

2021

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

Office of the National Rail Safety Regulator 2020-21 Annual Report

**Presented by
Chris Steel MLA
Minister for Transport and City Services
November 2021**

ANNUAL
REPORT

2021-2022



SAFE RAILWAYS FOR AUSTRALIA

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TRANSPORT AND INFRASTRUCTURE COUNCIL

Dear Ministers,

It is my pleasure to submit to you the annual report of the Office of the National Rail Safety Regulator (ONRSR). The report is separately provided to all jurisdictional Ministers for Transport for tabling in their respective parliaments. The ONRSR Annual Report 2020–2021 has been prepared in accordance with the requirements of the *Rail Safety National Law* (RSNL) and associated regulations. The report is structured to reflect ONRSR's delivery against the ONRSR Statement of Intent 2020–2023 and Corporate Plan 2020–2023 which have been endorsed by the Transport and Infrastructure Council and promoted to stakeholders.

Yours sincerely,



Sue McCarrey
Chief Executive

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 2020–2021. 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



Opportunities to sit down, take a deep breath and reflect have been few and far between in the last 12 months – such is the non-stop nature of what we do and the unpredictability of the world we now do it in. But having taken a moment to contemplate it all I can't help but be proud of how ONRSR has responded to a challenging time in rail over the last year.

The past 18 months provide us a clear reminder of the importance of safety in the rail industry. Fatal rail accidents at Jumperkine, Wallan and more recently at Westwood are, and continue to be, a focus for our investigation team and resulting regulatory activity across the entire industry.

The investment in rail across the country will continue to see safety benefits, whether it be through new and upgraded infrastructure, the removal of level crossings or more advanced train management systems. All are welcome improvements to rail in Australia.

In the policy space we have been active, delivering industry and government wide consultations on major reform matters including a national cost recovery model, national data strategy and proposals in relation to in cab video and audio recordings. The engagements and discussions were made all the more challenging by prevailing travel restrictions, but we remain committed to delivering on these opportunities and steadfast in our belief that they will provide important safety benefits. On a broader level we have continued to evolve our communication with all rail safety stakeholders via a range of digital and traditional channels, using these mediums more and more to educate and inform in relation to what we are hearing, seeing and doing around Australia.



We have also continued to make significant inroads into reducing the cost and complexity of rail safety regulation across the country through both the continued application, and maturity of, our risk-based regulatory approach. Nowhere is this better demonstrated than by our work with less complex operators such as those running intermodal terminals and private sidings. We have also improved the turnaround time for investigations and improved communication with operators to close out matters in a more timely manner. This focus on operational effectiveness will continue in the years to come and is documented through our dedicated Regulating 2025 Project.

I would like to acknowledge the fantastic contribution of inaugural ONRSR Non-Executive Member, Cathie Scott who decided to retire from the board during this reporting period. Cathie was an integral part of the team that established ONRSR and then helped drive the continued development of the national regulator over a period of eight years.

Finally, as always, my thanks go to the great national team we have built at ONRSR for their collective efforts, often in demanding and uncertain times throughout the last year. They are every bit as proud of what is being achieved as I am.

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

Sue McCarrey
Chief Executive / National Rail Safety Regulator
June 2021

OUR
VISION:
**SAFE
RAILWAYS
FOR
AUSTRALIA**

OUR PURPOSE STATEMENT:

ONRSR strives to be visible in the rail industry, respected for conducting value-adding interactions that are informed by a strategic combination of industry intelligence, knowledge of operations and use of rail safety data. We have the dual, but complementary, roles of administrator of the *Rail Safety National Law* accreditation regime and the regulator of a duty-based safety management regime.

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:

In 2020–2021 ONRSR received funding from industry through fees of \$25.4m and from state and territory governments to the value of \$12.9m, together with major projects fees of \$1.4m. ONRSR's primary expenditure items were salaries and wages, and operational costs including rent payments and the development and maintenance of our information technology systems.



OUR GOVERNANCE:

THE ONRSR (BOARD)

Under *Rail Safety National Law*, “the ONRSR” comprises the National Rail Safety Regulator, Sue McCarrey, and two non-executive members, Trish White AM and Cathie Scott (to November 2020). These three appointments are made by the South Australian Transport Minister on the unanimous recommendation of the responsible ministers. The ONRSR performs core governance functions including review of ONRSR performance reports and financial operation oversight. The legal authority for specific regulatory actions is vested in the National Rail Safety Regulator only. During 2020–2021, the ONRSR met ten times and endorsed ONRSR’s budget, forward strategic directions, progress against its business plan and its suite of key performance indicators.



Sue McCarrey
Chief Executive /
National Rail Safety Regulator

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



Trish White AM
Non-executive member

Trish is a professional engineer and Fellow of the Institute of Engineers Australia and has extensive experience in the fields of governance, risk and project management having served on the boards of several large Australian companies. She is a Fellow of the AICD and the College of Leadership and Management and is a former cabinet minister in the South Australian Government, having held the infrastructure, development, transport, science



Cathie Scott
Non-executive member
(to November 2020)

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



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. In 2020–2021 the committee comprised Cathie Scott (July – November 2020) and Trish White (December 2020 – June 2021) as ONRSR non-executive member and Chair, and Kevin Reid, an external appointment. The Auditor-General, or representative, is invited as a guest to each meeting to facilitate effective communication with the South Australian Auditor General’s Office. During 2020–2021 four meetings were held.

OUR GOVERNANCE:

ONRSR EXECUTIVE

The Executive team supports the regulator and the non-executive members to ensure the efficient and effective operation of ONRSR and the implementation of its Corporate Plan and Statement of Intent. It works collaboratively with industry using a co-regulatory approach to enhance rail safety in Australia. In 2020–2021 the Executive met 11 times.



Peter Doggett
Chief Operating Officer

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



Julie Bullas
Executive Director, Policy, Reform and Stakeholder Engagement

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



Simon Foster
Executive Director, Technical

Simon brings over 35 years of technical and leadership experience in rail covering track, fleet, operations, stations and communications which includes being part of the team that coordinated the successful operation of rail services for the Sydney 2000 Olympic Games.



Jodie Lindsay
Executive Director, Corporate

Jodie is an experienced Chief Financial Officer and corporate services executive with over 30 years' experience in managing complex and multifaceted service-based organisations across a variety of industries and sectors. Jodie is a fellow of CPA Australia.



Dane Newton
Senior Manager, Risk and Analysis

Dane has over 15 years' experience managing risk and assurance in safety-critical industries such as rail, defence and aviation. A system safety engineer and risk specialist by background, his current area of focus is in risk-based regulation and data analytics.



Laura Paulus
General Counsel

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





OUR GOVERNANCE:

OUR TEAM

We recognise that our people are our most important asset and our ability to attract and retain the most suitable and well qualified people is critical to achieving our goals. Our Workforce Plan sets the direction for maintaining a capable, efficient and effective workforce to meet our current and future needs. The plan focuses on people, culture, systems, processes and behaviours.

The following table details employees by workforce profiles as at 30 June 2021.

WORKFORCE PROFILE						
	Permanent	Fixed term	Casual	TOTAL	Contractors	SLA
2020-2021	154	23	1	178	8	0
2019-2020	157	22	2	181	4	0

GENDER PROFILE				
	2020-2021		2019-2020	
				
Executive	2	3	2	3
Senior Manager	14	5	12	5
Employees	92	62	93	62
TOTAL	108	70	110	71

INTERNAL COMMITTEES

Strategic Policy Committee (SPC)

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

Senior Leadership Group

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

National Operations Committee

With responsibility for the development and implementation of the national work program, assessment and review of regulatory rail safety risks and for discussing operational matters including applying a consistent approach across Australia, the committee comprises Directors from each jurisdiction and other senior operational officers and is chaired by the Chief Operating Officer.

Regulatory Activities Committee

Acts as an operations committee bringing together the audit, compliance and accreditation functions to ensure the right regulatory intelligence is applied and the right tools are used in the field to facilitate the necessary safety outcomes.

National Investigations Compliance Committee

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

Joint Consultative Committee

Facilitates formal consultation with employees on workplace matters including discussions and consultation about the way ONRSR conducts business, our workplace environment, changes that affect employees or any matters relating to the Enterprise Agreement.

Work Health and Safety Committee

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

Information Management and Technology (IM&T) Committee

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

OUR GOVERNANCE:

OUR STAKEHOLDERS

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

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

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

- > Australian Transport Safety Bureau (ATSB)
- > Rail Industry Safety and Standards Board (RISSB)
- > Australasian Railway Association (ARA)
- > Association of Tourist and Heritage Rail Australia (ATHRA)
- > Rail operators (Chief Executives, Rail Safety Managers).

STAKEHOLDER FORUMS

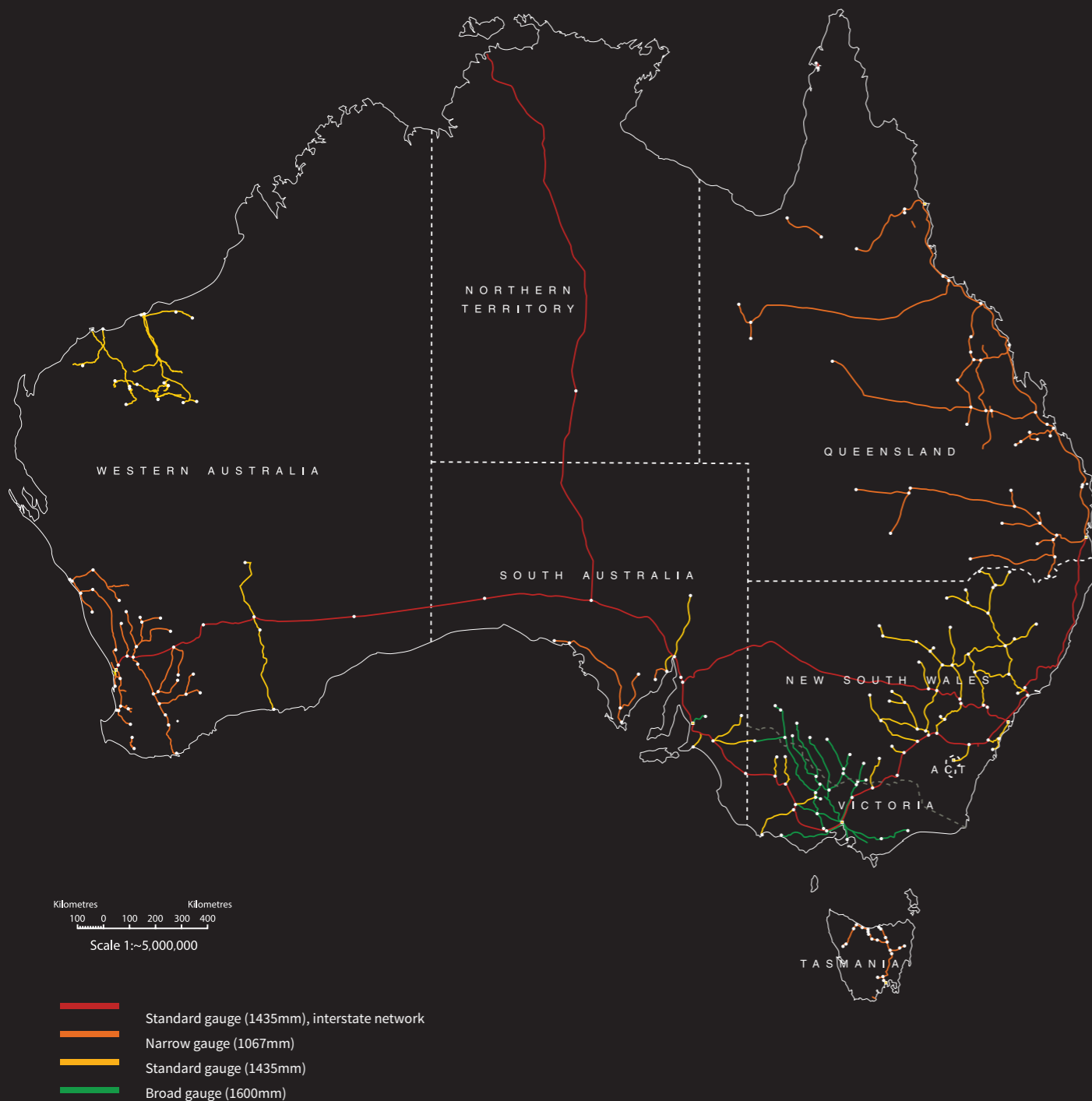
During the year, ONRSR hosted a number of stakeholder forums including:

- > CEO Industry Reference Group, to discuss strategic policy and industry and regulatory directions, safety issues and improvements. Participants include senior representatives from the rail industry and the Rail Tram and Bus Union.
- > Senior Government Policy Group, comprising senior commonwealth, state and territory government personnel, including the NTC, discussing policy and legislative reform.
- > National Operations Forum, which allows multi-jurisdictional operators to discuss safety issues and consistency of application with senior ONRSR operational staff.
- > Operations Forums, in individual states to address local operational issues with accredited operators.
- > ONRSR *Engagement* Forum, sees senior ONRSR staff visit specific operating environments around Australia to discuss localised regulatory, rail safety and operational issues.

