETY NATIONAL LAW (QUEENSLAND)

Following the Queensland Government's announcement in December 2015 of its intention to join the national scheme, the *Rail Safety National Law (Queensland)* Bill was enacted on 28 February 2017. From 1 July 2017 ONRSR became responsible for rail safety regulation across Australia, excluding the light rail in Victoria and some Victorian tourist and heritage operators. Throughout the first half of 2017 ONRSR worked closely with the Department of Transport and Main Roads and industry to facilitate Rail Regulation Unit employees' smooth transition to roles within its Queensland Branch. It also established the branch office in Brisbane and undertook a national recruitment process to appoint a Branch Director.

3. ONRSR STAKEHOLDER SURVEY

ONRSR's inaugural, fully independent stakeholder survey reached out to a wide range of stakeholders comprising operators of all sizes and scopes, including tourist and heritage, government stakeholders and industry bodies. The process involved the collection of both qualitative and quantitative information and the participation rate was a very encouraging 56 per cent. ONRSR has now reviewed and analysed the information, findings and recommendations. Many of the issues identified as needing attention are either the subject of work underway or will be addressed by planned initiatives. Some are for industry itself to progress and ONRSR will work closely with industry to pursue positive outcomes. The specific activities required out of the survey results have been incorporated in the ONRSR Corporate Plan 2017–2020.





GOAL 3 UNDER A CO-REGULATORY FRAMEWORK, SUPPORT INDUSTRY IN ITS OPERATION OF SAFE RAILWAYS FOR AUSTRALIA

Under a co-regulatory regime, ONRSR seeks to oversee, support and ensure compliance with the *Rail Safety National Law (RSNL)* so as to eliminate or reduce risks so far as is reasonably practicable. Industry is responsible for the safety of rail operations and for compliance with the RSNL.

MILESTONES	WHEN	2016–17 RESULT
Support and recognise an industry national rail safety risk model	Dec 2017	Progressing
National data strategy developed and implemented in consultation with industry	Dec 2017	Re-scoped (Progressing)
Until the national data strategy is developed, engage with industry to deliver and implement the revised ONS1-OCG1 data quality framework	Dec 2016	Achieved
Support RISSB with the development of selected national standards, guidelines and products as appropriate	As agreed with RISSB	Ongoing

ACHIEVEMENTS

1. RAIL SAFETY WORKER GUIDELINE

ONRSR's Identifying Rail Safety Work Under the RSNL Guideline has been designed to provide rail transport operators with guidance around what rail safety work is, and how they can identify rail safety workers as part of their risk management processes. By communicating ONRSR's expectations, and through the use of helpful flowcharts, checklists and example scenarios, the goal was to produce a reliable and useful industry resource. The guideline was finalised after broad stakeholder consultation and was the result of extensive work over a number of years with the valuable input and contributions of a dedicated industry reference group.

2. ONLINE NATIONAL SAFETY DATA

The new National Safety Data area of the ONRSR website went live in May 2017. The pages host national rail safety notifiable occurrence rates to allow operators to benchmark their performance against industry and sector averages. This new resource's development came in response to ongoing discussions with rail safety stakeholders and feedback received through the 2016 stakeholder survey.

3. REVISED ONS1-OCG1 DATA QUALITY FRAMEWORK

ONRSR developed the Reporting Requirements for Notifiable Occurrences by working closely with industry and by incorporating feedback received during a dedicated consultation period. The framework provides greater clarity and consistency on the categorisation of occurrences and the reporting requirements replace OC-G1 and ON-S1 for reporting of notifiable occurrences.



GOAL 4 PROMOTE SAFETY AWARENESS AND WORK WITH INDUSTRY ON SAFETY IMPROVEMENT AND RESEARCH

A key objective for ONRSR under RSNL is to 'promote safety and safety improvement as fundamental in the delivery of rail transport in Australia'. ONRSR acknowledges industry's safety vision and strategy as supporting this goal.

MILESTONES

	WHEN	2016-17 RESULT
Support industry to complete and implement the industry's safety strategy as aligned to its safety vision	Strategy: Jun 2016 Implementation: 2018	Achieved Progressing to revised industry timeframe: 2019
Deliver the priority projects in the ONRSR safety improvement workplan and evaluate each project	Ongoing	Ongoing
Publish the annual Rail Safety Report	Dec 2016	Achieved
Review the Safety Improvement Policy	Jun 2017	Progressing

ACHIEVEMENTS

1. PROJECT: QUALITY OF RTO INVESTIGATION REPORTS

ONRSR developed the Investigation Reports by Rail Transport Operators Guideline to provide clarity on what it expects of investigation reports prepared by rail transport operators on rail incidents. The guideline is intended to drive the production of better quality reports and recommendations that in turn lead to improved safety outcomes. It will also support a rail operator's interactions with ONRSR when an investigation report is requested or an operator is directed to undertake an investigation.

2. RAIL SAFETY REPORT 2015-2016

The ONRSR Rail Safety Report 2015-2016, published in December 2016, provides national rail safety data and analysis from which to assess national rail safety performance. The report lists key priorities for ONRSR focus which were addressed in its national operational workplan. The report is available at www.onrsr.com.au

3. COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT STRATEGY

ONRSR identified this strategy as a key organisational requirement, and its development formalised and identified the who, what and how ONRSR should communicate and engage with its stakeholders. It provides strategy to guide both engagement with external stakeholders and the internal interactions between ONRSR staff. The strategy has provided for the development of a range of e-communications including a new ONRSR e-newsletter and launch of a Twitter account to support online engagement and communication with operators and rail safety stakeholders.





GOAL 5 VALUE AND ENABLE OUR PEOPLE IN PURSUIT OF HIGH PERFORMANCE

ONRSR recognises that its people are its most important asset and that to deliver excellence in regulatory services ONRSR needs a national culture driven by values. Building the ONRSR culture remains a priority.

MILESTONES	WHEN	2016–17 RESULT
Implement ONRSR's Workforce Plan for current and transitioning staff	Jun 2018	Ongoing
Develop and implement an ONRSR staff organisational culture 'Being ONRSR' program	Dec 2017	Achieved (Ongoing)

ACHIEVEMENTS

1. WORKFORCE PLAN 2017–2019

ONRSR's revised plan resets the direction for maintaining a capable, efficient and effective workforce to meet current and future business needs and goals. Additionally, the plan focuses on people, culture, systems, processes and performance. With a national workforce it is critical that ONRSR has a nationally consistent approach to workforce planning.

2. LEARNING AND DEVELOPMENT MANAGEMENT FRAMEWORK

This framework reflects ONRSR's approach to developing staff and strengthening internal capability. It establishes a national learning and development function and is aimed at integrating all learning and development across the organisation. The framework will be progressively implemented over the next three to five years, starting with the roll-out of the ONRSR eLearning portal and eLearning modules to all staff.

3. ONRSR CULTURE PROGRAM

Following a staff-driven and collaborative process, ONRSR now has in place all the elements of the single ONRSR culture. They include an aspirational vision (Safe railways for Australia) and values (integrity, respect, independence, diligence and excellence) that guide pursuit of that vision. ONRSR has also endorsed a set of behaviours that detail how all staff live the values on a daily basis.



