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## Proposed National Model Rail Safety Regulations 2006

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## National Model Rail Safety Regulations 2006

### PART 1 – PRELIMINARY MATTERS

#### 1. Commencement

[*Local variations*]

#### 2. Definitions

In these Regulations —

"**corresponding law**" means [*local variations*];

"**the Act**" means the *Rail Safety Act 2006* as approved by the Australian Transport Council as model legislation.

### PART 2 - ACCREDITATION

#### 3. Application for accreditation

For the purposes of section 33(2)(e) of the Act, an application for accreditation must contain —

- (a) the name and contact details of the person making the application; and
- (b) if the applicant is accredited under a corresponding law, a copy of the notice of accreditation; and
- (c) in the case of a rail infrastructure manager who does not own the rail infrastructure, documentary evidence that the applicant has, or is in a position to obtain, a right of access to the land on which the rail infrastructure is situated, and a right to use or to manage the rail infrastructure; and
- (d) a description of the operational assets, or classes of operational assets, that the applicant intends to use or manage in the operations for which the application is made, including any stations, signal and train control centres, rolling stock for service

and maintenance activities, signalling systems and safe working systems; and

- (e) in the case of a rolling stock operator, documentary evidence that the applicant has, or is in a position to obtain, a right to access the rail infrastructure needed to be able to operate the rolling stock; and
- (f) if electrified railway tracks will be used, details of the electrification; and
- (g) details of the consultation undertaken by the applicant in relation to the applicant's safety management system, including —
  - (i) who was consulted; and
  - (ii) when and how the consultation occurred; and
  - (iii) the results of the consultation; and
- (h) if the applicant is not an individual, evidence that the application has been submitted to and endorsed —
  - (i) if the applicant is a body corporate —
    - (A) being a company within the meaning of the *Corporations Act*, by its Board of Directors in accordance with section 127 of that Act;
    - (B) in any other case, by its governing body;
  - (ii) if the applicant is a partnership, by each partner;
  - (iii) if the applicant is an unincorporated association or body, by its governing body; and
- (h) the application fee set out in item 1 of Schedule 2.

#### **4. Prescribed details of the applicant**

For the purposes of section 37(2)(a) of the Act, a notice of accreditation must specify the accredited person's —

- (a) name; and

- (b) registered business name, and trading name if that is different to the registered business name; and
- (c) ACN or ABN, if applicable; and
- (d) residential address or, in the case of a body corporate, registered business address.

**5. Prescribed conditions of, or restrictions on, accreditation**

- (1) For the purposes of section 38 of the Act, any accreditation granted to a rail transport operator is subject to the following conditions and restrictions —
  - (a) if the operator is accredited under a corresponding law, the operator must advise the Rail Safety Regulator in writing immediately if the operator's accreditation in the other State or Territory expires or is suspended, surrendered, or revoked;
  - (b) the operator must pay the annual accreditation fee by 30 September of each year;
  - (c) the operator must notify the Rail Safety Regulator in writing of any of the following proposed changes to the operator's railway operations at least 5 days before the operator intends to bring the change into operation —
    - (i) the introduction into service of rolling stock of a type not previously operated by the operator;
    - (ii) the modification of a safety critical element of any existing rolling stock operated by the operator;
    - (iii) any changes to the railway infrastructure managed by the operator (other than those resulting from routine repairs or maintenance);
    - (iv) changes to the frequency of, or procedures for, the inspection and maintenance of any railway infrastructure or rolling stock managed or operated by the operator; and
  - (d) the operator must notify the Rail Safety Regulator in writing of any of the following events in relation to the operator's railway operations as soon as is practicable after the event occurs —

- (i) a decision to construct, or to commission the construction of, rolling stock or new railway tracks;
    - (ii) a decision to introduce a new safe working system not previously used by the operator;
  - (e) the operator must notify the Rail Safety Regulator in writing of any of the following changes as soon as is possible after the operator becomes aware that the change has occurred —
    - (i) any changes to any relevant standards that apply to the design and maintenance of any railway infrastructure or rolling stock managed or operated by the operator (other than those that are only of an administrative nature);
    - (ii) any change to the person nominated in the safety management system as the contact person for dealing with queries in relation to the safety management system of the operator;
  - (f) in notifying the Rail Safety Regulator as required under paragraph (c), (d) or (e), the rail safety operator must include in the notification any information relating to the change that the Rail Safety Regulator requires.
- (2) Nothing in sub-regulation (1) is intended to require an accredited operator to notify the Rail Safety Regulator of any matter that is the subject of an application for the variation of the accreditation.

## **6. Surrender of accreditation**

An accredited person may surrender his, her or its accreditation by notifying the Rail Safety Regulator in writing not less than 28 days before the proposed date of surrender of his, her or its intention to surrender the accreditation, and of the arrangements that are proposed in relation to the cessation of the person's railway operations.