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

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

RAIL NETWORKS ACROSS AUSTRALIA



Sourced from the Australasian Railway Association

INDUSTRY SAFETY PERFORMANCE

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

DATA ANALYSIS

CATEGORY A AND CATEGORY B OCCURRENCES*

Under *Rail Safety National Law*, rail transport operators must report occurrences. Category A occurrences must be reported immediately. Category B occurrences must be reported within 72 hours of the occurrence. The table below provides high level data on the rail industry safety performance in 2020–2021:

STATE	CAT. A	CAT. B	FATALITY	SERIOUS INJURY
ACT	0	74	0	0
SA	25	2,871	8	7
TAS	3	284	0	0
NT	1	112	0	1
NSW	97	15,893	25	40
VIC*	113	9,023	33	42
QLD	53	7,541	11	15
WA	59	3,789	12	15
TOTAL	351	39,587	89	120

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

FATALITIES

Fatalities can involve staff employed by railway companies, railway passengers or members of the public affected by railway operations. The following table reflects comparative data on the causes of fatalities in 2020–2021:

FATALITIES							
STATE	Suspected suicide	Trespasser struck by train	Slips, trips & falls [*]	Level crossing collisions	Rail accidents ^{**}	Other	TOTAL
ACT	0	0	0	0	0	0	0
SA	5	0	1	2	0	0	8
TAS	0	0	0	0	0	0	0
NT	0	0	0	0	0	0	0
NSW	16	2	4	2	1	0	25
VIC	29	3	0	1	0	0	33
QLD	8	0	1	1	1	0	11
WA	5	2	1	2	0	2	12
TOTAL	63	7	7	8	2	2	89

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

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

DATA ANALYSIS

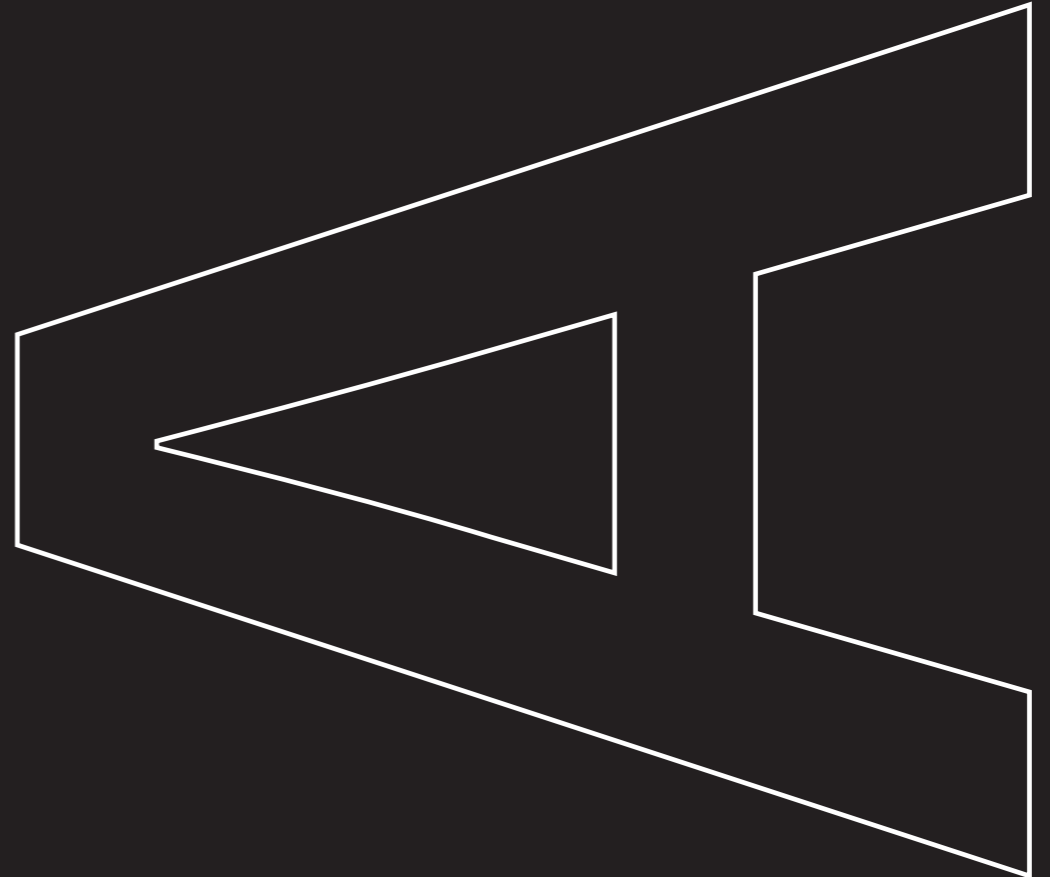
OPERATIONAL STATISTICS

The following table reflects ONRSR's operational activity statistics for its regulatory services for 2020–2021:

OPERATIONAL ACTIVITY	2018-2019	2019-2020	2020-2021
No. of accreditations[*]:			
Received	8	10	11
Completed	6	6	4
No. of variations to accreditation[*]:			
Received	52	40	54
Completed	41	34	33
No. of surrenders of accreditation:			
Received	4	3	4
Completed	7	3	1
No. of exemptions to accreditation:			
Received	2	6	1
Granted	0	3	1
No. of variations to registrations:			
Received	5	5	3
Completed	6	4	2
No. of surrenders of registration:			
Received	7	9	4
Completed	5	8	2
No. of notifications of change:			
Received	321	417	373
No. of REPCONS:			
Received	13	9	18
Actioned	13	9	18
No. of formal inspections completed	290	307	348
No. of audits completed	75	47	38
No. of compliance investigations completed	3	17	0
No. of improvement notices issued	26	29	8
No. of prohibition notices issued	5	6	7
No. of prosecutions	2	0	1
No. of Enforceable Voluntary Undertakings accepted	0	1	0
No. of site visits^{**}	429	207	801

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

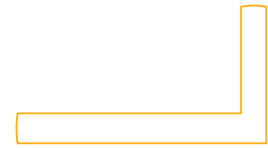
^{**}A better system to capture this information now exists.



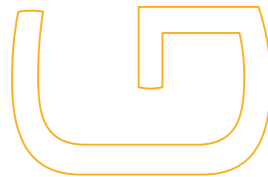
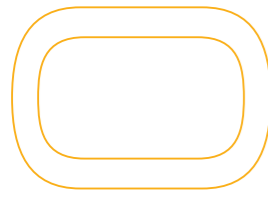
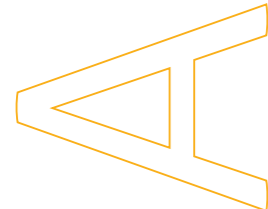
PART A:
CORPORATE
PERFORMANCE



ENHANCE OUR RISK-BASED APPROACH TO RAIL SAFETY REGULATION



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



STRATEGIES	WHEN	2020–2021 RESULT
Progress the National Rail Safety Data Strategy Action Plan	2019–2022	Progressing
Develop a national cost recovery model based on regulatory effort and risk	Dec 2020	Achieved / Ongoing
Implement a national cost recovery model based on regulatory effort and risk subject to Transport and Infrastructure Council approval	July 2022	Progressing
Use risk-based data intelligence to develop strategic regulatory programs for tourist and heritage operations	Jun 2020	Achieved
Deliver an analytics and regulatory intelligence strategy to enhance our data-driven, risk-based decision-making capability	Dec 2020	Achieved / Ongoing
Deliver a national drug and alcohol testing program with annual review	Jun 2021	Achieved / Ongoing
Under the national work program, enhance the delivery of tailored regulatory programs at operator level	Dec 2020	Achieved
Strengthen the risk-based approach to the resourcing and assessment of accreditation applications	Dec 2020	Achieved

ACHIEVEMENTS

1. NATIONAL COST RECOVERY MODEL DEVELOPMENT

ONRSR has been progressing the development of a national cost recovery model based on risk and regulatory effort on behalf of Transport and Infrastructure Ministers. The proposed model aims to fairly and equitably distribute the cost of rail safety regulation and represents a significant shift from current cost recovery arrangements. Development of the proposed model was the culmination of a comprehensive review of the current cost recovery model, and an equally wide-ranging examination of those used by other safety regulators in Australia and around the world. The proposed model is guided by the principles of transparency, proportionality and simplicity in administration with a key focus being to reduce cross subsidisation. The proposed model, following extensive industry and government engagement, was approved in principle by Ministers in May 2021 and detailed discussions on its impact and implementation are currently being held with operators.

2. NATIONAL DATA STRATEGY

A joint project between ONRSR and the ARA, throughout the second half of 2020–2021 important progress was made among the project stakeholders and the broader rail industry in relation to the crucial step of identifying an agreed national data set. A comprehensive period of engagement and consultation detailed the proposed changes to data reporting requirements, covering occurrences, monthly data requirements, ontology data requirements and safety performance reports. From here the team will move into further investigations into how the data will eventually be consumed and the frequency with which it will be collected and distributed. The strategy and accompanying action plan have been developed to deliver on the vision of having a consistent, accurate, complete and valid national rail safety data set that is readily available to stakeholders when making decisions relating to rail safety. The project team will use the first half of 2022 for a period of education, training and planning to implement the requirements from 1 July 2022 subject to Ministerial approval.

3. RESPONSE TO CONFIDENTIAL REPORTS (REPCONS)

REPCON reports are confidential reports made to the ATSB, by anyone who has a rail safety concern, that are then referred to ONRSR for action. ONRSR received 18 REPCON reports requiring action during 2020–2021 and any immediate safety issues were addressed as a priority. For other safety issues, ONRSR sought further information from operators and/or conducted further regulatory activities to verify the concerns and the operator's response. These matters are a source of regulatory intelligence considered in the planning and implementation of the ONRSR national work program for 2021–2022. ONRSR's operational measures relating to REPCONS are on page 21.