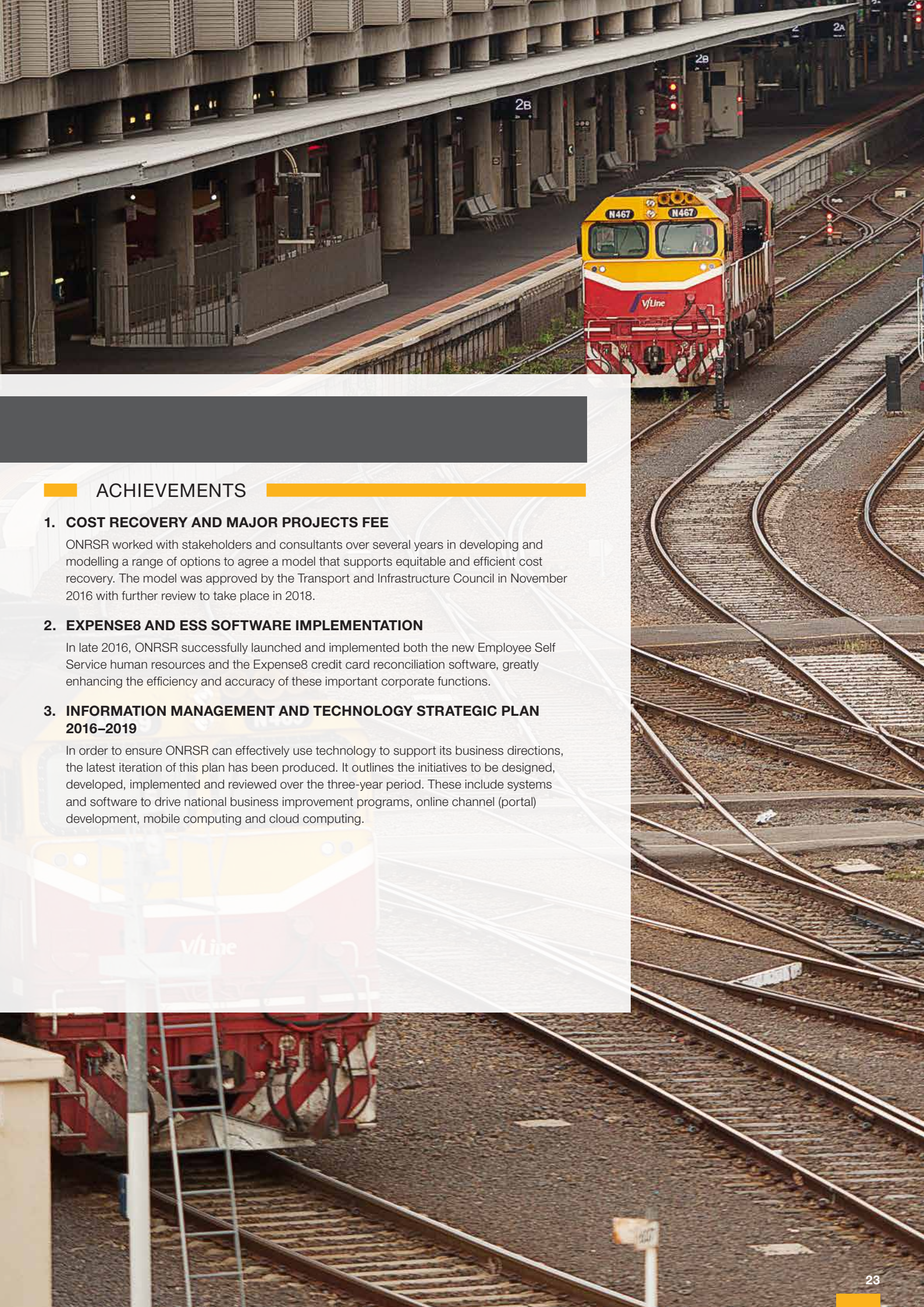
GOAL 6

DEVELOP OUR SYSTEMS TO OPTIMISE OUR PERFORMANCE

Central to optimising ONRSR's effectiveness, and to the achievement of the national benefits intended under the COAG rail safety reforms, is the ongoing enhancement of ONRSR's business systems.

MILESTONES

	WHEN	2016–17 RESULT
Support the transition of regulatory activities provided by the Queensland Rail Safety Regulator to ONRSR	Apr 2017	Achieved
Analyse and prepare input for the Productivity Commission's review of the economic benefits of national transport safety reforms	2019	Progressing
Implement 2016–2018 Information Management and Technology Strategic Plan	Dec 2018	Progressing
As part of ONRSR's governance program		
• monitor and report against ONRSR's enterprise risk framework	Aligned with workplan timeframes	Ongoing
• monitor and report against ONRSR's internal audit program	Aligned with workplan timeframes	Ongoing
Review current cost recovery arrangements and propose future methodology for consideration by the Transport and Infrastructure Council	Nov 2016	Achieved
Develop a cost recovery methodology and regulation for collection of fees for major rail projects for consideration by the Transport and Infrastructure Council	Nov 2016	Achieved



ACHIEVEMENTS

1. COST RECOVERY AND MAJOR PROJECTS FEE

ONRSR worked with stakeholders and consultants over several years in developing and modelling a range of options to agree a model that supports equitable and efficient cost recovery. The model was approved by the Transport and Infrastructure Council in November 2016 with further review to take place in 2018.

2. EXPENSE8 AND ESS SOFTWARE IMPLEMENTATION

In late 2016, ONRSR successfully launched and implemented both the new Employee Self Service human resources and the Expense8 credit card reconciliation software, greatly enhancing the efficiency and accuracy of these important corporate functions.

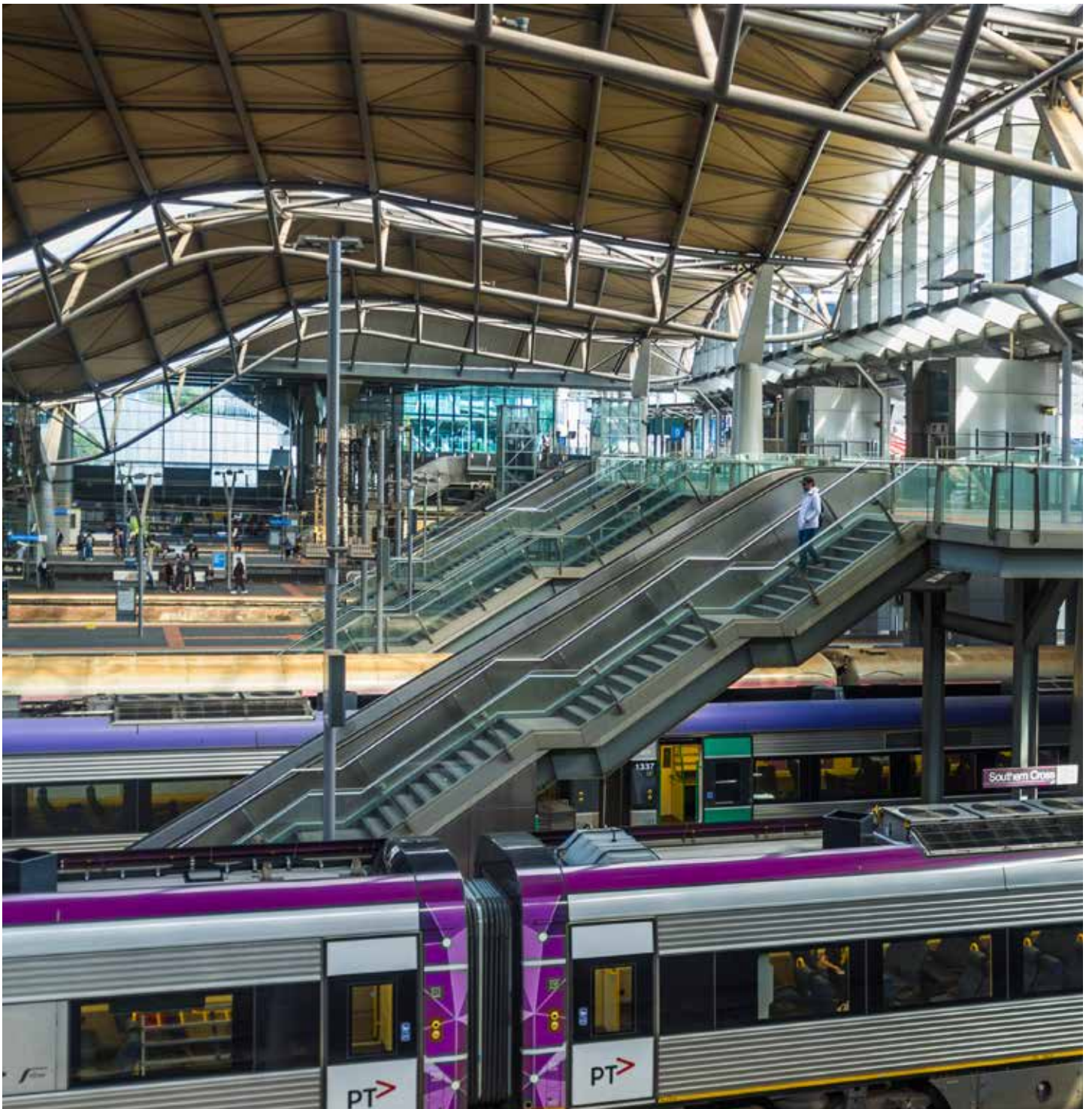
3. INFORMATION MANAGEMENT AND TECHNOLOGY STRATEGIC PLAN 2016–2019

In order to ensure ONRSR can effectively use technology to support its business directions, the latest iteration of this plan has been produced. It outlines the initiatives to be designed, developed, implemented and reviewed over the three-year period. These include systems and software to drive national business improvement programs, online channel (portal) development, mobile computing and cloud computing.

THE FOLLOWING OUTLINES STATE-SPECIFIC ACTIVITIES AND OUTCOMES FOR 2016-2017. PARTICIPATING STATES WORK UNDER A NATIONAL REGULATORY WORK PROGRAM.

PART B:

REGULATORY PERFORMANCE





SOUTH AUSTRALIA

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 45 operators accredited by ONRSR under *Rail Safety National Law* for operations in South Australia.

SIGNIFICANT REGULATORY ACTIVITIES

- Throughout 2016–2017 a key area of focus for ONRSR in South Australia was undertaking reviews of applications to vary accreditation required following the announcement of capital projects and ongoing expansions of the rail and tram networks in metropolitan Adelaide. In particular ONRSR saw an increase in regulatory activities relating to how risks to safety are being managed on project worksites.
- ONRSR undertook detailed inspections on selected bridges on the Adelaide Metropolitan Passenger Network. Following a scheduled audit, similar bridge inspections were also undertaken on the SteamRanger tourist and heritage network between Strathalbyn and Middleton.
- ONRSR has conducted detailed audits and site visits focusing on track worker safety right across South Australia. These specifically examined how track workers are using protection methods and communication in remote areas on the Defined Interstate Rail Network.