## **7. Application for a variation of an accreditation**

For the purposes of sections 47(2)(b) and 52 of the Act, an application for a variation of an accreditation, or an application for a variation of a condition or restriction imposed by the Rail Safety Regulator, must contain —

- (a) details of the scope and nature of the proposed variation; and
- (b) details of the changes that will be made to the applicant's safety management system if the proposed variation occurs; and
- (c) details of the consultation that has occurred with the parties who might be affected by the proposed variation, including —
  - (i) who was consulted; and
  - (ii) when and how the consultation occurred; and
  - (iii) the results of the consultation; and
- (d) evidence to demonstrate that the applicant has the competence and capacity to manage the proposed variation safely; and
- (e) the details of the applicant listed in regulation 4.

### **PART 3 - SAFETY MANAGEMENT**

#### **Division 1 - Safety Management Systems**

##### **8. Prescribed requirements for a safety management system**

A safety management system must provide for all of the matters listed in Schedule 1 that are relevant to the railway operations for which the rail transport operator is accredited, or seeking to be accredited, and must provide a level of detail with respect to each of those matters that is appropriate having regard to the scope and nature of those operations.

#### **Division 2 – Interface Co-ordination Plans**

##### **9. Meaning of "interface agreement"**

In this Division "**interface agreement**" means an agreement between 2 parties in relation to risks arising from railway operations that makes provision for —

- (a) eliminating the risks that it is practicable to eliminate, and implementing the control measures that are to be used to manage

those risks that have been assessed as requiring control measures;

- (b) the respective roles and responsibilities of each party in relation to the elimination of risks, and the implementation and monitoring of each control measure;
- (c) the procedures by which each party will monitor and determine whether the other party complies with its obligations under the agreement;
- (d) the exchange of information between the parties in relation to their obligations under the agreement;
- (e) the review, and if necessary, the revision of the agreement within a period specified in the agreement if —
  - (i) any Category A notifiable occurrence (as defined in regulation 21(1)(a)) occurs in relation to the railway operations to which the agreement applies; or
  - (ii) any other event specified in the agreement occurs.

## **10. Obligations on rail transport operators**

- (1) A rail transport operator must take the following steps to develop an interface co-ordination plan for the purposes of section 61(1) of the Act —
  - (a) the operations of the other rail transport operator to which the plan is to apply must be identified;
  - (b) the potential risks to safety identified under section 61(1)(a) that may be caused by those operations must be assessed in conjunction with the other operator;
  - (c) a process must be established to seek an interface agreement with the other operator;
  - (d) the process must be undertaken and pursued until there is a written interface agreement between the rail transport operator and the other operator.
- (2) The process described in sub-regulation (1) must be repeated for every other rail transport operator or road manager referred to in section

61(1)(a) of the Act, so that the rail transport operator enters into an interface agreement under sub-regulation (1) with each of those other rail transport operators.

- (3) A rail transport operator who has entered into an interface agreement under sub-regulation (1) must do everything that the rail transport operator has agreed to do under the agreement in relation to eliminating any risk, or to implementing or monitoring any control measure.

*[At present the Act does not authorise the following 2 regulations. The ATC has agreed that the Act be amended to provide such authorisation. See the RIS for further details.]*

## **11. Obligations on rail infrastructure managers**

- (1) A rail infrastructure manager must take the following steps to develop an interface co-ordination plan for the purposes of section xx of the Act —
  - (a) the roads to which the plan is to apply, and the manager of those roads, must be identified;
  - (b) the potential risks to safety identified under section xx(1)(a) must be assessed in conjunction with the other manager;
  - (c) a process must be established to seek an interface agreement with the other manager;
  - (d) the process must be undertaken and pursued until there is a written interface agreement between the rail infrastructure manager and the road manager.
- (2) The process described in sub-regulation (1) must be repeated for every road manager referred to in section xx(1)(a) of the Act, so that the rail infrastructure manager enters into an interface agreement under sub-regulation (1) with each of those other road managers.
- (3) A rail infrastructure manager who has entered into an interface agreement under sub-regulation (1) must do everything that the rail infrastructure manager has agreed to do under the agreement in relation to eliminating any risk, or to implementing or monitoring any control measure.

**12. Obligations on road managers**

- (1) A road manager must take the following steps to develop an interface co-ordination plan for the purposes of section xx(1) of the Act —
  - (a) the railway operations and roads to which the plan is to apply must be identified;
  - (b) the potential risks to safety identified under section xx(1)(a) must be assessed in conjunction with that manager;
  - (c) a process must be established to seek an interface agreement with the rail infrastructure;
  - (d) the process must be undertaken and pursued until there is a written interface agreement between the road manager and the rail infrastructure manager.
- (2) The process described in sub-regulation (1) must be repeated for every other rail infrastructure manager referred to in section xx(1)(a) of the Act, so that the road manager enters into an interface agreement under sub-regulation (1) with each of those other rail infrastructure managers.
- (3) A road manager who has entered into an interface agreement under sub-regulation (1) must do everything that the road manager has agreed to do under the agreement in relation to eliminating any risk, or to implementing or monitoring any control measure.