ACHIEVEMENTS (CONT.)**4. ENGAGEMENT WITH MAJOR RAILWAY PROJECTS**

In 2020–2021 ONRSR once again worked closely with planning and construction teams delivering an array of major rail projects in all parts of Australia. These have included but are not limited to:

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

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



NSALOG

DELIVER EFFICIENT AND EFFECTIVE SAFETY REGULATION

ONRSR has an ongoing commitment to maximising the application and effectiveness of *Rail Safety National Law*. This involves our work to undertake maintenance reviews of the RSNL, deliver reforms made possible by national regulation and to identify (in consultation with industry where appropriate) areas for improving the efficiency and productivity of both our regulatory interactions and their operations. We also seek to capitalise on the initial success of the ONRSR portal by optimising its effectiveness as a regulatory and information sharing resource. These strategies and this goal are pursued while always maintaining an unwavering focus on rail safety.

STRATEGIES	WHEN	2020-2021 RESULT
Implement outcomes from the review of drug and alcohol management arrangements under RSNL	July 2020	Progressing – to be completed Dec 2021
Implement outcomes from the review of fatigue management arrangements under RSNL	Dec 2020	Achieved
Review the Productivity Commission's Final Report into the regulatory reform process and identify priority actions for ONRSR	Nov 2020	Achieved
Leverage use of the ONRSR portal to increase the range of regulatory interactions it facilitates	Ongoing	Achieved / Ongoing

ACHIEVEMENTS

1. THE ONRSR WAY VERSION 2

In 2020–2021 ONRSR updated its key regulatory document – The ONRSR Way – which provides regulated parties and rail safety stakeholders with a clear understanding of how we do business. After a comprehensive review and internal consultation process, version 2 was released publicly with all accredited operators provided with a copy. The updated document reflects ONRSR's maturity into a fully national entity with direct delivery of regulatory functions in all Australian states and territories. It also clarifies further ONRSR's role as an educator of rail transport operators and rail safety workers and our approach to investigations, with additional details of the powers rail safety officers have under *Rail Safety National Law*.

2. FATIGUE RISK MANAGEMENT GUIDELINE

ONRSR developed a Fatigue Risk Management Guideline to provide practical guidance to rail transport operators on how to manage the fatigue-related risks associated with rail safety work and set out ONRSR's expectations for meeting the requirements of the *Rail Safety National Law*. The guideline was an outcome of the work undertaken during the review of fatigue risk management arrangements under the RSNL and was developed with significant input from an industry reference group comprising members from industry, including the Australasian Railway Association, Rail Industry Safety and Standards Board, the Association of Tourist and Heritage Rail Australia and the Rail, Tram and Bus Union.

3. PRODUCTIVITY COMMISSION – FINAL REPORT

ONRSR welcomed the Productivity Commission's final report into National Transport Regulatory Reform, published in October 2020, in particular the fact that it recognised the consistent regulatory model now being provided across Australia and the safety benefits and reduced compliance costs being delivered. The report noted that the national regulatory model "*is most advanced in rail,*" and that "*rail safety regulatory reforms were achieved largely in line with agreed timelines.*" ONRSR is looking forward to working with stakeholders and implementing the agreed recommendations following their consideration by Federal Parliament.

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WORK WITH INDUSTRY TO ADDRESS NATIONAL RAIL SAFETY ISSUES

To complement compliance and enforcement activities, ONRSR will actively contribute to industry's implementation of its safety strategy, develop guidance material for operators and support industry and the Rail Industry Safety and Standards Board with the development of selected national standards, guidelines and products. ONRSR expects industry to take a proactive approach on safety initiatives, performance and harmonisation. This goal reflects the important role ONRSR has to use the information and resources at its disposal to educate accredited parties in relation to RSNL generally and safety issues specifically.

STRATEGIES	WHEN	2020–2021 RESULT
Develop and deliver national priority projects including:		
> Level crossing safety	Jun 2021	Rescheduled due to COVID-19 and new NLCSC strategy
> Contractor management	2020-2021	Achieved / Ongoing
Develop and manage the National Level Crossing Portal on behalf of the National Level Crossing Safety Committee (NLCSC)	Jun 2021	Achieved
Conduct information sharing sessions with industry as required	Ongoing	Achieved / Ongoing
Actively support RISSB to drive production of standards that address safety controls and their assurance	Ongoing	Achieved / Ongoing
Increase immediate engagement following incidents to gather information to inform investigation and safety action decisions	Dec 2020	Achieved
Distribute safety messages and resources for all rail safety stakeholders when and where required	Ongoing	Achieved (2020–2021) / Ongoing

ACHIEVEMENTS

1. NATIONAL LEVEL CROSSING PORTAL

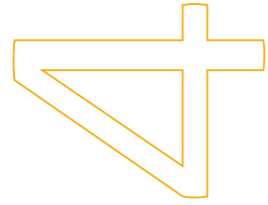
The National Level Crossing Portal was completed in mid-2021 providing a range of national stakeholders with access to consolidated and relevant data to assist in the management of, and reporting on, safety at level crossings. Users are provided with self-service, on-demand access to interactive level crossing data reports tailored to agreed permissions. The new portal, developed by ONRSR on behalf of the National Level Crossing Safety Committee (NLCSC), is also being used to inform safety investment decisions. Initial feedback has been extremely positive from stakeholders involved in testing or demonstrations. They have been impressed with both the quality and accessibility of the data. ONRSR will manage the portal on behalf of the NLCSC, who will, in the development of its national strategy and action plan, consider the development of additional features and functionality as it matures.

2. DIGITAL INCIDENT RE-CREATIONS

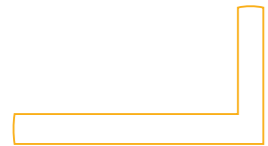
Throughout 2020–2021 ONRSR produced a series of digital re-creations of rail incidents that were designed as key education and learning resources for rail transport operators. Distributed as video files via the ONRSR website and the monthly *Engauge* e-newsletter, the productions detail the circumstances behind an incident, identify what went wrong, who was responsible and explain how to avoid repeat occurrences. The animations have been well received by all rail safety stakeholders with some operators now working with ONRSR to identify incidents for use as the basis for future re-creations.

3. ONRSR RAIL SAFETY REPORT 2019–2020

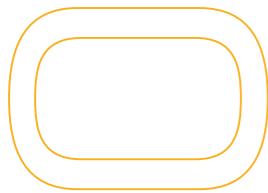
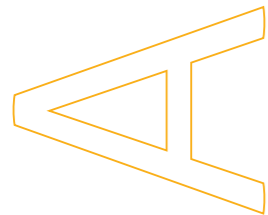
The Rail Safety Report 2019–2020 was our most comprehensive and consistent view of the rail industry's safety performance to date and the first such report delivered since ONRSR realised status as Australia's fully national rail safety regulator in December 2019. The much-coveted milestone brought Melbourne's iconic tram network and the remainder of its tourist and heritage operations under ONRSR's jurisdiction, allowing for completion of the exclusively national statistical picture ONRSR has been developing of Australia's rail safety landscape since the first report was released in 2013–2014. The report is available in print and online at www.onrsr.com.au



**INVEST IN ONRSR'S NATIONAL CAPABILITY,
GOVERNANCE AND CULTURE TO DRIVE OUR
STRATEGIC INTENT**



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



STRATEGIES	WHEN	2020-2021 RESULT
Enhance distribution channels for ONRSR information	Dec 2021	Progressing
Improve the alignment of corporate planning and enterprise risk management processes	Dec 2020	Achieved
Develop a strategic human resources plan for a fully national regulator	Dec 2020	Achieved
Develop the capability, governance and infrastructure for appropriate information sharing with stakeholders	Dec 2021	Progressing

ACHIEVEMENTS

1. ONRSR'S RESPONSE TO COVID-19

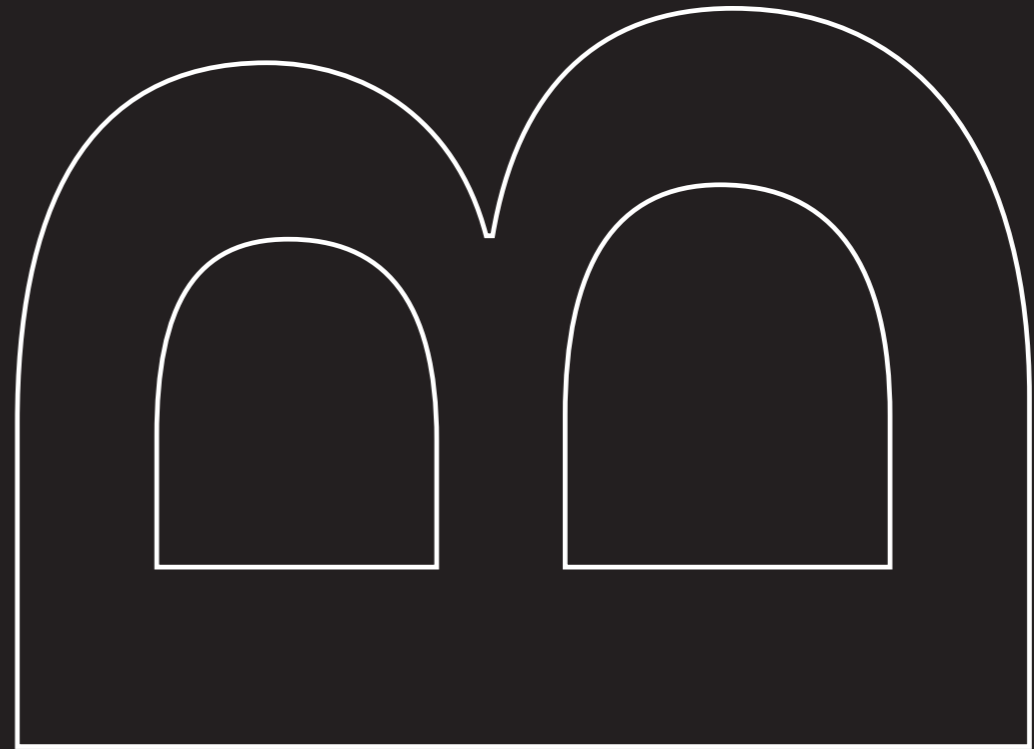
ONRSR continues to align its corporate planning and enterprise risk management and this is evident in its response to COVID-19. Throughout the financial year ONRSR successfully maintained its operational and corporate functions in a COVID-Safe manner. As an essential service, regulatory activities continued, and rail safety officers were in the field where necessary – always observing the required health and safety protocols. Through late 2020 and into early 2021, ONRSR staged return to office working in its various locations across the country where possible and a significant amount of work was done to ensure these workplaces are COVID-Safe. A full review of the Business Continuity Plan has also been undertaken to ensure ONRSR remains prepared and vigilant in the event of future outbreaks.

2. ONRSR PEER SUPPORT NETWORK

ONRSR completed the development of its strategic human resources plan during the reporting period. As an example of implementing that plan and its objective of creating the right environment for staff, ONRSR has reinforced its commitment to the well-being of its workforce through the creation of a dedicated Peer Support Network. The network is an additional support for ONRSR employees and is complementary to programs already in place. Peer supporters are ONRSR staff members who volunteer and have been trained for the role of supporting their peers in a workplace environment. Peer support work is based on the establishment of a trusting relationship between a person who is facing challenges and looking for understanding and assistance, and the peer supporter whose background and personal strengths help them to empathise and provide the necessary support.

3. ONRSR DIGITAL STRATEGY (WWW.ONRSR.COM.AU)

A roadmap for ONRSR's ongoing digital communications, the strategy is guiding the continued development, and effective integration of, ONRSR's full range of digital content and channels including rail safety data, the ONRSR portal and social media. The centrepiece of the strategy is the development and launch of a brand new ONRSR website in late 2021 that is being designed to focus on the user's needs and built on a long-term technology platform. As a precursor to the new site, ONRSR completed a full audit and review and update of website content during the reporting period.



RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 54 operators accredited by ONRSR under *Rail Safety National Law* for operations in Western Australia.