INCIDENT RESPONSE

- On 15 June 2017, a wagon maintainer was injured while working under a raised wagon. The wagon was struck by a remotely controlled electric shunt tractor and the impact of the collision caused it to be knocked from its jacks and to strike the maintainer who subsequently required hospitalisation. In response to this incident ONRSR served a prohibition notice on the accredited operator prohibiting the use of the shunt machines/tractors and also instigated an ONRSR compliance investigation that is still underway.
- Over a six-month period from December 2016 to June 2017 SteamRanger trains were involved in three level crossing collisions with road vehicles at crossings with passive warning devices on the Goolwa to Victor Harbor rail line. As a result of this spate of incidents, rail safety officers will be examining each level crossing on the SteamRanger network assessing the attentiveness of SteamRanger and road managers in monitoring the condition of traffic infrastructure (signs and road markings), the growth of vegetation in the rail corridor and other obstructions which affect sight lines from the road user's point of view.
- On 21 May 2017 a shunt tractor lost air pressure when shunting at a grain siding at Port Lincoln. When the operator went to investigate the cause, eight wagons rolled away striking stationary wagons and causing damage to the shunt tractor and wagon couplings. A similar incident involving another shunt tractor also occurred on 14 June 2017 at the Port Adelaide Terminal. Both incidents had the potential for severe human consequences and rail safety officers have subsequently instigated compliance inspections on the Eyre Peninsula and at Port Adelaide to examine the engineering standards and maintenance of shunt tractors as well as rail safety worker competencies for their operation.



NEW SOUTH WALES

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 84 operators accredited by ONRSR under *Rail Safety National Law* for operations in New South Wales.

SIGNIFICANT REGULATORY ACTIVITIES

- Throughout 2016–2017 ONRSR's NSW Branch undertook a number of specialised compliance activities on non-accredited, contracted organisations to verify how they meet their safety duties and obligations under the *Rail Safety National Law*. Such activities included:
 - » Inspections of organisations involved in design and construction of railway assets in NSW (authorised engineering organisations)
 - » Inspections of organisations involved in provision of rolling stock maintenance services
 - » Inspections of organisations involved in provision of safeworking resources to the rail industry

The activities provided an assurance of how contractors are managing their obligations under the RSNL and how they are conforming to the safety management system requirements of the accredited rail transport operator.
- ONRSR has undertaken compliance inspections to review the systems used by rail transport operators in managing safety of legacy bridges and structures. This activity was conducted with a team comprising rail safety officers and a structures technical specialist and included visual assessments of the condition of a sample of legacy bridges and structures in the north west NSW region. While the inspection confirmed there were no imminent safety risks on the sampled assets, a number of information system and record maintenance issues were identified and are currently being managed with the rail infrastructure manager.
- ONRSR has continued its work to facilitate the safe and timely delivery of a range of major projects across Sydney, in particular those forming part of the Sydney Metro initiative – the largest public transport project in Australian history. Throughout this financial year work has been undertaken to inspect progress, vary accreditations and provide guidance based on the scope and construction programs of:
 - » Sydney Metro North West
 - » Sydney Metro CBD and South West
 - » Sydney CBD and South East Light Rail
 - » Newcastle Light Rail
 - » New Intercity Fleet
 - » Automatic Train Protection



INCIDENT RESPONSE

- On 30 January 2017 three coupled locomotives were being operated in a run around movement of a stationary freight wagon consist on the Port Botany line at Marrickville. That operation resulted in the locomotives colliding with the freight consist which had been left on the main line ready for recoupling with the locomotives. Two freight wagons derailed as a consequence of the locomotive collision. ONRSR rail safety officers attended and identified aspects of the railway operation which have been raised with the infrastructure owner and rolling stock operator. These concern the necessary permissions for a locomotive run around movement on a main line, and the presence of a top of rail friction modifier in the vicinity of the collision which is likely to have reduced the braking capability of the locomotive consist.
- On 15 February 2017 a freight train derailed at Bribbaree. Subsequent inquiries identified the freight service had been operating in a derailed state for approximately 6km. Considerable track damage occurred as a result of the derailment. ONRSR rail safety officers attended the incident site and investigations are continuing, focusing on track condition and maintenance. Following the incident, track maintenance speeds were reassessed by the infrastructure maintainer. Inquiries with the rolling stock operator are also ongoing and have focused on train speed management in response to track maintenance speed restrictions. Improvements have subsequently been made by the rolling stock operator to provide advance warning of track maintenance speed restrictions to their drivers. The investigation remains ongoing.
- On 23 February 2017 a track work gang was undertaking rail grinding on a set of points in the vicinity of a freight yard at Clyde in metropolitan Sydney. A signaller at Clyde signal box held concerns that the group was working outside the yard in the main operational rail corridor and the workgroup was subsequently directed to stop work as there were concerns it had not obtained authorised worksite protection. The ONRSR investigation into this incident is focusing on a range of issues including determining the extent to which the workgroup was complying with the requirements for implementing worksite protection in the rail corridor and the extent to which the accredited operator monitors compliance of its track workers with required worksite protection arrangements. The investigation remains ongoing.
- On 15 June 2017 a Pacific National wheat train derailed at Ardglen. ONRSR officers responded to the incident inspecting both track and rolling stock condition. Site inquiries identified the train had been derailed for 5km with the derailed bogie causing damage to the infrastructure over that distance. Investigation assessments are to be carried out on the pre-incident track geometry condition and also a number of rolling stock tests will be carried out on the derailed wagon in an attempt to determine if the infrastructure and rolling stock complied with their safety management system requirements. The investigation is continuing.





AUSTRALIAN CAPITAL TERRITORY

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 8 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Australian Capital Territory (ACT). Regulatory responsibility for the ACT transferred from ONRSR's Central Branch to the NSW Branch on 10 March 2017.

SIGNIFICANT REGULATORY ACTIVITIES

- The Canberra Light Rail project includes the construction of, and subsequent passenger operation of, 12km of new light rail track from Gungahlin to the city, in addition to the supply and operation of light rail vehicles. Canberra Metro Operations' application for accreditation for construction of the Canberra Light Rail Project was granted by ONRSR on 19 September 2016. ONRSR is continuing engagement with the project to support its commissioning and subsequent operational activities.

INCIDENT RESPONSE

- During this reporting period, there were no significant collisions, derailments or incidents resulting in fatality or serious injury within the ACT that required the attendance of ONRSR rail safety officers.



WESTERN AUSTRALIA

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 44 operators accredited by ONRSR under *Rail Safety National Law* for operations in Western Australia.

SIGNIFICANT REGULATORY ACTIVITIES

- ONRSR has been working with Rio Tinto in the Pilbara region of Western Australia to facilitate variation of their accreditation that would allow trains to be operated autonomously. Rio Tinto has been granted initial approval to operate these services with a trained driver in attendance to monitor safety systems. The operator continues to seek further variations to allow for a fully autonomous system as residual risks are addressed through the development of new controls.
- ONRSR is a participant in a working group with the Public Transport Authority (PTA) as part of the Forrestfield Airport Link project which will connect the suburban rail network with Perth's growing eastern suburbs. The project involves tunnel boring and the working group is examining the safety assurance processes being developed to establish that the design, construction, testing and operation will be fit for purpose. ONRSR is committed to engaging with the PTA and its independent safety assessor for the life of the project in order to realise a safe asset for Western Australia's public transport network.
- ONRSR has been involved in varying the accreditation of BHP to permit the development and commissioning of a Communication Based Train Control System for heavy haul operations. BHP has taken a systems engineering approach to the project and ONRSR has provided an accreditation strategy that permits investment in the technology development and testing while maintaining a series of conditions which must be satisfied to ensure the necessary safety assurance. This has allowed ONRSR to examine safety evidence and decision making at key stages of the project.

INCIDENT RESPONSE

- On 20 July 2016 a road rail elevating work platform was being used to install temporary rail protection screens. While the vehicle was transitioning between road and rail operations it lost braking and travelled approximately 300 metres in an uncontrolled condition. ONRSR subsequently released an industry safety alert in response to this incident.
- On 24 February 2017 a running line derailment occurred in the Pilbara involving 48 loaded ore cars. The incident resulted in significant damage to the track and rolling stock and saw movements in both directions blocked for several hours. ONRSR attended the site to undertake further inquiries and the investigation into the cause of the incident is continuing.
- On 26 April 2017 a ballast wagon was being winched onto a transport trailer when the winch cable detached from the coupling. The ballast wagon subsequently rolled approximately 196 metres in an uncontrolled movement before coming to a stop. An investigation is currently being undertaken by the operator and ONRSR is monitoring the outcome.



VICTORIA

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 49 operators accredited by ONRSR under *Rail Safety National Law* for operations in Victoria.

