

STATE RECORDS

of South Australia

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RDS Context Statement

Office of the National Rail Safety Regulator

RDS 2021/20 Version 1

Effective Dates: 3 January 2022 to 3 January 2032

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Background of the Agency and Functions relevant to the records in the RDS.

Role and Function

Our Vision¹: Safe Railways for Australia

The Office of the National Rail Safety Regulator (ONRSR) works on behalf of Australian Governments to promote and improve national rail safety and ensure the safety of the community by encouraging and enforcing safe railway operations.

The functions of the ONRSR under the National Law are to administer, audit and review the accreditation regime, to work with rail transport operators, rail safety workers and others involved in railway operations, to improve rail safety nationally. It will achieve these by conducting regular safety audits of operators, investigating rail safety occurrences, overseeing compliance with rail safety legislation, working with rail operators on potential opportunities to improve safety, and collecting and analysing rail safety occurrence statistics.

History and Structure

Following consideration of a Regulatory Impact Statement, in 2009 the Council of Australian Governments (COAG) agreed to establish a single national rail safety regulator and national rail safety investigator to modernise Australia's rail safety regulatory system, as part of a suite of reforms to enhance the productivity, safety and sustainability of the transport industry.

The creation of a single national entity replaced seven separate regulatory authorities and 46 pieces of state, territory and commonwealth legislation. Rail transport operators are now accredited nationally rather than applying for accreditation in each state and territory.

In December 2009, Ministers agreed that that the Office of the National Rail Safety Regulator (ONRSR) would be located in Adelaide, South Australia and that the local Minister for Transport would be the Host Minister.

In May 2010, a Project Office was established in Adelaide to manage and lead the implementation of the National Regulator. The Project Office reported to the Rail Safety Regulation Reform Project Board which comprised heads of transport departments and road authorities from each state and territory as well as New Zealand in addition to a representative from local government and the National Transport Commission.

In August 2011, an Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform was signed agreeing to establish the Office of the National Rail Safety Regulator (ONRSR) and further agreed to position the Australian Transport Safety Bureau (ATSB) as the national "no-blame" investigator for rail in Australia. The ATSB is an independent Commonwealth Government statutory agency, governed by a Commission and reporting to the Federal Minister for Infrastructure and Transport. It acts independently from transport regulators, policy makers and service providers, to improve safety and public confidence in the aviation, marine and rail modes of transport. The ATSB and ONRSR have a working relationship governed by a Memorandum of Understanding (MOU) to facilitate the

¹ ONRSR 2019-2020 Annual Report

use of powers between the two entities, including where ONRSR is required to respond to a confidential report relating to the ATSB's independent investigations.

The draft *Rail Safety National Law*, and Regulatory Impact Statement were approved by Transport Ministers at the first meeting of the Standing Council on Transport and Infrastructure on 4 November 2011.

The draft *Rail Safety National Law* was passed through the South Australian Parliament on 1 May 2012.

ONRSR was formally established as a Government Statutory Authority on 7 June 2012 under the *Rail Safety National Law (South Australia) Act*, (and applied by the parliament of every state and territory) to enable the formal appointment of the first National Rail Safety Regulator, Mr Rob Andrews. Ms Sue McCarrey was appointed as the National Rail Safety Regulator in December 2014

Under the *Rail Safety National Law*, "ONRSR" comprises the National Rail Safety Regulator and two non-executive members. 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.

The *Rail Safety National Law* applies the South Australia State Records Act 1997 to the national activities and operations of the ONRSR.

ONRSR commenced regulatory operations on 20 January 2013 with regulatory oversight of rail safety in South Australia, Tasmania, the Northern Territory and New South Wales (under Service Level Agreement (SLA) with final transition in March 2017). Over the ensuing years ONRSR has assumed regulatory responsibility in all other jurisdictions (the Australian Capital Territory in November 2014, Victoria in May 2014 (initial SLA with final transition December 2019), Western Australia in November 2015 and Queensland in July 2017. On 2 December 2019, ONRSR reached a major milestone in Victoria with ONSR assigned full responsibility for rail safety regulation following the removal of the service level agreement. This effectively fully established ONRSR as the national rail safety regulator.

Legislation

List of Relevant Legislation administered by the Agency

Rail Safety National Law (South Australia) Act 2012

Rail Safety National Law (NSW) No 82a

Rail Safety (National Uniform Legislation) Act 2012 No 27

Rail Safety National Law (Tasmania) Act 2012 No 38

Rail Safety National Law Application Act 2013 No 22

Rail Safety National Law (ACT) Act 2014

Rail Safety National Law (WA) Act 2015

Rail Safety National Law (Queensland)

Background of Recordkeeping Practices and Systems

Current and Past Records Structure

Previous Rail Safety Regulators are responsible for State-based historical records. There are no predecessor agencies of ONRSR.

Information is managed across an number of systems within ONRSR with two records repositories (Objective v10.4.4.1 and Expense 8 v5.58.3) being self-certified for GDS21 since May 2015.

Electronic records are preferred but when physical records are received they are digitised and stored as per business processes.

Record Repositories;

- Objective
- Expense8
- SharePoint – will be delivered as the primary repository in 2022

Data Systems;

Regulatory Information System (RegIS) a bespoke application for managing our discharge of rail safety regulation, with a secure digital channel that facilitates online exchange with all regulated parties (The Portal)

Technology One, A commercial application for managing Human Resources and Finance functions

COMtrac, A commercial application for managing investigations into significant rail safety incidents

Name of system	Start date	End date (if ceased)	System of arrangement	Volume (linear metres, no of records in database)	Further information (e.g. data migrated, duplicated)
<i>TechnologyOne ECM</i>	<i>2013</i>	<i>2015</i>	<i>Year & sequential Number (YYYY/NNNN)</i>	<i>13,631 records</i>	<i>Data migrated to Objective ECM</i>
<i>Objective ECM</i>	<i>2015</i>	<i>Ongoing</i>	<i>Letter & Sequential number Eg AXXXXXX</i>	<i>743,261 records</i>	<i>Contemplating moving sharepoint & Governance tool</i>
<i>RegIS</i>	<i>2013</i>	<i>Ongoing</i>		<i>618,646 records</i>	
<i>TechOne</i>	<i>2013</i>	<i>Ongoing</i>		<i>1,534,301</i>	
<i>COMtrac</i>	<i>2021</i>	<i>Ongoing</i>		<i>7</i>	