SIGNIFICANT REGULATORY ACTIVITIES

- > ONRSR has worked closely with the project teams delivering the largest investment in public transport ever made in Western Australia via the METRONET program. Compliance with the RSNL is monitored through inspections and audits and regulatory matters are discussed at regular meetings with proponents of the Forrestfield-Airport Link, a \$1.8 billion project linking the city with the airport and Perth's eastern foothills due to commence operation in 2022. ONRSR is also working with project teams overseeing the introduction of new rolling stock for the metropolitan network, the level crossing removal program, the construction of the Thornlie-Cockburn Link and the Yanchep Rail Extension.
- > Throughout 2020 ONRSR examined the effectiveness of a video monitoring system used by a metropolitan passenger operator in Perth to manage the risks to the public when boarding or alighting from trains. The regulatory activities included a series of site visits and meetings to gather information followed by inspections of the system in use. These interactions highlighted deficiencies in the system reliability which were consequently addressed by the operator to provide greater reliability and useability by train drivers that has resulted in a reduction in the rate of reported failures.
- > ONRSR conducted a series of inspections with a rail infrastructure manager that focussed on the training and competency of network controllers in responding to critical incidents. This action was prompted by high profile reportable occurrences in which the initial response to safety events was a cause for concern. Action by ONRSR prompted the operator to review and enhance its training of network controllers and to test this competency through simulated events.
- > ONRSR approved the variation to the accreditation of a major mining operation to automate the process for the uncoupling of banker locomotives while in motion. This technology provides increased productivity for the mining operations and ONRSR provided advice, support and assessment of the system and conducted site visits to witness testing and commissioning.
- > During the early months of 2021, ONRSR carried out a series of inspections focussed on the safety of passive level crossings being used for the construction of a rail extension in the Pilbara region. These activities were prompted by numerous reportable occurrences and rail safety officers subsequently identified deficiencies in communication between the operator and its principal contractor related to the establishment, management and decommissioning of the level crossings. ONRSR took action to ensure that the issues were rectified by the operator and assure the safety of the rail safety workers.



INCIDENT RESPONSE

- > On 17 December 2020, rail safety officers attended after a passenger train had struck a car causing significant damage to the overhead line equipment. The officers liaised with police and representatives from the operator to establish that the vehicle was unoccupied and had been stolen and driven through a fence before being abandoned on the track. The adjacent crossing was assessed and ONRSR officers remained on the scene to monitor the safe recovery of the rolling stock, and how the operator was ensuring there was no ongoing risk to rail safety workers or the general public as a result of the damaged infrastructure.
- > On 22 February 2021, a freight train collided with the trailer of a road train at a level crossing in Kalgoorlie. Rail safety officers attended the site, checking functionality and maintenance records for the flashing light assembly installed at the location. The suitability of the approach visibility for road traffic was also reviewed so that any deficiencies with sighting distances or equipment could be disregarded as likely causes of the incident.

RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 56 operators accredited by ONRSR under *Rail Safety National Law* for operations in South Australia.

SIGNIFICANT REGULATORY ACTIVITIES

- > Throughout the reporting period ONRSR conducted regular meetings with the Australian Rail Track Corporation (ARTC) to ensure its compliance with RSNL in relation to the roll out of its Advanced Train Management System being trialled between Port Augusta and Whyalla. Following completion of the trial, ARTC is intending to implement the system more widely across its network, commencing in the section between Port Augusta and Kalgoorlie.
- > In 2020 a major rail infrastructure manager formally entered into an Enforceable Voluntary Undertaking (EVU) with ONRSR after a serious safeworking breach in 2018. The EVU comprises a series of interdependent projects which will deliver a range of agreed safety solutions. To date regulatory activities associated with the EVU include assessment of the rail infrastructure manager's monthly reports against its progress and compliance monitoring to verify the evidence provided during, and at the completion of, defined activities.
- > Throughout 2020–2021 ONRSR continued to provide advice and assessment on compliance and accreditation matters to a rail transport operator and the South Australian Department of Infrastructure and Transport in relation to the transition of tram and train operations in metropolitan Adelaide to new operators. ONRSR worked closely with the new operator to assess competency and capacity to undertake the roles of rail infrastructure manager and rolling stock operator.
- > As part of ONRSR's national priority focusing on track worker safety, rail safety officers continued to undertake announced and unannounced inspections at work sites throughout South Australia. Rail safety officers used the inspections to verify the safe management of work sites, including aspects of contractor management, by ensuring rail safety workers understood the applicable network rules and procedures. An important outcome was the reinforcement of the requirements of interface co-ordination by all accredited parties and contractors to ensure they meet their obligations for ensuring rail safety workers' safety.



INCIDENT RESPONSE

- > In December 2020, a wrong side failure occurred at the Torrens Road level crossing at Ovingham in suburban Adelaide. The failure saw a freight train pass through the level crossing without the protection of boom gates and audible bells. At the time, contractors were conducting track works under a Local Possession Authority. The incident was caused by incorrect “jumping” of the electrical system that operates the crossing. An investigation was conducted by ONRSR with several causal factors identified and ONRSR is still working with the relevant rail transport operators to ensure corrective actions are taken related to contractor management, control assurance and safety interface agreements.
- > In September 2020, a fatality was reported at the Stirling Road level crossing near Port Augusta. Rail safety officers attended the site and determined that the collision actually occurred approximately 162 metres further east. Following the site visit the rail safety officers assessed the inspection and maintenance regime associated with the pedestrian level crossing and several opportunities for improvement were highlighted to the rail infrastructure manager.
- > In April 2021, a ground shunter was seriously injured at a depot in Dry Creek while shunting a train using hand signals. The incident occurred when a wagon handrail caught onto scaffolding positioned over the consist which then moved with the train. The shunter was struck by the scaffolding and sustained a serious crush injury to the chest. Rail safety officers attended the scene and gathered information relevant to the correct safeworking practises required when scaffolding is in use. Further regulatory activities related to this incident are ongoing.

RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 65 operators accredited by ONRSR under *Rail Safety National Law* for operations in Victoria.

SIGNIFICANT REGULATORY ACTIVITIES

- > Melbourne's Metro Tunnel project, a multi-billion-dollar program of works to increase frequency and improve access to rail services, has been a key focus of ONRSR's regulatory activity in Victoria. ONRSR has conducted monthly meetings with the project team to assess general safety and RSNL requirements in relation to a range of project elements including tunnelling and station construction, high capacity signalling and associated rail infrastructure works.
- > The High Capacity Metro Train (HCMT) entered revenue service on the Melbourne metropolitan network in December 2020. ONRSR worked closely over a number of years with the project team to ensure compliance with RSNL.
- > The programme to remove level crossings at locations across metropolitan Melbourne continued throughout the reporting year. Since the commencement of the project, some 46 level crossings have been removed and the project has the goal of eliminating 75 level crossings by 2025. ONRSR has continued to meet monthly with the Level Crossing Removal Authority to discuss rail safety matters and learnings.
- > During the reporting period, ONRSR commenced engagement with the newly established Suburban Rail Loop Authority. The authority will be overseeing the construction of a 90 kilometre rail loop from Cheltenham to Werribee via Melbourne Airport. ONRSR has been providing advice in relation to the application of RSNL in the major project environment. This has been with a particular focus on RSNL's requirements on effective control and management by whomever becomes the accredited entity for the construction, commissioning, operation and maintenance aspects of the new railway.
- > Between September 2020 and March 2021, ONRSR undertook a series of unannounced inspections with a Victorian passenger operator to observe compliance to track worker safety principles, processes and procedures. The focus of the inspections included application of work site protection, track access authorisations, safety critical communications, work on track applications, and RRV/Hi-Rail authorisations and protection (working under live electrical assets).

A number of areas for safety improvement were identified and addressed by the operator, including:

- > Inconsistencies in the application of the operator's Safety Management System (SMS)
- > Limitations with work on track applications that potentially hinder compliance with procedures
- > Non-compliance with procedures regarding the planning of worksite protection
- > Deficiencies in pre-start briefings regarding provision of safety information
- > The use of WhatsApp on worksites and the potential for inappropriate use for safety critical communications.

ONRSR continues to engage with the operator to ensure compliance.



- > In December 2019, several rail transport operators transitioned from state-based rail legislation to the *Rail Safety National Law*, and subsequently came under regulation by ONRSR. The transition required a number of changes to existing SMS. ONRSR has been working with the operators to ensure gaps in their SMS are identified and addressed. The engagement is an ongoing piece of work and significant safety improvements have been achieved that will ultimately promote safer railway operations.
- > ONRSR undertook a series of inspections of a rail transport operator's infrastructure, including controls and mitigations specific to fire and life safety, with City of Melbourne and Fire Rescue Victoria. The purpose was to monitor compliance with relevant legislation and identify any gaps in regulation and oversight of fire and life safety issues. As a result of the inspections, it was determined fire and life safety systems had improved from previous regulatory interactions, however there remained several safety matters that required attention. As a result of these and subsequent interactions the matters were rectified, and an Annual Essential Safety Measures Report is now being produced.

INCIDENT RESPONSE

- > On 4 December 2020, a standard gauge freight train traversed the level crossings at Cherry and Werribee Streets, Werribee without the warning and protection equipment for the crossing activating. While no injuries or collisions occurred, there were road vehicles in the area as the train traversed the unprotected crossing. At the time of the incident, the broad-gauge lines were taken out of operation as part of level crossing removal work. ONRSR undertook an investigation into the matter and found the crossing failed to activate on the approach of the train due to the incorrect (partial) removal and non-labelling of two fuses in the Werribee relay room. The operator responsible has since made several improvements to procedures and systems of work.
- > On 12 January 2021, an exempted worker was positioned outside of the rail corridor while ballast works were occurring on a section of track between Murtoa and Hopetoun in regional Victoria. The works involved a road rail vehicle unloading ballast adjacent to where the worker was positioned and as the RRV was reversing, the worker entered the rail corridor and was struck. The worker sustained significant injuries and ONRSR conducted an investigation into the incident which identified significant concerns with administrative processes around granting irregular workers access to the rail corridor. ONRSR continues to work with the operator to improve processes to prevent a recurrence.
- > On 14 May 2021, a regional passenger train entered the section of track between Kilmore East and Seymour passing four signals that were blacked out. The signals were extinguished as the signalling system had lost power and was non-operational. The train continued until the driver passed the fourth extinguished signal before stopping the train at a point where there was a possibility of a head on collision. ONRSR began an investigation into the incident which remains ongoing.