SIGNIFICANT REGULATORY ACTIVITIES

- ONRSR's Victoria Branch has had a particular focus on the safe operation of level crossings throughout 2016–2017. ONRSR has undertaken a series of compliance inspections across passenger and freight networks to review rail transport operators' management of safety around both active and passive level crossings. These activities followed several wrong sided failures at level crossings on Victorian railways.
- ONRSR has provided significant regulatory oversight of the activities of rail safety workers, specifically those in Victoria who carry out unscheduled, time-critical maintenance. ONRSR has worked proactively with rail transport operators to ensure they meet their obligations under RSNL as they relate to the identification and management of risks associated with personnel undertaking repairs that have arisen out of urgent operational demands. As a result ONRSR has been able to educate operators about the need to ensure the requirements of safety management systems are met when workers are required to perform this type of work.
- As part of the ONRSR national priority project on track condition, Victoria Branch has had a state-specific focus on management of rail defects, track stability and track geometry. Specifically ONRSR has progressed reviews of track standards and sought to verify the implementation of inspection regimes being undertaken by rail infrastructure managers through targeted compliance activities.
- ONRSR has continued its work to facilitate the safe and timely delivery of a range of major projects across Victoria. Of particular focus in 2016–2017 has been the Melbourne Metro Rail Project that will deliver the Metro Tunnel (an extension to Melbourne's underground network) and construction of five new underground stations serviced by new high capacity trains. Collectively in Victoria work has been undertaken to inspect progress, vary accreditations and provide guidance based on the scope and construction programs of:
 - » Melbourne Metro Rail Project
 - » High Capacity Metro Trains
 - » High Capacity Signalling
 - » Level Crossing Grade Separation Project

INCIDENT RESPONSE

- On 14 September 2016 a Metro Trains Melbourne (MTM) express train collided with a motor vehicle at the Union Street level crossing near Surrey Hills Station. The two occupants of the motor vehicle were fatally injured in the collision which occurred when the car entered the crossing after the boom gates had begun to lower. Through a subsequent ONRSR investigation, MTM reported that testing had been conducted on the day of the incident to confirm the correct operation of the active crossing controls. The investigation has now been finalised and will be used as a reference for future ONRSR compliance activities.
- On 13 July 2016 the driver of a V/Line train collided with a semi-trailer (road vehicle) at Phalps Road, near Colac. At the time the level crossing at this location featured a passive stop sign. Emergency services, including police, fire and ambulance attended the site where the locomotive and all four carriages had derailed and the locomotive had spilled in excess of 2,000 litres of diesel. The driver of the semi-trailer, the train driver, conductor and 19 passengers all sustained injuries and were subsequently conveyed to hospital. Since the incident V/Line has installed active crossing infrastructure including boom barriers at Phalps Road.
- On 15 February 2017 the driver of a V/Line train advised he had struck a 4WD motor vehicle that had become stuck after illegally trying to cross the track near the Phillis Street Bridge at Kangaroo Flat. As a result of the collision all wheels of the leading bogie had derailed and fuel leaked from the motor vehicle's tank. Five people were taken to hospital with minor injuries and another three were treated on site for minor injuries. The incident is now being treated as a police matter.
- A number of incidents involving signals passed at danger (SPAD) have occurred on the Victorian network in 2016–2017. One of the more significant SPAD incidents occurred on 22 December 2016 when a signal was passed at danger by a freight train near North Geelong. This resulted in the freight train fouling the main line creating the potential for a collision with another train. Fortunately train control was alerted to the danger and was able to prevent a collision. The immediate cause of the incident was identified as driver error but ONRSR has also required the infrastructure manager to review the possible engineering controls to mitigate further SPADs at this location.
- ONRSR identified an increased level of reporting of occurrences of active level crossing warning equipment failing to operate correctly. Examples included reduced warning times for motorists and warning equipment partially deactivating before a train had fully passed through a crossing. Immediate action taken by ONRSR in conjunction with the rail transport operators has resulted in the implementation of interim controls to ensure risks were managed so far as is reasonably practicable which include engineering controls such as the provision of track sequencing, setting level crossing predictors in motion detection mode and installation of mechanical treadles. ONRSR conducted an investigation into the underlying reasons as to why wrong side failures were occurring and made several recommendations to the rail transport operators. Subsequently an agreed approach between ONRSR and the rail transport operators was developed to progress and implement the recommendations. As a direct result of this investigation various trials are continuing to assess the suitability of additional engineering controls such as track circuit assistants (TCA) and replacement of low voltage (DC) track relay with high voltage. Axle counter technology has been selected as a permanent solution and has been implemented to at least 40 level crossings during the last two years. ONRSR is continuing to work with all Victorian rail transport operators to ensure all available mitigations are assessed and the effective controls are implemented.





TASMANIA

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 16 operators accredited by ONRSR under *Rail Safety National Law* for operations in Tasmania.

SIGNIFICANT REGULATORY ACTIVITIES

- ONRSR conducted inspections of 111 railway level crossings in Tasmania to examine the condition of road traffic infrastructure (signs and road markings) and road user sight lines to detect approaching rail traffic. They were undertaken to review the attentiveness of rail infrastructure managers and road managers in regularly monitoring the condition of signs and road markings, the growth of vegetation in the rail corridor and other obstructions. The results of the inspections reinforced the need for coordinated management of risk at level crossings by establishing the safety interface agreements required under the *Rail Safety National Law*.
- Significant time has been spent educating and guiding a variety of tourist and heritage operators on the requirements of the RSNL and regulations as they relate to operators proposing to expand their operations.

INCIDENT RESPONSE

- On 6 February 2017 a road rail vehicle excavator rolled over when the driver had overridden the safety interlock features of the equipment. ONRSR closely followed the internal investigations of the operator and manufacturer through to their completion and also monitored the implementation of recommended corrective actions.



NORTHERN TERRITORY

RAIL INDUSTRY CONTEXT

As at 30 June 2017 there were 13 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Northern Territory.

SIGNIFICANT REGULATORY ACTIVITIES

- ONRSR conducted patrols of the rail line between Darwin and Alice Springs to review the condition of track and sidings throughout 2016–2017, with site visits also conducted to review the processes being used for track worker safety.

INCIDENT RESPONSE

- During this reporting period, there were no significant collisions, derailments or incidents resulting in fatality or serious injury within the Northern Territory that required the attendance of ONRSR rail safety officers. However, ONRSR has followed up with operators on multiple occasions to determine the adequacy of their response and actions relating to notifiable occurrences.
- On 1 March 2017 while at Alice Springs, The Ghan train rolled for approximately eight metres after the locomotives were detached for unscheduled repairs. There were no injuries sustained to guests or staff; however, seven of the 15 loading stairs that were in position adjacent to the carriage doors were damaged. Rail safety officers tracked Great Southern Rail's investigation into the incident and have scheduled a follow-up compliance inspection to validate that corrective actions identified have been implemented.



FINANCIAL REPORT

FINANCIAL SUMMARY 2016–2017

ONRSR's detailed audited financial statements are on page 40 of this annual report.

ONRSR showed a net surplus of \$2.780 million for the financial year ending 30 June 2017.

The surplus was attributable to fully capitalising a transition contribution, drug and alcohol monies not fully spent and additional interest revenues.

The major income items were fees and charges (\$34.646 million). This item increased by \$2.357 million on 2015–16 due largely to New South Wales transitioning to ONRSR in March 2017.

There were two major expenditure items. The first was service level agreement payments for both ONRSR's NSW and Victoria Branches (\$15.599 million). These were paid to the Independent Transport Safety Regulator and Transport Safety Victoria respectively. The second major item was employee benefits expense (\$12.428 million). The increase in expenses from 2015–16 is largely due to the transitioning of New South Wales.

As referred to in the Statement of Financial Position, the cash and cash equivalents balance is \$12.353 million. The increase in cash and cash equivalents on 2015–16 is largely due to the current year surplus and the quarterly Victoria service level agreement expense, accrued but not yet paid as at 30 June 2017.

INDEPENDENT AUDITOR'S REPORT



Government of South Australia
Auditor-General's Department

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

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

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 263 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 2017.

Opinion

In my opinion, the accompanying financial report gives a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2017, its financial performance and its cash flows for the year then ended in accordance the provisions of the *Public Finance and Audit Act 1987* and the *Rail Safety National Law (South Australia) Act 2012* and Australian Accounting Standards.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2017
- a Statement of Financial Position as at 30 June 2017
- a Statement of Changes in Equity for the year ended 30 June 2017
- a Statement of Cash Flows for the year ended 30 June 2017
- notes, comprising significant accounting policies and other explanatory information
- a Certificate from the Chief Executive and the Executive Director, Corporate.

Basis for opinion

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

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

Responsibilities of the Chief Executive for the financial report

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

Auditor's responsibilities for the audit of the financial report

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

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

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

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

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

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

Andrew Richardson

Auditor-General

07 September 2017

The Office of the National Rail Safety Regulator

Certification of the Financial Statements

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

- complies with Section 263 of the Rail Safety National Law (South Australia) Act 2012 and Regulation 48 of *RSNL National Regulations*, and relevant Australian accounting standards;
- are in accordance with the accounts and records of the Office of the National Rail Safety Regulator; and
- presents a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2017 and the results of its operation and cash flows for the financial year.

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



Chief Executive

31 / 8 / 2017



Executive Director - Corporate

31 / 8 / 2017

The Office of the National Rail Safety Regulator

Statement of Comprehensive Income

For the year ended 30 June 2017

		2017	2016
	Note	\$'000	\$'000
Expenses:			
Employee benefits expenses	4	12,428	8,304
Supplies and services	5	5,127	3,799
Service level agreement	6	15,599	19,435
Depreciation and amortisation	7	578	390
Net loss from the disposal of non-current and other assets	8	-	4
Other expenses	9	1	10
Total expenses		33,733	31,942
Income:			
Revenues from fees and charges	10	34,646	32,289
Funding for transition expenses	11	1,500	-
Interest revenues	12	274	312
Other income	13	93	64
Total income		36,513	32,665
Net result		2,780	723
Total comprehensive result		2,780	723

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

The Office of the National Rail Safety Regulator

Statement of Financial Position

As at 30 June 2017

	Note	2017 \$'000	2016 \$'000
Current assets:			
Cash and cash equivalents	14	12,353	11,707
Receivables	15	1,321	822
Total current assets		13,674	12,529
Non-Current assets			
Property, plant and equipment	16	3,381	865
Intangible assets	17	2,447	2,515
Total Non-Current assets		5,828	3,380
Total assets		19,502	15,909
Current liabilities:			
Payables	18	4,670	3,379
Employee benefits	19	2,191	1,196
Other liabilities	20	484	2,071
Total current liabilities		7,345	6,646
Non-Current liabilities:			
Employee benefits	19	331	217
Total Non-Current liabilities		331	217
Total liabilities		7,676	6,863
Net assets		11,826	9,046
Equity:			
Retained earnings		11,826	8,128
Reserve for transition expenses		-	918
Total equity	21	11,826	9,046
Provisions	22		
Unrecognised contractual commitments	23		
Contingent assets and liabilities	24		

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

The Office of the National Rail Safety Regulator

Statement of Changes in Equity

For the year ended 30 June 2017

		Reserve for Transition expenses	Retained earnings	Total
	Note	\$'000	\$'000	\$'000
Balance at 30 June 2015		979	7,344	8,323
Net result for 2015-16		-	723	723
Transfer between equity components		(61)	61	-
Balance at 30 June 2016		918	8,128	9,046
Transfer between equity components		(918)	918	-
Net result for 2016-17		-	2,780	2,780
Balance at 30 June 2017	21	-	11,826	11,826

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

The Office of the National Rail Safety Regulator

Statement of Cash Flows

For the year ended 30 June 2017

		2017	2016
		Inflows	Inflows
		(Outflows)	(Outflows)
		\$'000	\$'000
Cash flows from operating activities	Note		
Cash outflows			
Employee benefit payments		(11,591)	(8,220)
Payments for supplies and services		(5,641)	(4,704)
Payments of service level agreement		(15,577)	(17,934)
Payments for paid parental leave scheme		(12)	(14)
Other Payments		0	(12)
Cash used in operations		(32,821)	(30,884)
Cash inflows			
Fees and charges		33,066	34,771
Interest received		277	311
Funding for transition expenses		1,650	-
GST recovered from the ATO		500	541
Receipts for paid parental leave scheme		12	12
Other receipts		684	183
Cash generated from operations		36,189	35,818
Net cash provided by (used in) operating activities		3,368	4,934
Cash flows from investing activities			
Cash outflows			
Purchase of property, plant and equipment		(2,369)	(435)
Purchases of intangibles		(353)	(1,092)
Cash generated from investing activities		(2,722)	(1,527)
Cash used in investing activities		(2,722)	(1,527)
 Net increase (decrease) in cash and cash equivalents		 646	 3,407
 Cash and cash equivalents at 1 July 2016		 11,707	 8,300
Cash and cash equivalents at 30 June 2017	14	12,353	11,707

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

The Office of the National Rail Safety Regulator 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.

2. Significant accounting policies

(a) Statement of compliance

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

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

The Office of the National Rail Safety Regulator (ONRSR) has applied Australian Accounting Standards that are applicable to ONRSR.

(b) Basis of preparation

The preparation of the financial statements requires:

- the use of certain accounting estimates and requires management to exercise its judgement in the process of applying the Office of the National Rail Safety Regulator's accounting policies. The areas involving a higher degree of judgement or where assumptions and estimates are significant to the financial statements are outlined in the applicable notes.
- accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events are reported.

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.

The restated comparative amounts do not replace the original financial statements for the preceding period.

(d) Rounding

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

(e) Taxation

The Office of the National Rail Safety Regulator is not subject to income tax. The Office of the National Rail Safety Regulator 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 GST recoverable from, or payable to, the Australian Taxation Office is included as part of receivables or payables in the Statement of Financial Position.

The 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) Events after the reporting period

Adjustments are made to amounts recognised in the financial statements, where an event occurs after 30 June and before the date the financial statements are authorised for issue, where those events provide information about conditions that existed at 30 June.

Note disclosure is made about events between 30 June and the date the financial statements are authorised for issue where the events relate to a condition which arose after 30 June and which may have a material impact on the results of subsequent years.

(g) Current and non-current classification

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

(h) Non-current assets

Acquisition and recognition

Non-current assets are initially identified at cost or at the value of any liabilities assumed, plus any incidental cost involved with the acquisition. Non-current assets are subsequently measured at fair value after allowing for accumulated depreciation.

Where assets are acquired at no value, or minimal value, they are recorded at fair value in the Statement of Financial Position.

All non-current tangible assets with a value equal to or in excess of \$5,000 are capitalised.

Depreciation and amortisation

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

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

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

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

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

Class of asset	Useful life(years)
Computer equipment	3 - 10
Intangible assets	3 - 5
Leasehold improvements	Life of Lease

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

Impairment

The Office of the National Rail Safety Regulator holds leasehold improvements, equipment and intangible assets for their service potential (value in use).

All non-current tangible assets are valued at fair value. Specialised assets would rarely be sold and typically any costs of disposal would be negligible, accordingly the recoverable amount will be close to or greater than fair value.

The Office of the National Rail Safety Regulator also expects for all other non-current tangible assets that any costs of disposal will be negligible, and the recoverable amount to be close to or greater than fair value.

The Office of the National Rail Safety Regulator

Intangible assets

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

The acquisition of or internal development of software is capitalised only when the expenditure meets the definition criteria (indefinitely, control and the existence of future economic benefits) and recognition criteria (probability of future economic benefits and cost can be reliably measured) and when the amount of expenditure is greater than or equal to \$5,000.

(i) **Liabilities**

Leases

The Office of the National Rail Safety Regulator leases office premises. Lease payments are increased annually in accordance with movements in CPI or as per the lease agreement.

Employee benefits

These benefits accrue for employees as a result of services provided up to the reporting date that remain unpaid. Long-term employee benefits are measured at present value and short-term employee benefits are measured at nominal amounts.

• *Wages, salaries, annual leave & sick leave*

The liability for salary and wages is measured as the amount unpaid at the reporting date at remuneration rates current at reporting date.

The annual leave liability is expected to be payable within 12 months and is measured at the undiscounted amount expected to be paid.

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.

• *Long Service Leave*

This amount has been calculated in accordance with AASB119.

The estimated liability for long service leave is based on actuarial assumptions over expected future salary and wage levels, experience of employee departures and periods of service.

(j) **Unrecognised contractual commitments and contingent assets and liabilities**

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

Contingent assets and contingent liabilities are not recognised in the Statement of Financial Position, but are disclosed by way of a note and, if quantifiable, are measured at nominal value.

Unrecognised contractual commitments and contingencies are disclosed net of the amount of GST recoverable from, or payable to the Australian Taxation Office. If GST is not payable to, or recoverable from, the Australian Taxation Office the commitments and contingencies are disclosed on a gross basis.

The Office of the National Rail Safety Regulator

3. New and revised accounting standards and policies

As at the date of authorisation of the financial report, the expected impacts on new or amended Australian Accounting Standards issued but with future effective dates are set out below.

The Office of the National Rail Safety Regulator did not voluntarily change any of its accounting policies during 2016-17. Australian Accounting Standards and interpretations that have recently been issued or amended but are not yet effective have not been adopted by the Office of the National Safety Regulator for the year ended 30 June 2017.

The new AASB 16 Leases standard will apply for the first time from periods commencing 1 January 2019. The standard introduces a single accounting model for lessees, eliminating the distinction between operating and finance leases. The standard requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value.

A lessee is required to recognise a right-of-use asset representing its rights to use the underlying leased asset, and a lease liability representing its obligations to make lease payments.

These are currently recorded as commitments and are not captured in the statement of financial position.

4. Employee benefits expenses

	2017 \$'000	2016 \$'000
Salaries and wages	9,182	6,453
Long service leave	260	213
Annual leave	1,327	549
Employment on-costs - superannuation*	927	666
Employment on-costs - other	683	396
Workers compensation	49	27
Total employee benefits expenses	12,428	8,304

*The superannuation employment on-cost charge represents the Office of the National Rail Safety Regulator's contributions to externally managed superannuation plans in respect of current services of current Office of the National Rail Safety Regulator staff.

Remuneration of employees

	2017 Number	2016 Number
The number of employees whose remuneration received or receivable falls within the following bands:		
\$147,001 to \$157,000	3	4
\$157,001 to \$167,000	5	2
\$167,001 to \$177,000	1	1
\$197,001 to \$207,000	1	0
\$207,001 to \$217,000	1	0
\$247,001 to \$257,000	0	1
\$257,001 to \$267,000	0	1
\$267,001 to \$277,000	1	0
\$307,001 to \$317,000	2	2
\$387,001 to \$397,000	0	1
\$407,001 to \$417,000	1	0
Total number of employees	15	12

The table includes all staff who received remuneration equal to or greater than the base executive remuneration level during the year. Remuneration of employees reflects all costs of employment including salaries and wages, payments in lieu of leave, superannuation contributions, salary sacrifice benefits, fringe benefits and any fringe benefits tax paid or payable in respect of those benefits. The total remuneration received by these employees for the year was \$3.164 million (\$2.638 million).