RAIL INDUSTRY CONTEXT

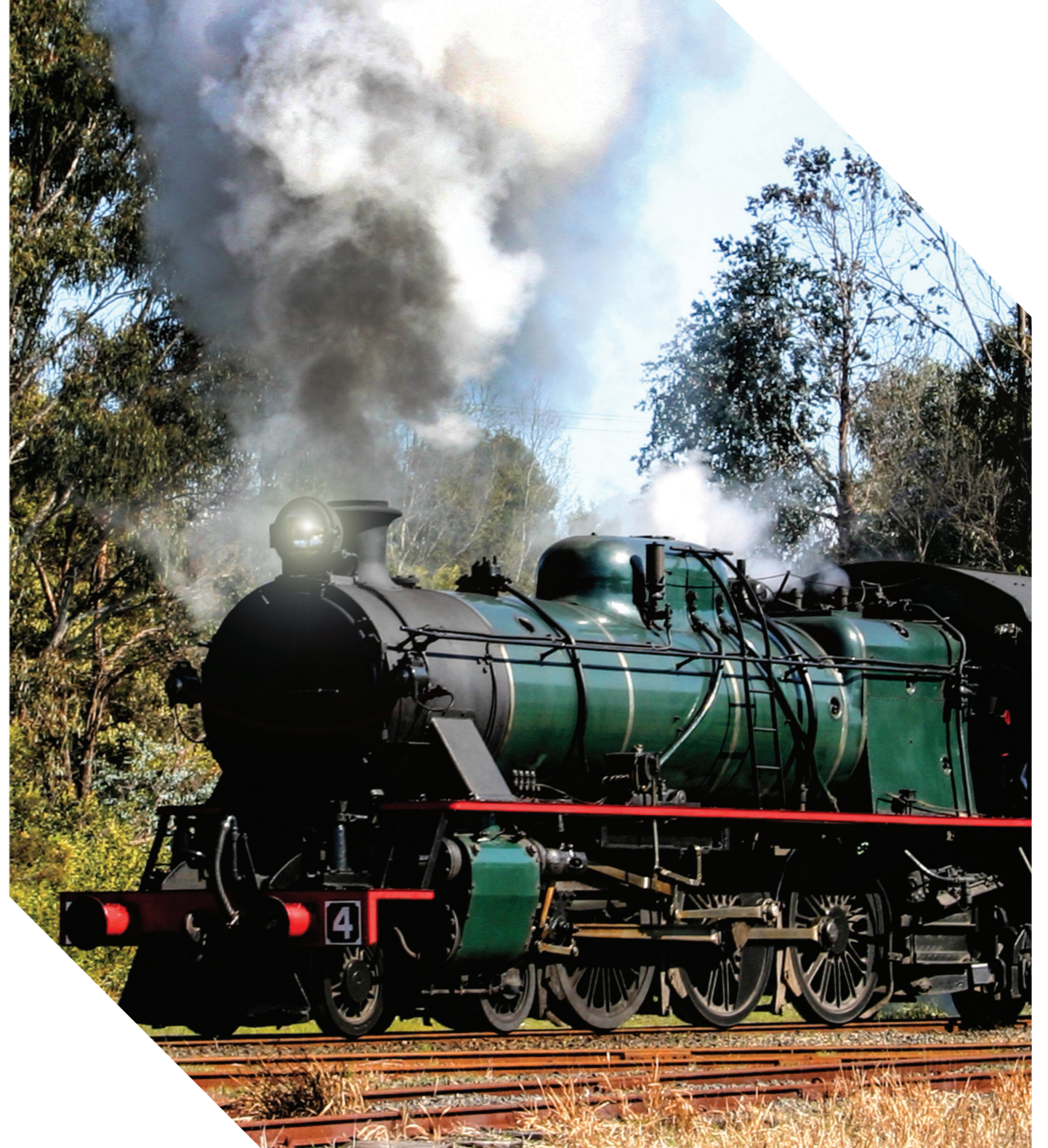
As at 30 June 2021 there were 17 operators accredited by ONRSR under *Rail Safety National Law* for operations in Tasmania.

SIGNIFICANT REGULATORY ACTIVITIES

- > In 2020–2021 ONRSR issued statutory notices to a major tourist and heritage railway operation in Tasmania. The notices followed unsatisfactory progress from the operator in rectifying several areas of non-conformance identified during previous audits including not completing corrective actions following a significant incident in September 2019 and inadequate assessment of the suitability of a new type of rolling stock. ONRSR also discovered that a new type of sleeper had been procured without the operator undertaking sufficient assessment of its suitability. Furthermore, the operator had also commenced the installation of a new type of wheel set and axle bearings without the assessment of the change being complete.
- > The focus of regulatory activities with the state-based freight operator in 2020-2021 was on the manner in which risk control measures described in its safety management system were implemented and effective in managing risks to safety. ONRSR has also been engaging regularly with the operator as it prepares its safety assurance case regarding the planned re-introduction of locomotive remote-control operations.
- > ONRSR worked extensively with tourist and heritage operators in Tasmania in the wake of the interruptions to their services caused by the COVID-19 pandemic. As the travel and movement restrictions eased, and operators were able to restart their services, ONRSR put a regulatory focus on ensuring all the necessary checks and testing of safety systems were completed prior to the resumption of operations.

INCIDENT RESPONSE

- > In January 2021, a train travelled through a level crossing at Spreyton at which the active protection equipment had not been reinstated after being isolated for adjacent track works. The crossing was one of four that had been isolated for the works and the operator's investigation showed that a signal technician had not followed procedures and as a result train services resumed with one level crossing still isolated. ONRSR continues regulatory interactions with the operator to ensure its safety management system better addresses the risks posed by incorrect isolations.



RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 71 operators accredited by ONRSR under *Rail Safety National Law* for operations in Queensland.

SIGNIFICANT REGULATORY ACTIVITIES

- > Queensland's major projects agenda was a key area of focus for ONRSR in 2020–2021. The Cross-River Rail, Carmichael Mine rail network and installation of the European Train Control System (ETCS) on parts of the Brisbane Suburban and Central Queensland Coal Networks, were the subject of regulatory activities. ONRSR has been involved in the management of accreditation applications and monitoring of risk mitigation through the construction, installation and commissioning phases of each project. To complement the work of the ONRSR Major Projects team, Brisbane-based rail safety officers have undertaken several site visits and compliance activities to verify the projects' continued compliance with *Rail Safety National Law*.
- > Throughout 2020–2021, ONRSR conducted more than 31 trackworker safety inspections across all major rail networks in Queensland. A further seven activities were undertaken at train control facilities, focussing on the competency of train controllers and the actions they take to protect workers on track. While the inspections did not identify any significant problems with worksite protection procedures, several safe working breaches were reported or identified. ONRSR also continues to closely monitor the implementation of amended trackworker protection procedures, including the rollout of lockout procedures involving the use of personal padlocks to secure critical safeworking documentation at worksites.
- > Over the course of this reporting period, regulatory activities across Queensland saw ONRSR identify shunting practices in regional locations as an emerging rail safety issue. As a result, a range of positive initiatives have been implemented by rail transport operators to better manage the risk. ONRSR will continue to carry out targeted activities at regional yards to ensure the risks associated with shunting continue to be managed appropriately.

INCIDENT RESPONSE

- > On 2 October 2020, a coal train collided with the bucket of an elevated work platform (EWP) at a railway bridge near Newlands in central Queensland. The EWP was being used by trackworkers to access the track for surveying work as part of a bridge upgrade. At the same site, and despite the presence of a protection officer, two track workers were forced to run from the danger zone to avoid an oncoming coal train. ONRSR investigated these occurrences, confirmed that a number of serious safeworking breaches had occurred and is subsequently considering an appropriate regulatory response.
- > On 9 February 2021, a RRV had a near miss with a coal train near Bluff in central Queensland. Having stopped at a signal to await further instructions from the network controller, the RRV was inadvertently placed on a collision course with an approaching coal train which subsequently stopped approximately 150 metres behind the RRV. ONRSR has commenced an investigation into this occurrence and conducted compliance activities at a range of network control centres around Queensland.
- > On 3 March 2021, the driver of a passenger train passed a signal at stop at Northgate in Brisbane, entering a section that was occupied by another passenger train and triggering a SPAD alarm at train control. The network controller made an emergency broadcast instructing the driver to stop with the trains avoiding a collision by approximately 10 seconds. In addition to its own ongoing inquiries, ONRSR has directed the operator to undertake a detailed investigation into the occurrence that includes a full examination of the effectiveness of the existing mitigating controls designed to prevent a train to train collision at this and other locations.
- > On 18 June 2021, a light locomotive collided with a stationary coal train at Westwood near Rockhampton. The collision resulted in the death of one person on board the locomotive. ONRSR immediately dispatched rail safety officers and investigators to the scene and an investigation into the incident is ongoing.





RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 93 operators accredited by ONRSR under *Rail Safety National Law* for operations in New South Wales.

SIGNIFICANT REGULATORY ACTIVITIES

- > Significant regulatory effort was afforded to a range of major rail projects underway across New South Wales in 2020–2021. Most notable was ONRSR’s ongoing engagement with Australia’s biggest public transport project, Sydney Metro. In particular ONRSR’s major projects specialists have focussed on the systems supporting the Bankstown corridor upgrade and also the tunnelling and station works that are continuing as part of Sydney Metro City and South West. ONRSR has also worked with the project team in relation to safety requirements on Sydney Metro West and on the Sydney Metro Western Sydney Airport. Elsewhere, ONRSR had regular engagement with Transport for New South Wales in relation to safety throughout construction of the Parramatta Light Rail project, while also conducting regulatory interactions on the new NSW Trains regional fleet and associated maintenance centre in Dubbo and transition of the Country Rail Network to a new entity, which is planned for early 2022. In addition, the roll out of Automatic Train Protection across the electrified network area is well underway and ONRSR has continued meeting with the project to monitor progress and discuss any rail safety matters. ONRSR has also been engaging with the project team developing the digital systems that include providing in-cab train control (European Train Control System Level 2) for the Sydney network.
- > Throughout the reporting period ONRSR devoted significant time and resources to an accreditation submission presented by a new freight operator in the Hunter Valley. With the applicant seeking accreditation as a rail infrastructure manager to construct and commission a 7.3-kilometre heavy haul siding for bulk freight loading, ONRSR conducted detailed reviews of track, viaduct and bridge design. Following a series of discussions and the rectification of these designs to address rail safety risks associated with the project, accreditation was granted in June 2021.
- > In support of the scheduled introduction of the Mariyung (New Intercity) Fleet for NSW Trains, ONRSR granted a variation of accreditation for operation of the Kangy Angy Rail Maintenance Facility near Sydney. During 2020–2021 ONRSR conducted a series of follow up inspections to assess the facility in operational mode while also conducting verification of training and competency activities. During the reporting period ONRSR also progressed a range of matters associated with the operator’s variation of accreditation application associated with the introduction of the new fleet to revenue service.

INCIDENT RESPONSE

- > On 29 July 2020, a loaded coal train travelling into Kooragang Island (Port Waratah) yard collided with the rear of a disabled stationary coal train. The collision caused the front locomotive and rear wagon of the disabled train to derail, and subsequently collide with two other stationary trains on adjacent lines. Substantial damage was incurred to the lead locomotive, some of the derailed wagons and track infrastructure. Following ONRSR’s enquiries into the incident, the operator of the yard implemented a speed restriction and issued a safety reminder to all coal train crew members and yard staff.
- > On 15 December 2020, a loaded grain service traveling towards Sydney, derailed near Dombarton while traversing the Illawarra Mountain. The derailment resulted in significant track damage with all derailed wagons extensively damaged, and subsequently scrapped, and 2500 tonnes of grain spilt. ONRSR launched an investigation into this incident which is ongoing. In the meantime, two Prohibition Notices have been served on the operator prohibiting them from operating services in the section of the network where the incident occurred.
- > On 8 January 2021, a loaded grain train failed on a steep section of track between Hawkesbury River and Cowan. With the train needing to propel back towards a refuge siding in order to clear the main line for an approaching passenger train, two crew members walked on the adjacent track to supervise the movement. The crew members believed blocking facilities had been applied to prevent other rail traffic from entering the section of line at the time but had to move clear when the oncoming passenger service travelled through on the adjacent track. ONRSR’s investigations revealed that poor communication practices were the primary cause of the incident, a finding that led to a series of regulatory activities being undertaken with the rail transport operator and rail infrastructure manager in relation to safety critical communications.
- > On 15 April 2021, a freight service travelling from Melbourne to Sydney was routed from the main line into the passing loop at Bomen, 10 kilometres north of Wagga Wagga to allow passage of a south bound passenger service. On entering the loop, the crew passed a signal at danger resulting in the train derailling at catch points. Two locomotives and three wagons derailed and jack knifed across each other obstructing the loop and main line and causing significant damage to the track. ONRSR has initiated an investigation into the incident which is ongoing.

RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 14 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Australian Capital Territory (ACT).