The Office of the National Rail Safety Regulator

5. Supplies and services	2017	2016
	\$'000	\$'000
Travelling expenses	884	695
Information Technology	1,410	1,158
Insurance	316	299
Property	1,239	867
Contractors fees	390	96
Other	888	684
Total supplies and services	5,127	3,799

Operating lease payments are recognised as an expense on a straight-line basis over the lease term, as it is representative of the pattern of benefits derived from the leased asset.

Consultants

The number and dollar amount of consultancies paid/payable (included in other supplies and services above) that fell within the following bands:

	2017		2016
	Number	\$'000	Number
			\$'000
Below \$10,000	7	32	9
			27
Above \$10,000	7	216	4
			182
Total paid/payable to consultants	14	248	13
			209

6. Service level agreement

	2017	2016
	\$'000	\$'000
Payment under Service Level Agreement with NSW	9,505	13,431
Payment under Service Level Agreement with VIC	6,094	6,004
Total Service Level Agreement	15,599	19,435

The SLA with NSW ceased on 9 March 2017. From 10 March 2017 NSW operations were transferred to ONRSR under a direct delivery model.

7. Depreciation and amortisation

	2017	2016
	\$'000	\$'000
Fixtures and fittings	37	29
Computer Equipment	87	51
Computer Software	399	283
Leasehold Improvements	55	27
Total depreciation and amortisation	578	390

8. Net loss from the disposal of non-current and other assets

	2017	2016
	\$'000	\$'000
Computer Equipment:		
Proceeds from disposal	0	0
Less net book value of assets disposed	0	4
Total Net loss from disposal of computer equipment	0	4
Total Net loss from disposal	0	4

9. Other expenses

	2017	2016
	\$'000	\$'000
Bad debts and allowances for doubtful debts (refer note 15)	1	10
Total other expenses	1	10

The Office of the National Rail Safety Regulator

10. Revenue from fees and charges

	2017	2016
	\$'000	\$'000
Revenue from accreditations	87	95
Revenue from annual fees from industry and government	34,559	32,194
Total revenue from fees and charges	34,646	32,289

Revenues from fees and charges are derived from the provision of services to industry and state governments. This revenue is recognised upon delivery of the service to the clients or by reference to the stage of completion.

11. Funding for transition expenses

	2017	2016
	\$'000	\$'000
Capital contribution	1,500	0
Total contribution	1,500	0

Contributions are recognised as an asset and income when the Office of the National Rail Safety Regulator obtains control of the contributions or obtains the right to receive the contributions and the income recognition criteria are met (i.e. the amount can be reliably measured and the flow of resources is probable).

All contributions received by the Office of the National Rail Safety Regulator have been contributions with unconditional stipulations attached and have been recognised as an asset and income upon receipt.

12. Interest revenues

	2017	2016
	\$'000	\$'000
Interest received	274	312
Total interest revenues	274	312

13. Other income

	2017	2016
	\$'000	\$'000
Rent recovery	0	37
Freedom of Information Fees	1	1
Insurance claim	0	15
Doubtful debts recovered	4	9
Salary Sacrificing Refund	11	0
Defence Reserve Recovery	9	0
Payroll Tax Recovery	68	0
Sundry Income	0	2
Total other revenue	93	64

14. Cash and cash equivalents

	2017	2016
	\$'000	\$'000
Cash at bank and on hand	12,353	11,707
Total cash and cash equivalents	12,353	11,707

Cash is measured at nominal value.

The Office of the National Rail Safety Regulator has been granted an overdraft limit facility of \$400,000. This limit has not been used.

15. Receivables

	2017	2016
	\$'000	\$'000
Receivables	299	325
Less allowance for doubtful debts	-6	-11
Prepayments	521	395
Accrued interest	6	9
Accrued revenue	10	6
Security Deposit	96	7
GST input tax receivable	395	91
Total Receivables	1,321	822

The Office of the National Rail Safety Regulator

Movement in the allowance for doubtful debts

The allowance for doubtful debts (allowance for impairment loss) is recognised when there is objective evidence (i.e. calculated on past experience and current and expected changes in client credit rating) that a receivable is impaired.

An allowance for impairment loss has been recognised in 'other expenses' in the Statement of Comprehensive Income for specific debtors and debtors assessed on a collective basis for which such evidence exists.

	2017	2016
	\$'000	\$'000
Movements in the allowance for doubtful debts (impairment loss)		
Carrying amount at the beginning of the period	11	19
Increase in the allowance	2	10
Amounts written off	-3	-9
Amounts recovered during the year	-4	-9
Carrying amount at the end of the period	6	11

Receivables include amounts receivable from GST input tax credits recoverable, prepayments and accruals.

Receivables arise in the normal course of providing services to industry and state governments.

Receivables are generally settled within 30 days after the issue of an invoice.

Collectability of receivables is reviewed on an ongoing basis. An allowance for doubtful debts is raised when there is objective evidence that the Office of the National Rail Safety Regulator will not be able to collect the debt. Bad debts are written off when identified.

16. Property, plant and equipment

	2017	2016
Leasehold Improvements		
At cost	1,345	398
Accumulated depreciation	-82	-27
Total leasehold improvements	1,263	371
Work In Progress (Leasehold Improvements):		
At Cost	730	0
Total Work in Progress (Fixtures and fittings)	730	0
Total Leasehold Improvements (including work in progress)	1,993	371
Fixtures and fittings:		
At cost	673	406
Accumulated depreciation	-122	-85
Total fixtures and fittings	551	321
Work In Progress (Fixtures and fittings):		
At Cost	128	0
Total Work in Progress (Fixtures and fittings)	128	0
Total Fixtures and fittings (including work in progress)	679	321
Computer equipment:		
At cost	600	316
Accumulated depreciation	-230	-143
Total computer equipment	370	173
Work In Progress (Computer equipment):		
At Cost	339	0
Total Work in Progress (Fixtures and fittings)	339	0
Total Fixtures and fittings (including work in progress)	709	173
Total property, plant and equipment	3,381	865

Impairment

There were no indications of impairment of property, plant and equipment at 30 June 2017.

The Office of the National Rail Safety Regulator

17. Intangible assets

	2017 \$'000	2016 \$'000
Computer Software		
Internally developed computer software	2,499	1,927
Accumulated amortisation	-255	-48
Other computer software	872	808
Accumulated amortisation	-679	-487
Total Computer software	2,437	2,200
Work In Progress (Intangibles):		
At Cost	10	315
Total Work in Progress (Intangibles)	10	315
Total Intangible assets	2,447	2,515

The internally developed computer software relates to the development of a regulatory accreditation model (Regis) that provides the Office of the National Safety Regulator with a national database of all accredited, registered and exempt entities.

Impairment

There were no indications of impairment of intangible assets at 30 June 2017.

Asset movement reconciliation 2017

2017	Leasehold Improvements \$'000	Fixtures and fittings \$'000	Computer equipment \$'000	Intangible assets \$'000	Total \$'000
Carrying amount at 1 July 2016	371	321	173	2,515	3,380
Additions at cost	947	267	284	321	1,819
Additions work in progress	730	128	339	10	1,207
Depreciation/amortisation	-55	-37	-87	-399	-578
Carrying amount at 30 June 2017	1,993	679	709	2,447	5,828

18. Payables

	2017 \$'000	2016 \$'000
Current:		
Creditors	2,594	238
Accrued expenses	1,796	3,085
Employee on-costs*	111	47
GST Payable	168	9
FBT Payable	1	0
Total current payables	4,670	3,379

* Employee on-costs include payroll tax, WorkCover levies and superannuation contributions. The Office of National Rail Safety Regulator makes contributions to several State Government and Commercial superannuation schemes. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the respective superannuation schemes. The only liability outstanding at reporting date relates to any contributions due but not yet paid to scheme managers.

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

The Office of the National Rail Safety Regulator

19. Employee benefits

	2017 \$'000	2016 \$'000
Current		
Accrued salaries and wages	301	126
Annual Leave	1,517	815
Long service leave	373	255
Total current employee benefits	2,191	1,196
Non-Current		
Long service leave	331	217
Total non-current employee benefits	331	217
Total Employee benefits	2,522	1,413

AASB 119 contains the calculation methodology for long service leave liability. AASB 119 requires the use of the yield on long-term Commonwealth Government bonds as the discount rate in the measurement of the long service leave liability. The yield on long-term Commonwealth Government Bonds has decreased from 2016 (3.49%) to 2017 (2.41%).

The decrease in the bond yield, which is used as the rate to discount future long service leave cash flows, results in an increase in the reported long service leave liability.

The Office of the National Rail Safety Regulator decreased the salary on-cost rate for long service leave and annual leave from 2016 (25.0%) to 2017 (17.3%).

The net financial effect of the change in the current financial year is a decrease in the long service leave liability and employee benefits expense. The impact on future periods is impracticable to estimate as the long service leave liability is calculated using a number of assumptions.

20. Other liabilities

	2017 \$'000	2016 \$'000
Current		
Unearned revenue	484	2,071
Total current other liabilities	484	2,071

21. Equity

	2017 \$'000	2016 \$'000
Retained Earnings	11,826	8,128
Reserve for transition expenses	0	918
Total Equity	11,826	9,046

22. Provisions

There are no unsettled workers compensation claims

23. Unrecognised contractual commitments

Capital Commitments

There are no Capital Commitments in the Office of the National Rail Safety Regulator.

Expenditure commitments - Other

	2017 \$'000	2016 \$'000
Within one year	1,042	1,399
Later than one year but no longer than five years	269	270
Total other commitments	1,311	1,669

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

The Office of the National Rail Safety Regulator

Operating lease commitments

	2017 \$'000	2016 \$'000
Commitments in relation to operating leases contracted for at the reporting date but not recognised as liabilities are payable as follows:		
Within one year	1,410	746
Later than one year but no longer than five years	5,916	852
Later than five years	5,325	966
Total operating lease commitments	12,651	2,564

The Office of the National Rail Safety Regulator's operating leases are for office accommodation and motor vehicles.

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

24. Contingent assets and liabilities

The Office of the National Rail Safety Regulator is not aware of any contingent assets or liabilities.

25. Remuneration of board and committee members

Members during the 2016 - 2017 financial year were:

ONRSR Board

* Ms Susan McCarrey
Ms Catherine Scott
Mr Peter Batchelor

Audit & Risk Committee

Ms Catherine Scott
Mr Malcolm Renney

The number of members whose remuneration received or receivable falls within the following bands

	2017 Number	2016 Number
\$1 - \$9,999	1	1
\$60,000 - \$69,000	1	2
\$70,000 - \$79,999	1	0
Total number of members	3	3

Remuneration of members reflects all costs of performing board/committee member duties including sitting fees, superannuation contributions, salary sacrifice benefits, fringe benefits and any fringe benefits tax paid or payable in respect of those benefits. The total remuneration received or receivable by members was \$142,913 (\$134,259).

* Contracted employee whose salary is included under Employee benefit expenses in the Statement of Comprehensive Income.

26. Related Party Transactions

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

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

Key Management Personnel

Key management personnel of the Office of the National Rail Safety Regulator include the board and the four Executive Directors who have responsibility for the strategic direction and management for the board.

Total compensation for the board's key management personnel was \$1.548 million (\$1.287 million).

Transactions with Key Management Personnel and other related parties

There were no related party transactions disclosed by the key management personnel.

27. Events after the reporting period

There have been no significant events after the reporting period.

APPENDICES



APPENDIX 1

KEY PERFORMANCE INDICATORS 2016–2017

KPI	KPI MEASURE	DEFINITION OF TERMS	TARGET	2014–2015	2015–2016	2016–2017	TREND/COMMENT
GOAL 1: Maintain and improve rail safety through a risk-based approach to regulation							
ONRSR planned regulatory activities are timely, efficient & effective	% of minimum interaction level targets for operators defined in the National Audit & Compliance Work Program met	<p>'Interactions' are defined as audits or inspections</p> <p>Minimum interaction level targets are risk-based</p>	100%	n/a	n/a	52%*	<p>*The National Audit & Compliance Work Program runs on a calendar year basis rather than a financial year basis.</p> <p>52% of the 2017 Work Program was completed by June 30.</p>
	% of applications for rail accreditation completed within six months	'Six months' is from date of application and does not reflect any resetting of time-frames triggered by requests for additional information	80%	100%	20%	20%	ONRSR is working with small operators to support administration of their accreditation.
	% of applications for rail variation completed within six months	<p>'Completed' reflects issue to operator of final accreditation/variation</p> <p>Refers to applications that were closed in the reporting period</p> <p>Includes rejected and withdrawn applications</p> <p>Does not reflect accreditations/variations still open</p>	80%	80%	23%	49%	
ONRSR continually improves regulatory risk framework	% of Phases in ONRSR Regulatory Risk Framework Project Plan completed	ONRSR has a project plan to develop its Regulatory Risk Management framework which will be delivered in four phases.	75%	n/a	n/a	60%	

KPI	KPI MEASURE	DEFINITION OF TERMS	TARGET	2014–2015	2015–2016	2016–2017	TREND/ COMMENT
GOAL 1: Maintain and improve rail safety through a risk-based approach to regulation (cont.)							
ONRSR implements consistent risk-based <i>Rail Safety National Law</i>	No. of Prohibition notices issued	Prohibition notices are issued under s.179 in relation to immediate risks to safety	n/a	2	3	4	
	No. of D&A tests and % positive (industry)	<p>'Positive' is defined as those tests reported as notifiable occurrences</p> <p>'Industry' refers to testing programs run by operators as required under legislation</p> <p>Data reflects Category B reporting (test results) and monthly periodic returns (number of tests)</p>	0%	<p>No. of drug tests – 21,691</p> <p>No. of alcohol tests – 169,848</p> <p>% positive reports: 0.55% – Drug 0.047% – Alcohol</p>	<p>No. of drug tests – 24,891</p> <p>No. of alcohol tests – 152,991</p> <p>% positive reports: 0.35% – Drug 0.042% – Alcohol</p>	<p>No. of drug tests – 32,800</p> <p>No. of alcohol tests – 360,316</p> <p>% positive reports: 0.305% – Drug 0.018% – Alcohol</p>	Large increase in alcohol testing. Many operators testing all rail safety workers as they attend work.
	No. of D&A tests and % positive (ONRSR)	<p>'Positive' is defined as those tests confirmed as positive</p> <p>'ONRSR' refers to ONRSR's random and post incident testing program</p>	0%	<p>No. of drug tests – 216</p> <p>No. of alcohol tests – 220</p> <p>% positive reports: 0% – Drug 0% – Alcohol</p>	<p>No. of drug tests – 109</p> <p>No. of alcohol tests – 191</p> <p>% positive reports: 0% – Drug 0% – Alcohol</p>	<p>No. of drug tests – 371</p> <p>No. of alcohol tests – 646</p> <p>% positive reports: 0% – Drug 0% – Alcohol</p>	Testing is now being undertaken in SA, Tas, NT, NSW, WA & alcohol testing only in Vic
GOAL 2: Reduce regulatory burden on industry							
Industry satisfaction with regulator value	% of surveyed operators indicating current regulatory arrangements are improved	<p>'Surveyed operators' reflects those operators who responded to ONRSR stakeholder survey</p> <p>Measures those responses indicating "agree" or "strongly agree" to Q11(ii) in ONRSR stakeholder survey</p>	80%	n/a	n/a	51%	First stakeholder survey undertaken in 2016.
	% of surveyed operators indicating ONRSR effective in delivering its functions under <i>Rail Safety National Law</i>	Measures those responses indicating "effective" or "very effective" to positive change to Q3 in ONRSR stakeholder survey	80%	n/a	n/a	71%	Next survey scheduled for Oct 2019.
	% of surveyed operators indicating ONRSR successful in delivering national rail safety reform objectives	Measures those response rating 5 or above in rating scale of 1–10 to Q14 in ONRSR stakeholder survey	80%	n/a	n/a	87%	
All jurisdictions form ONRSR	% of Australian railway track and train kilometres regulated by ONRSR under <i>Rail Safety National Law</i>	'Railway track' is defined under RSNL to include heavy rail, light rail, monorail, inclined railway, railway in marshalling yard or terminal, tram, private sidings and guided systems in all states	<p>100% track km</p> <p>100% train km</p>	<p>53% track km regulated</p> <p>58% train km regulated</p> <p>Includes Victoria and ACT</p>	<p>77% track km regulated</p> <p>71% train km regulated</p> <p>Includes WA</p>	<p>77% track km regulated</p> <p>73% train km regulated</p>	On 1 July 2017, the % increased to 99% and 90% respectively when rail operations in QLD came under ONRSR.
ONRSR actively contributes to continuous improvement of regulatory frameworks	No. of stakeholder consultations held by ONRSR on policy and legislative issues	'Consultations' includes established regular forums and targeted consultations on specific proposals	n/a	n/a	n/a	29 stakeholder consultations	Constructive input received which was taken into consideration in developing policy, legislation and supporting documentation.
	No. of written feedback advices to ONRSR from stakeholders on policy and legislative issues	<p>'Written feedback advices' includes written submissions and emails</p> <p>'Stakeholders' includes industry and government representatives</p>	n/a	n/a	n/a	40 written advices	Constructive feedback received which was taken into consideration to enhance final product.