SIGNIFICANT REGULATORY ACTIVITIES

- > ONRSR engaged regularly with the operator of Canberra's light rail network throughout 2020–2021 in support of the ongoing compliance program. ONRSR also held quarterly operator engagement meetings for the purpose of monitoring the actions undertaken in managing safety issues and to discuss the extension of the light rail network.

INCIDENT RESPONSE

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



RAIL INDUSTRY CONTEXT

As at 30 June 2021 there were 19 operators accredited by ONRSR under *Rail Safety National Law* for operations in the Northern Territory.

SIGNIFICANT REGULATORY ACTIVITIES

- > Following the relaxing of COVID-19 travel restrictions between South Australia and Northern Territory, ONRSR rail safety officers visited Darwin and Katherine to re-establish the ONRSR presence in the Northern Territory. The officers conducted an unannounced inspection of a rail infrastructure track gang working to install a temporary turnout approximately 430 kilometres south of Darwin. This activity included a review of the safe working track protection in place and the relevant rail safety worker competencies of the individual track gang members.
- > ONRSR conducted a series of inspections of The Ghan passenger train while it was unable to operate through the height of COVID-19 lockdowns. These activities included a detailed review of the management of risks to safety associated with recommencing operations post the pandemic. Rail safety officers also assessed the management of wagon maintenance, rail safety competency, health and fitness and operations requirements at both the Adelaide and Darwin Terminals.

INCIDENT RESPONSE

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

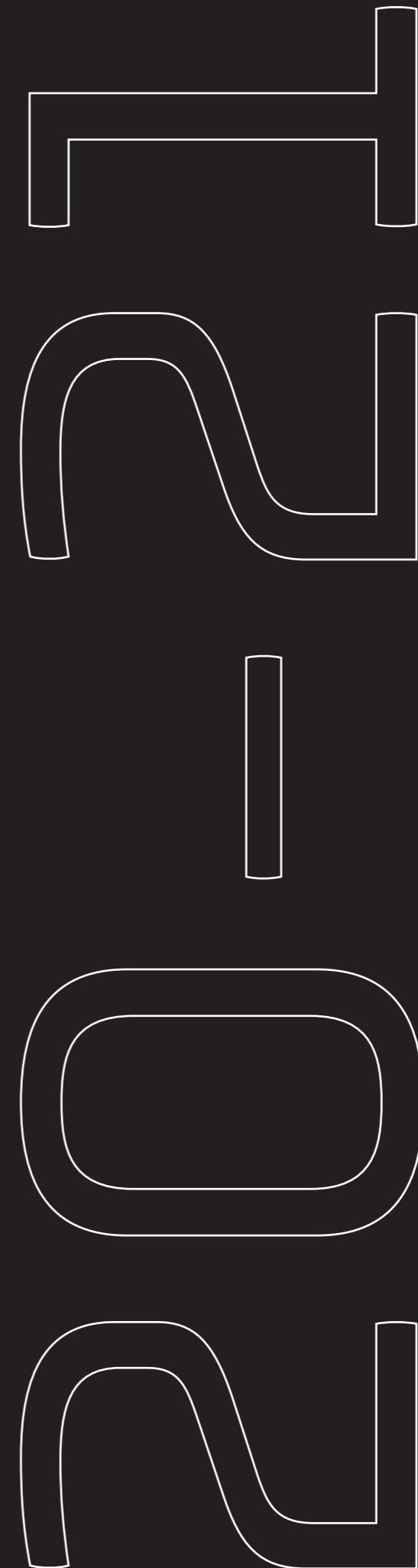
ONRSR INVESTIGATIONS	2020–2021
Investigations initiated	15
Investigations completed	16
Total ongoing (as at June 30)	23

ONRSR strengthened its focus on the investigatory function throughout 2020–2021, investing in people, systems and technology that supports delivery of a contemporary approach now and into the future.

At an operational level a significant emphasis was placed on the continuing investigations into the fatal accidents at Wallan, Victoria in February 2020 and Jumperkine, Western Australia in December 2019. At the time of reporting both are in the final stages of the investigatory process and bringing them to a conclusion is a high priority. Elsewhere ONRSR investigators in all states completed examinations into a range of rail safety incidents that involved derailments, wrong-sided failures, road rail vehicles, protection officers and occurrences at level crossings. A focus was also put on undertaking investigations in line with ONRSR’s other national priorities, namely track worker safety, contractor management and control assurance.

In 2020–2021 ONRSR investigators conducted their activities in line with the Australian Government Investigations Standards and specifically concentrated a lot of their efforts on conducting their enquiries in a more efficient and timely manner. This saw a tightening of investigations wherever possible in order to ensure the lessons of incidents were learned more quickly and the associated safety benefits flowed sooner. A series of Key Performance Indicators now guide the investigatory cycle to ensure it is as streamlined as possible.

The degree to which investigations lead to subsequent compliance activity naturally varies, with some outcomes prompting educational interactions and others more serious enforcement processes and potentially prosecutions. All have their place in delivering safety improvements and ONRSR will continue to develop its investigations capability in pursuit of the right outcomes.



FINANCIAL SUMMARY 2020–2021

ONRSR's detailed audited financial statements are on page 57 of this annual report. ONRSR reports a net surplus of \$2.053 million for the financial year ending 30 June 2021.

The surplus was attributable to underspend on supplies and services as a result of restrictions on movements imposed by the State and Territory Governments due to COVID-19.

The major income item was fees and charges (\$39.7 million). Fees decreased slightly from 2019-20 as a result of not applying the legislated annual increase by CPI.

Major expenditure items include employee benefits and supplies and services. The increase in employee expenses from 2020-21, is largely due to annual salary increases as provided for in ONRSR's Enterprise Agreement and a full year of employee costs for staff that transitioned from Victoria in December 2019.

The increase in financial assets in 2020-21 is largely due to the current year surplus. It is sound financial management for ONRSR to maintain modest cash reserves for working capital and to cover the annual increase in salaries of 1.5% as well as rental increases up to 4% per annum when the increase to fee income is tied to CPI. The cash reserves also enable ONRSR to meet future financial commitments including make good liabilities, employee entitlements and capital replacements.

In 2021-22, ONRSR will 'refund' to industry savings made by ONRSR due to efficiencies made by ONRSR and impacts of the COVID-19 pandemic. ONRSR will reduce the amount to be collected from industry by \$2.3m due to ONRSR cost savings in 2019-20 of \$1m and further savings of \$1.3m in 2020-21. This rebate represents a 'once-off' saving to be returned to industry in 2021-22.

INDEPENDENT AUDITOR'S REPORT



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Auditor-General's Department

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

Opinion

I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2021.

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 2021, its financial performance and its cash flows for the year then ended in accordance with relevant Treasurer's Instructions issued under the provisions of the *Public Finance and Audit Act 1987*, the *Rail Safety National Law (South Australia) Act 2012* and Australian Accounting Standards.

The financial report comprises:

- a Statement of Comprehensive Income for the year ended 30 June 2021
- a Statement of Financial Position as at 30 June 2021
- a Statement of Changes in Equity for the year ended 30 June 2021
- a Statement of Cash Flows for the year ended 30 June 2021
- notes, comprising significant accounting policies and other explanatory information
- a Certificate from the Chief Executive and the Executive Director, Corporate.

Basis for opinion

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

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

Responsibilities of the Chief Executive for the financial report

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

In preparing the financial report, the Chief Executive is responsible for assessing the Office of the National Rail Safety Regulator's ability to continue as a going concern, taking into account any policy or funding decisions made which affect the continued existence of the entity. The Chief Executive is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial report

As required by section 31(1)(b) of the *Public Finance and Audit Act 1987* and section 43(3) of the Schedule to the *Rail Safety National Law (South Australia) Act 2012*, I have audited the financial report of the Office of the National Rail Safety Regulator for the financial year ended 30 June 2021.

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

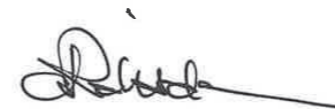
As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office of the National Rail Safety Regulator's internal control

- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Chief Executive
- conclude on the appropriateness of the Chief Executive's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify the opinion. My conclusion is based on the audit evidence obtained up to the date of the auditor's report. However, future events or conditions may cause an entity to cease to continue as a going concern
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

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

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



Andrew Richardson

Auditor-General

27 August 2021

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

CERTIFICATION OF FINANCIAL STATEMENTS

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

- comply with Section 263 of the *Rail Safety National Law (South Australia) Act 2012* and Regulation 48 of *Rail Safety National Law National Regulations 2012*, and relevant Australian Accounting Standards;
- are in accordance with the accounts and records of the Office of the National Rail Safety Regulator; and
- present a true and fair view of the financial position of the Office of the National Rail Safety Regulator as at 30 June 2021 and the results of its operation and cash flows for the financial year.

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



Chief Executive



Executive Director - Corporate

25 / 8 / 2021

25 / 8 / 2021

STATEMENT OF COMPREHENSIVE INCOME

For the year ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
Income:			
Revenues from fees and charges	5	39,713	40,246
Funding for transition expenses	6	-	1,524
Penalties income	7	-	263
Interest revenues	8	166	313
Gain on derecognition of financial liabilities	9	1	818
Other income	10	42	144
Total income		39,922	43,308
Expenses:			
Employee benefits expenses	11	27,727	26,129
Supplies and services	12	6,208	6,243
Service level agreement	13	-	2,476
Depreciation and amortisation	14	3,552	3,367
Finance costs	15	174	203
Other expenses	16	208	22
Total expenses		37,869	38,440
Net result		2,053	4,868
Other comprehensive income			
Items that will not be classified to net result:			
Changes in property, plant and equipment asset revaluation surplus		-	157
Total comprehensive result		2,053	5,025

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF FINANCIAL POSITION

As at 30 June 2021

	Note	2021 \$'000	2020 \$'000
Current assets:			
Cash and cash equivalents	17	17,920	13,438
Receivables	18	693	729
Financial assets	19	8,000	-
Total current assets		26,613	14,167
Non-current assets:			
Receivables	18	9	6
Financial assets	19	-	8,000
Property, plant and equipment	20	14,579	17,668
Intangible assets	21	1,081	1,456
Total non-current assets		15,669	27,130
Total assets		42,282	41,297
Current liabilities:			
Payables	23	478	397
Financial liabilities	24	2,038	1,917
Employee benefits	25	4,700	4,043
Total current liabilities		7,216	6,357
Non-current liabilities:			
Financial liabilities	24	9,235	11,160
Employee benefits	25	739	741
Provisions	26	1,219	1,219
Total non-current liabilities		11,193	13,120
Total liabilities		18,409	19,477
Net assets		23,873	21,820
Equity:			
Retained earnings		23,716	21,663
Reserves		157	157
Total equity		23,873	21,820

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF CHANGES IN EQUITY

For the year ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
Retained earnings:			
Opening balance			
Balance carried forward from previous period		21,663	16,719
Adjustment on initial application of AASB 16		-	76
Adjusted opening balance		21,663	16,795
Comprehensive income			
Surplus for the period		2,053	4,868
Total retained earnings		23,716	21,663
Asset revaluation reserve:			
Opening balance			
Balance carried forward from previous period		157	-
Adjusted opening balance		157	-
Comprehensive income			
Revaluation of property, plant and equipment		-	157
Total asset revaluation reserve		157	157
Total equity:			
Opening balance			
Balance carried forward from previous period		21,820	16,719
Adjustment on initial application of new accounting policies		-	76
Adjusted opening balance		21,820	16,795
Comprehensive income			
Surplus for the period		2,053	4,868
Movement in reserves		-	157
Total equity		23,873	21,820

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

STATEMENT OF CASH FLOWS

For the year ended 30 June 2021

	Note	2021 \$'000	2020 \$'000
Cash flows from operating activities:			
Cash outflows			
Employee benefit payments		(26,944)	(24,510)
Payments for supplies and services		(7,148)	(7,142)
Payments for service level agreement		-	(3,067)
Interest paid on finance costs		(174)	(203)
Cash used in operations		(34,266)	(34,922)
Cash inflows			
Fees and charges received		39,773	40,201
Interest received		167	319
GST recovered from the ATO		833	930
Other receipts received		88	623
Cash generated from operations		40,861	42,073
Net cash provided by operating activities		6,595	7,151
Cash flows from investing activities:			
Cash outflows			
Purchase of financial instruments		-	(8,000)
Purchase of property, plant and equipment		(42)	(1,404)
Purchases of intangibles		(147)	(228)
Cash used in investing activities		(189)	(9,632)
Cash flows from financing activities:			
Cash outflows			
Repayment of lease liability		(1,924)	(1,711)
Cash used in financing activities		(1,924)	(1,711)
Net (decrease)/increase in cash and cash equivalents		4,482	(4,192)
Cash and cash equivalents at 1 July		13,438	17,630
Cash and cash equivalents at 30 June	17	17,920	13,438

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1. Objective of the Office of the National Rail Safety Regulator

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

ONRSR has the principal objective of facilitating the safe operation of rail transport across Australia. This is achieved through regulation of the rail industry in accordance with the Law, supporting regulations, guidelines and policies and the promotion of safety as a fundamental objective in the delivery of rail transport services.

ONRSR has responsibility for regulatory oversight of rail safety in every Australian state and territory.

2. Significant accounting policies

(a) Statement of compliance

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

The financial statements are general purpose financial statements.

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

ONRSR has applied Australian Accounting Standards that are applicable to not-for-profit entities as ONRSR is a not-for-profit entity.

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

(b) Basis of preparation

The financial statements have been prepared based on a 12 month period and presented in Australian currency.

(c) Comparative information

The presentation and classification of items in the financial statements are consistent with prior periods except where specific accounting standards have required a change or an error has been identified.

(d) Rounding

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

(e) Taxation

ONRSR is not subject to income tax. ONRSR is liable for payroll tax, fringe benefits tax and goods and services tax (GST).

Income, expenses and assets are recognised net of the amount of GST except:

- when the GST incurred on a purchase of goods or services is not recoverable from the Australian Taxation Office, in which case the GST is recognised as part of the cost of acquisition of the asset or as part of the expense item applicable.
- receivables and payables, which are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the Australian Taxation Office is included as part of receivables or payables in the Statement of Financial Position.

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.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

(f) Current and non-current asset classification

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

(g) Events after the reporting period

The Fair Work Commission approved the ONRSR Enterprise Agreement 2021-2025 on 5 August 2021. The Enterprise Agreement resulted in a 1.5% or CPI (whichever is greater) annual increase in salaries and wages over 4 years. On approval of the Enterprise Agreement, a \$1,000 lump sum payment for all staff under the agreement was paid on 13 August 2021.

3. New and revised accounting standards and policies

Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet effective have not been adopted by ONRSR for the year ended 30 June 2021. ONRSR has assessed the impact of the new or changed Australian Accounting Standards and interpretations not yet implemented and have determined they will not have any material effect on ONRSR's financial statements.

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

4. Impact of COVID-19 pandemic

The COVID-19 pandemic has impacted on the operations of ONRSR. The most significant impact was an underspend on supplies and services as a result of restrictions on movements imposed by State Governments and Territory. Identified savings from 2019-20 and 2020-21 of \$2.3m as a result of the COVID-19 pandemic have been offset against the cost of regulation through the application of the fee regulation for the year ending 30 June 2022. Consideration will be given to further offsets for the year ending 30 June 2023.

Income**5. Revenue from fees and charges**

	2021	2020
	\$'000	\$'000
Revenue from accreditations	131	128
Revenue from major projects	1,404	1,467
Revenue from annual fees from industry and government	38,178	38,651
Total revenue from fees and charges	39,713	40,246

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

6. Funding for transition expenses

	2021	2020
	\$'000	\$'000
Capital contribution	-	1,524
Total funding for transition expenses	-	1,524

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

7. Penalties income

	2021	2020
	\$'000	\$'000
Penalties received	-	263
Total penalties income	-	263

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

8. Interest revenues

	2021	2020
	\$'000	\$'000
Interest received	166	313
Total interest revenues	166	313

Interest is recognised using the effective interest rate method.

9. Gain on derecognition of financial liabilities

	2021	2020
	\$'000	\$'000
Gain on derecognition of financial liabilities	1	818
Total gain on derecognition of financial liabilities	1	818

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

10. Other income

	2021	2020
	\$'000	\$'000
Reimbursement of legal costs	-	114
Impairment loss allowance recovered	-	15
Other	42	15
Total other revenue	42	144

Expenses**11. Employee benefits expenses**

	2021	2020
	\$'000	\$'000
Salaries and wages	21,602	20,497
Annual leave	1,896	1,736
Long service leave	600	643
Employment on-costs - superannuation ¹	2,182	2,059
Employment on-costs - other	1,285	1,107
Workers compensation	162	87
Total employee benefits expenses	27,727	26,129

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

Accounting policies for employee related expenses is contained in note 25.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

12. Supplies and services

	2021	2020
	\$'000	\$'000
Consultants	549	422
Contractors fees	682	513
Information technology	1,849	1,895
Insurance	420	373
Legal costs	199	79
Property	722	611
Short-term leases ¹	59	83
Training and development	359	330
Transition expenses	-	179
Travelling expenses	615	1,085
Other	754	673
Total supplies and services	6,208	6,243

¹ONRSR has elected not to recognise right-of-use assets and lease liabilities for short term leases that have a lease term of 12 months or less. ONRSR recognises the lease payments associated with short term leases as an expense.

13. Service level agreement

	2021	2020
	\$'000	\$'000
Payment under Service Level Agreement with Victoria	-	2,476
Total service level agreement	-	2,476

In the state of Victoria ONRSR's responsibility for regulatory oversight was via a Service Level Agreement prior to its transition to the national model on the 2 December 2019.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

14. Depreciation and amortisation

	2021	2020
	\$'000	\$'000
Fixtures and fittings	62	64
Computer equipment	78	206
Computer software	511	486
Leasehold improvements	621	450
Right-of-use assets	2,280	2,161
Total depreciation and amortisation	3,552	3,367

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

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

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

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

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

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

Class of asset	Useful life (years)
Computer equipment	2 - 10
Intangible assets	2 - 10
Leasehold improvements	Life of Lease
Right-of-use assets	Life of Lease

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

15. Finance costs

	2021	2020
	\$'000	\$'000
Interest expense on lease liabilities	174	203
Total finance costs	174	203

16. Other expenses

	2021	2020
	\$'000	\$'000
Property, plant and equipment write-off (refer note 22)	208	22
Total other expenses	208	22

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Assets**17. Cash and cash equivalents**

	2021	2020
	\$'000	\$'000
Cash at bank	17,920	13,438
Total cash and cash equivalents	17,920	13,438

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

18. Receivables

	2021	2020
	\$'000	\$'000
Current		
Account receivables	14	74
Prepayments	581	545
Accrued interest	1	2
Security deposit	5	5
GST input tax receivable	92	93
Workers compensation receivable	-	10
Total current receivables	693	729
Non-current		
Prepayments	9	6
Total non-current receivables	9	6
Total receivables	702	735

Movement in Impairment loss allowance

Carrying amount at the beginning of the period	-	16
Increase in the allowance	-	-
Amounts written off	-	(1)
Amounts recovered during the year	-	(15)
Carrying amount at the end of the period	-	-

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

19. Financial assets

	2021	2020
	\$'000	\$'000
Terms deposits - current	8,000	-
Terms deposits - non-current	-	8,000
Total financial assets	8,000	8,000

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

20. Property, plant and equipment

	2021	2020
	\$'000	\$'000
Leasehold improvements		
At cost	4,778	4,778
Accumulated depreciation	(1,633)	(1,012)
Total leasehold improvements	3,145	3,766
Fixtures and fittings		
At cost	818	938
Accumulated depreciation	(295)	(301)
Total fixtures and fittings	523	637
Computer equipment		
At cost	322	1,090
Accumulated depreciation	(144)	(717)
Total computer equipment	178	373
Right-of-use assets		
At cost	15,152	15,039
Accumulated depreciation	(4,419)	(2,147)
Total right-of-use assets	10,733	12,892
Total property, plant and equipment	14,579	17,668

Property, plant and equipment are initially identified at cost or at the value of any liabilities assumed, plus any incidental cost involved with the acquisition. Property, plant and equipment are subsequently measured at cost after allowing for accumulated depreciation and are tested for indications of impairment at each reporting date. Where assets are acquired at no value, or minimal value, they are recorded at fair value in the Statement of Financial Position.

All property, plant and equipment with a value equal to or in excess of \$5,000 are capitalised.

ONRSR expects for all non-current tangible assets that any costs of disposal will be negligible, and the recoverable amount to be close to or greater than the carrying value.

Items of property, plant and equipment are derecognised upon disposal or when no further future economic benefits are expected from its use or disposal (refer note 10).

Leased right-of-use assets are capitalised on the commencement date of the lease and comprise the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives receivable.

ONRSR's leases are for office accommodation and motor vehicles. Office leases are non-cancellable with terms ranging up to 10 years with some leases having the right of renewal. Rent is payable one month in advance. Lease payment are increased annually in accordance with the terms of the lease agreement.

Impairment

There were no indications of impairment of property, plant and equipment or right-of-use assets at 30 June 2021.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

21. Intangible assets

	2021 \$'000	2020 \$'000
Computer software		
Internally developed computer software	2,823	2,720
Accumulated amortisation	(1,815)	(1,327)
	1,008	1,393
Other computer software	921	927
Accumulated amortisation	(869)	(909)
	52	18
Total computer software	1,060	1,411
Work in progress (intangibles):		
At cost	21	45
Total work in progress (intangibles)	21	45
Total intangible assets	1,081	1,456

An intangible asset is an identifiable non-monetary asset without physical substance. Intangible assets are measured at cost and are tested for indications of impairment at each reporting date. Following initial recognition, intangible assets are carried at cost less any accumulated amortisation and any accumulated impairment losses.

The acquisition of internal development or of externally acquired software is capitalised only when the expenditure meets the definition and recognition criteria and when the amount of expenditure is greater than or equal to \$5,000.

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

Intangible assets are derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Impairment

There were no indications of impairment of intangibles at 30 June 2021.

22. Asset movement reconciliation 2021

	Leasehold improvements \$'000	Fixtures and fittings \$'000	Computer equipment \$'000	Intangible assets \$'000	Right-of-use assets \$'000	Total \$'000
2021						
Carrying amount at 1 July 2020	3,766	637	373	1,456	12,892	19,124
Additions at cost	-	-	39	160	-	199
Additions work in progress	-	-	-	21	-	21
Additions of right-of-use assets	-	-	-	-	99	99
Reclassification of prior year WIP	-	-	-	(45)	-	(45)
Disposals	-	(52)	(156)	-	(22)	(230)
Lease modification	-	-	-	-	44	44
Depreciation/amortisation	(621)	(62)	(78)	(511)	(2,280)	(3,552)
Carrying amount at 30 June 2021	3,145	523	178	1,081	10,733	15,660

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

Liabilities

23. Payables

	2021 \$'000	2020 \$'000
Current		
Creditors	114	166
Accrued expenses	203	130
Employee on-costs ¹	143	97
Paid Parental Leave Scheme payable	8	-
FBT payable	10	4
Total current payables	478	397

¹ Employee on-costs include payroll tax, workers compensation levies and superannuation contributions. ONRSR makes contributions to several state government and commercial superannuation schemes. These contributions are treated as an expense when they occur. There is no liability for payments to beneficiaries as they have been assumed by the respective superannuation schemes. The only liability outstanding at reporting date relates to any contributions due but not yet paid to scheme managers.