KPI	KPI MEASURE	DEFINITION OF TERMS	TARGET	2014–2015	2015–2016	2016–2017	TREND/ COMMENT
GOAL 3: Under a co-regulatory framework, support industry in its operation of safe railway for Australia							
ONRSR has collaborative partnerships with industry safety bodies	% of surveyed stakeholders who agreed / strongly agreed that ONRSR and the industry work co-operatively in a co-regulatory environment	Measured through % of respondents who agreed and strongly agreed to co-operative statement as per Q11 (i) in online stakeholder survey	90%	n/a	n/a	66%	First stakeholder survey undertaken in 2016. Next survey scheduled for Oct 2019.
Industry development of industry safety risk model and products	% of industry workplan to develop industry safety risk model progressed	'Industry workplan' refers to schedule of activities identified by industry to develop the model in Phase 1. Phase 2 is unscoped and unlikely to begin until 2018 'Industry safety risk model' refers to an industry-endorsed methodology to identify national rail safety risks	80%	n/a	n/a	80%	Workplan commenced in 2016–2017.
GOAL 4: Promote safety awareness and work with industry on safety improvement and research							
Industry awareness of ONRSR safety improvement programs	% of industry survey respondents demonstrating awareness of ONRSR safety improvement programs	Measured through % of respondents selecting "yes" to at least one program in Q22 online stakeholder survey	90%	n/a	n/a	85%	First stakeholder survey undertaken in 2016. Next survey scheduled for Oct 2019.
Communication with regulated entities is clear, targeted and effective	% of industry survey respondents rating ONRSR as an important source of rail safety information and advice	% of respondents selecting 'yes' to Q6 in online stakeholder survey	100%	n/a	n/a	88%	First stakeholder survey undertaken in 2016. Next survey scheduled for Oct 2019.
GOAL 5: Value and enable our people in pursuit of high performance							
ONRSR has the right people in the right roles	% of objectives in ONRSR Workforce Plan met	'ONRSR Workforce Plan' is the ONRSR strategic workforce planning document endorsed by the Executive each year. It includes a number of objectives which cover the scope of learning and development, succession, etc	33%	n/a	n/a	45%	Workforce Plan implementation began 2015–2016.
ONRSR staff enabled with skills & knowledge							
ONRSR staff are safe	Lost time due to injury (days)	Refers to any time lost resulting from an injury or accident that occurred during working hours and documented in a WHS report	0 days	0	0	0	
	% of WHS risks managed SFAIRP	WHS refers to work health and safety SFAIRP refers to So Far as is Reasonably Practicable	100%	n/a	n/a	n/a	Pending development of the new WHS Management System
	% of hazard reports closed out	Hazard reports are official WHS reports made by staff reporting a hazard which could present a WHS risk	100%	n/a	n/a	100%	National data first available in 2016–2017
	% of incident reports closed out	Incident reports are actual WHS incidents reported by staff	100%	n/a	n/a	100%	National data first available in 2016–2017.
GOAL 6: Develop our systems to optimise our performance							
ONRSR evidences good governance	% of internal audit recommendations implemented	Whether internal audit recommendations have been implemented is determined by the ONRSR's Audit and Risk Committee	90%	n/a	n/a	90%	First internal audit program began in 2015–2016.



APPENDIX 2

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR FREEDOM OF INFORMATION STATEMENT 2016–2017

INTRODUCTION

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

OVERSIGHT COMPLIANCE

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

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

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

STRUCTURE AND FUNCTIONS

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

16 (1) *ONRSR consists of—*

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

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

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

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



- (e) *to monitor, investigate and enforce compliance with this Law;*
- (f) *to engage in, promote and coordinate the sharing of information to achieve the objects of this Law, including the sharing of information with a prescribed authority;*
- (g) *at the request of the Commonwealth or a jurisdiction—to carry out any other function as agreed between ONRSR and the jurisdiction.*

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

STAKEHOLDER FORUMS

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

- National Operations Forum
- Branch Operations Forums
- CEO industry reference group
- Union reference group
- Joint CEO/Industry Reference Group
- Senior Government Policy Group.

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

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

DOCUMENTS HELD BY ONRSR

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

- ONRSR's Annual Report, Corporate Plan, Rail Safety Report, Statement of Intent and media releases;
- ONRSR's Twitter account;
- ONRSR policies providing guidance to and setting expectations for ONRSR officers in their exercise of regulatory functions under the *Rail Safety National Law*, and made publicly available for transparency. These are:
 - » *Fees Policy*
 - » *Private Siding Registration Policy*
 - » *Safety Performance Reports Policy*
 - » *Safety Improvement Policy*





- » *Drug and Alcohol Testing Policy*
- » *Accreditation Policy*
- » *Compliance and Enforcement Policy*
- » *Freedom of Information Policy*
- » *Application of Australian Quality Training Framework and Australian Quality Framework to Rail Safety Worker Competency Assessment Policy*
- » *National Rail Safety Register Policy*
- » *Application of Cost Benefit Analysis Requirement Policy*
- » *Operational Delegations Policy*
- » *Review of Decisions Policy*
- » *Exemptions From The RSNL Policy*
- » *Compliance Audit Policy*
- » *Notification of Change Policy*
- » *Railway Crossings Policy*

- Guidelines, fact sheets and safety alerts to provide assistance to duty holders in understanding their requirements under the *Rail Safety National Law* and to improve rail safety.
- The National Rail Safety Register and Rail Transport Operator Notices of Accreditation and Notices of Registration issued under the *Rail Safety National Law*.

Documents are generally available on the ONRSR website (www.onrsr.com.au) and may also be inspected by appointment between 9.00am and 5.00pm on weekdays (excluding public holidays), at the National Office of ONRSR located at Level 1, 75 Hindmarsh Square, Adelaide, South Australia. Arrangements to view the documents can be made by email: contact@onrsr.com.au 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/content/foi-in-sa>.

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 \$34.25 (current July 2017)

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 www.archives.sa.gov.au/content/foi-fees.

ONRSR POLICY: FREEDOM OF INFORMATION

Once an FOI application or request is received, ONRSR will process and determine it in accordance with the FOI Act. The purpose of the policy 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 2016–2017

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

ACCREDITED FOI OFFICERS

Laura Paulus: laura.paulus@onrsr.com.au

James Bruun: james.bruun@onrsr.com.au

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

PO Box 3461, Rundle Mall

Adelaide SA 5000

08 8406 1500

APPLICATIONS FOR ACCESS 2016–17

AGENT ORGANISATION	APPLICANT TYPE	STATUS	FEE	SUMMARY	TIME TAKEN OUTCOME EXEMPTIONS CLAIMED
Seven Network (Group) Limited *was not determined at time of Annual Report publication 2015/16	Media	Determined	\$33	Any documents, specifically reports, briefing notes and attachments, photos and CCTV of positive drug and/or alcohol test results involving train drivers since 20 May 2014.	<ul style="list-style-type: none"> • >90 days • Deemed refusal • Negotiated extension
Lindbloms Lawyers *was not determined at time of Annual Report publication 2015/16	Lawyer/Agent	Determined	\$33	Any documents, CCTV footage, investigation reports, statements, photographs, sketches or maps relating to an incident on 26.05.15 when A Woolford was struck by a train near the North Adelaide train station.	<ul style="list-style-type: none"> • >60 days • Deemed refusal • Negotiated extension
Seven Network (Group) Limited	Media	Determined	\$33	Any documents since 1 January 2016 of incidents where passenger and/or train staff were injured in Melbourne Metro or Perth Metro areas. Excluded slip/trip/falls.	<ul style="list-style-type: none"> • <30 days • Full release • –
Donald Smith	Individual	Determined	\$33.50	Documents relating to the Application for Accreditation by the Motorcar Consortium Ltd as well as other documents relating to policy for the regulation of heritage railways.	<ul style="list-style-type: none"> • <30 days • Partial release • –
Tim Smith MP	MP	Determined	\$33.50	Access to copies of monthly returns for V/Line and MTM relating to drug and alcohol testing for period April to November 2016.	<ul style="list-style-type: none"> • <30 days • Full release • –
Shine Lawyers	Lawyer/Agent	Determined	\$33.50	Documents relating to reports and investigations into an incident at Frankston Railway Station (Victoria) on 21 November 2016, and any other safety or maintenance reports for that station from 21 November 2015.	<ul style="list-style-type: none"> • <30 days • Full release • –

TIME LIMITS

Extension of Time Limit under Section 14A

None

Extension of Time Limit not under Section 14A

APPLICATION	REASON FOR SEEKING INFORMAL EXTENSION WITH APPLICANT	NUMBER OF EXTENSIONS FOR PERIODS (1–7 days; 8–14 days; 15–21 days)
Seven News Limited *was not determined at time of Annual Report publication 2015/16	Extended timeframe unable to be met. Negotiated extension agreed by applicant	>90 days
Lindbloms Lawyers *was not determined at time of Annual Report publication 2015/16	Timeframe was unable to be met. Extension agreed by applicant	>60 days

CHARGES COLLECTED

None

APPLICATIONS FOR AMENDMENT OF PERSONAL INFORMATION 2015–2016

None

STAFF ADMINISTRATION COSTS

4 FTE >\$70,000

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

REVIEWS AND APPEALS

Internal Reviews

None

External Reviews

None

District Court Appeals

None



NOTES





SAFE RAILWAYS FOR AUSTRALIA

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Level 1, 75 Hindmarsh Square
Adelaide SA 5000

PO Box 3461, Rundle Mall
Adelaide SA 5000

Phone 08 8406 1500

Fax 08 8406 1501

Email contact@onrsr.com.au

Web onrsr.com.au

 twitter.com/ONRSRAustralia

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