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

24. Financial Liabilities

	2021 \$'000	2020 \$'000
Current		
Lease liabilities	2,038	1,917
Total current financial liabilities	2,038	1,917
Non-Current		
Lease liabilities	9,235	11,160
Total non-current financial liabilities	9,235	11,160
Total financial liabilities	11,273	13,077

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

25. Employee benefits

	2021 \$'000	2020 \$'000
Current		
Accrued salaries and wages	721	627
Separation and redundancy payments	-	115
Annual Leave	1,904	1,631
Long service leave	2,075	1,670
Total current employee benefits	4,700	4,043
Non-Current		
Long service leave	739	741
Total non-current employee benefits	739	741
Total Employee benefits	5,439	4,784

Employee benefits accrue for employees as a result of services provided up to the reporting date that remain unpaid. The obligations are presented as current liabilities if ONRSR does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

- *Short term obligations*

Liabilities for wages and salaries, including non-monetary benefits, annual leave and long service leave expected to be settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of the employee's service up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled.

No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees is estimated to be less than the annual entitlement for sick leave.

- *Other long-term benefit obligations*

The liability for long service leave which is not expected to be settled within 12 months after the end of the period in which employees render the related service is recognised in employee benefits and measured as the present value of the expected future payments to be made in respect of services provided by employees up to the end of the reporting period. Consideration is given to expected future wage and salary levels. Expected future payments are discounted using market yields at the end of the reporting period on government bonds.

- *Separation and redundancy*

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

26. Provisions

	2021 \$'000	2020 \$'000
Non-current		
Opening Balance - Make Good	1,219	389
Additions to Make Good	-	265
Revaluation of Make Good	-	565
Total provisions	1,219	1,219

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

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

27. Unrecognised contractual commitments

	2021 \$'000	2020 \$'000
Capital commitments		
Within one year	57	4
Later than one year but no longer than five years	-	-
Total capital commitments	57	4
Expenditure commitments - Other		
Within one year	1,056	1,010
Later than one year but no longer than five years	408	563
Total other commitments	1,464	1,573

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

28. Contingent assets and liabilities

ONRSR is not aware of any contingent assets or liabilities at 30 June 2021.

29. Key management personnel

Key management personnel of ONRSR include the Regulator, Non Executive Members and Executive Directors who have responsibility for the strategic direction and management of ONRSR. Total compensation for the ONRSR's key management personnel was \$1.915 million (2020: \$1.920 million). The total number of key management personnel is 7 (2020: 7).

Transactions with key management personnel

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

30. Related party transactions

Related parties of ONRSR include all key management personnel and their close family members. There were no related party transactions during the reporting period.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR

31. Financial instruments

Categorisation of financial instruments

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

	2021 \$'000	2020 \$'000
Financial assets:		
Financial assets		
Cash and cash equivalents	17,920	13,438
Term deposits	8,000	8,000
Financial assets at amortised cost		
Receivables	20	91
Total financial assets	25,940	21,529
Financial liabilities:		
Financial liabilities at amortised cost		
Payables	262	242
Lease liabilities	11,273	13,077
Total financial liabilities	11,535	13,319
Net gain or loss on financial assets:		
Cash and cash equivalents		
Interest on cash and cash equivalents	61	121
Financial assets		
Interest on term deposits	105	192
Net gain (loss) on financial assets	166	313
Net gain or loss on financial liabilities:		
Lease Liabilities		
Interest expense on lease liabilities	(174)	(203)
Payables		
Gain on derecognition of financial liabilities	1	818
Net gain (loss) on financial assets	(173)	615

Receivable and payable amounts disclosed in this note exclude amounts relating to statutory receivables and payables.

Receivables amount disclosed here excludes prepayments and security deposits. Prepayments are presented in note 18 receivables in accordance with paragraph 78 (b) of AASB 101. Prepayments are not financial assets as defined in AASB 132 as the future economic benefit of these assets is the receipt of goods and services rather than the right to receive cash or another financial asset.

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

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

Financial assets are assessed for impairment at each balance date.

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

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KEY PERFORMANCE INDICATORS

ONRSR CORPORATE GOAL	ONRSR KPI	KPI MEASURE(S)	KPI TARGET(S)	2018-2019	2019-2020	2020-2021
GOAL 1 Enhance our risk-based approach to rail safety regulation	• Australia's rail networks are safer	• The national rate of key occurrence category incidents, as reported to ONRSR*	• Decrease (3 yr. trend)	0.52	0.59	0.57
	• ONRSR's regulatory effort is risk-based	• Number of drug and alcohol tests and % positive (ONRSR)	• 0% drug • 0% alcohol	0% 0%	0% 0%	0% 0%
		• Number of drug and alcohol tests and % positive (industry)	• 0% drug • 0% alcohol	0.308% 0.032%	0.2625% 0.0195%	0.273% 0.0167%
		• % of set minimum interaction levels achieved in previous calendar year	• 100%	100%	100%	100%
GOAL 2 Reduce the regulatory burden on industry	• ONRSR's regulatory activities are efficient	• % of preliminary audit reports issued within four weeks of an audit	• 90%	54%**	87%	93.75%
		• % of inspection reports issued within four weeks of an inspection	• 90%	87%	94.5%	94.22%
		• % of policies and legislative changes consulted on	• 100%	100%	100%	100%
		• % of key activities (occurrences and monthly returns) reported via the ONRSR Portal	• 100%	97%	99%	99.4%
GOAL 3 Work with industry to address national rail safety issues	• ONRSR collaborates with industry to deliver projects that improve rail safety	• The national rate of occurrences associated with national priorities, as reported to ONRSR	• Decrease (3 yr. trend)			
			- Track Worker Safety	12.30	11.60	9.70
			- Level Crossing Safety	0.89	0.92	0.69
			- T&H Sector SMS Capability	2.39	3.43	N/A
		- RRV Safety	48.94	47.27	N/A	
• % adoption of ONRSR's major project guidance	• 100%	92%	91%	90%		
GOAL 4 Invest in ONRSR's national capability, governance and culture to drive our strategic intent	• ONRSR has appropriately skilled and experienced staff	• % annual voluntary staff turnover	• 10-15%	12.5%	7.2%	7.3%
		• % of payroll invested in training and development activities	• 1-2%	1.5%	1.26%	1.3%
	• ONRSR staff are safe in the workplace	• Annual lost time injury frequency rate (LTIFR)	• 0	0	9.58	3.0

*Rates presented are subject to change as more information becomes available through investigation or inquiry, or as ONRSR refines systems for data capture, validation and reporting. This may result in variation between historical and future reports.

** The KPI measure was set in 2018, which shortened the existing ONRSR audit preliminary report production period, with the KPI target set as an aspirational target to drive efficiency. Actions are ongoing through improved monitoring and internal oversight, national allocation of resources to audit tasks and the consideration of system supported efficiency improvements to drive an ongoing improvement towards the target.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR
FREEDOM OF INFORMATION STATEMENT 2020–2021

INTRODUCTION

The Office of the National Rail Safety Regulator (ONRSR) is an independent body corporate established under the Rail Safety National Law (RSNL), a Schedule to the *Rail Safety National Law (South Australia) Act 2012* and the *Rail Safety National Law (WA) Act 2015*.

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

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

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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.

OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR
FREEDOM OF INFORMATION STATEMENT 2020–2021

DOCUMENTS HELD BY ONRSR

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

- > ONRSR's Annual Report, Corporate Plan, Statement of Intent and media releases;
- > The ONRSR Way publication;
- > ONRSR's Twitter Account;
- > ONRSR's Portal;
- > ONRSR policies providing guidance to and setting expectations for ONRSR officers in their exercise of regulatory functions under the *Rail Safety National Law*, and made publicly available for transparency. These are:
 - Fees policy
 - Private siding registration policy
 - Safety Performance Reports policy
 - Safety Improvement policy
 - Drug and alcohol testing policy
 - Compliance and enforcement policy
 - Freedom of Information policy
 - Application of AQF to Rail Safety Worker competency assessment policy
 - Application of cost benefit analysis requirement policy
 - Review of decisions policy
 - Exemptions from the RSNL policy
 - Compliance Audit Policy
 - Notification of Change Policy
 - Railway Crossings Policy
- > Guidelines, fact sheets and safety alerts to provide assistance to duty holders in understanding their requirements under the *Rail Safety National Law* and to improve rail safety.
- > The National Rail Safety Register and Rail Transport Operator Notices of Accreditation and Notices of Registration issued under the *Rail Safety National Law*.

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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).

**OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR
FREEDOM OF INFORMATION STATEMENT 2020–2021**

MAKING A FREEDOM OF INFORMATION APPLICATION

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

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

Requesting access or amendment to ONRSR records

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

Requests for access made under the FOI Act must:

- > be in writing
- > specify that it is made under the FOI Act
- > provide enough information to enable the requested document(s) to be identified
- > include an address and telephone number at which you can be contacted in Australia
- > indicate the type of access being sought (e.g. inspection of a document or a copy of the document)
- > be accompanied by the application fee of \$38.25 (current July 2021)

In addition to the application fee, there may be further charges for processing and copying if the document(s) are long or complex. Fees may be waived on presentation of evidence of hardship or a concession card by the applicant.

The form for FOI applications and requests may be found on the State Records of South Australia website at:

- > http://www.archives.sa.gov.au/files/forms_foi_request_for_access.pdf
- > http://www.archives.sa.gov.au/files/forms_foi_amendment_personal.pdf

**OFFICE OF THE NATIONAL RAIL SAFETY REGULATOR
FREEDOM OF INFORMATION STATEMENT 2020–2021**

ONRSR POLICY: FREEDOM OF INFORMATION

Once a FOI application or request is received, ONRSR will process and determine it in accordance with the FOI Act. The purpose of this document is to guide ONRSR staff members in their obligations with respect to the FOI Act and ONRSR's obligations as an agency.

CONTACT

Queries, applications and requests may be directed to:

*Accredited FOI Officer
Office of the National Rail Safety Regulator
PO Box 3461, Rundle Mall
Adelaide SA 5000
08 8406 1500
foi@onrsr.com.au*

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

APPLICATIONS FOR ACCESS 2020-2021

Agent/ Organisation	Applicant Type	Status	Fee	Summary	Time taken/ Outcome/ Exemptions Claimed
RTBU NSW	Non Personal	Determined	\$37.50	Accreditation documents relating to Pacific National driver only operations	Partial access Clause 16(1)(a)(i)
Tracksafe Foundation	Non personal	Determined	waived	Data relating to fatalities, serious injuries etc for a period of time by	Full release
Turner Freeman Lawyers	Non personal	Determined	\$37.50	Documents relating to an incident on 12 September 2019 on the Armadale Train	Partial access Clause 6(1)
Matthew Deane-Hon Justin Hanson MLC Office.	Personal	Determined-refuse to deal with application	\$37.50	All documents held by ONRSR in relation to the Adelaide Rail Transformation	Section 18(1) refused to deal with application
Vero Insurance	Non Personal	Determined	\$37.50	All documents relating to an investigation into an incident on 22	Partial Access Clause 6(1) Clause 16(1)(a)(i) Clause 9(1)(a)
Bartier Perry Lawyers	Non Personal	In progress	\$37.50	Witness statements and records of interview for key personnel; and ONRSR investigation report relating to an incident on 8 January 2021 at Hawkesbury River, NSW.	Not yet determined



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ISSN: 2202-3127