**Division 3 – Security Management Plans**

**13. Security management plan**

- (1) For the purposes of section 62 of the Act, a security management plan must include—
  - (a) a description of the protective and response measures to be used to manage the matters specified in section 62(a)(i) of the Act, including a description of the policies, procedures and equipment and other physical resources that it is proposed to use for those measures, and of the training that will be provided; and
  - (b) a description of the response measures to be used for responding to changes to national terrorism threat levels; and

- (c) if the rail transport operator shares a location such as a modal interchange or a port with one or more other transport operators, a description of the arrangements made with those other transport operators in relation to those locations if a security incident occurs; and
- (d) procedures for the recording and analysis of security incidents; and
- (e) the allocation of security roles and responsibilities to appropriate people; and
- (f) if applicable, provision for liaison with other emergency services, and other transport operators who may be affected by the implementation of the plan, to share information and provide for joint operations; and
- (g) provision for the evaluation, testing and if necessary, the revision of security measures and procedures.

#### **Division 4 – Emergency Plans**

##### **14. Preparation of an emergency plan**

- (1) When preparing an emergency plan, and in addition to the people specified in section 57(3) of the Act, a rail transport operator must consult with —
  - (a) any government agencies with emergency management functions with respect to the area to which the plan relates [local variations]; and
  - (b) any other transport operators who may be affected by the implementation of the plan.

##### **15. Matters to be included in an emergency plan**

- (1) An emergency plan prepared under section 63 of the Act must address —
  - (a) the types or classes of foreseeable emergencies;

- (b) the consequences of each type or class of emergency, including estimates of the likely magnitude and severity of the effects of each type or class; and
- (c) methods to prevent an emergency from escalating; and
- (d) initial response procedures for dealing with an emergency and the provision of rescue services; and
- (e) recovery procedures for the restoration of railway operations and for the assistance of people affected by the occurrence of an emergency; and
- (f) the allocation of the roles and responsibilities to people employed by the rail transport operator relating to emergency management and between other organisations; and
- (g) call-out procedures; and
- (h) the allocation of personnel for the on-site management of the emergency; and
- (i) procedures for liaison with relevant emergency services, including information about the circumstances in which the emergency services should be immediately contacted; and
- (j) procedures to ensure that emergency services are provided with all the information that is reasonably required to enable them to respond effectively to an emergency; and
- (k) procedures for effective communications and co-operation throughout the emergency response.

**16. Keeping, maintaining and testing an emergency plan**

- (1) A rail transport operator must ensure, so far as is reasonably practicable, that all employees of the operator, and all contractors engaged by the operator, who may be required to implement the emergency response procedures in the emergency plan are provided with information about, and training in, (as the case requires) the relevant elements of the plan.
- (2) The operator must test the emergency plan, or elements of the plan, to ensure the plan remains effective —

- (a) at intervals determined, where reasonably practicable, by the operator in conjunction with the emergency services when preparing the plan; and
  - (b) after any significant changes are made to the plan.
- (3) When testing the emergency plan, or elements of the plan, the operator must, so far as is reasonably practicable, arrange for participation in the testing by the relevant emergency services.
- (4) The operator must ensure that in-house exercises to test the plan are undertaken on a regular basis.
- (5) A rail transport operator must ensure that the emergency plan is comprehensible, and is readily accessible, to —
- (a) all employees of the operator, and all contractors engaged by the operator, who may be required to implement any emergency response procedures in the emergency plan; and
  - (b) any utilities that may be required to implement any part of the emergency plan; and
  - (c) emergency services.

#### **Division 5 – Review**

#### **17. Review of safety management system**

- (1) A rail transport operator must comply with this regulation in conducting a review of the operator's safety management system.
- (2) In conducting the consultation required by section 57(3) before carrying out the review, the operator must ensure that those consulted are asked for their opinion on whether, and if so, how, the safety management system can be improved.
- (3) In conducting the review the operator must ensure —
- (a) that the effectiveness of the safety management system is assessed; and
  - (b) that the effectiveness of any revisions that were made as a result of the last review are assessed; and

- (c) that any deficiencies in the system are identified; and
- (d) that methods of remedying any deficiencies are designed and assessed; and
- (e) that any opinions offered of the sort referred to in sub-regulation (2) are assessed; and
- (f) that any other suggestions for improving the system that arise during the course of the review are assessed; and
- (g) if any deficiencies or practicable improvements are identified, that a plan is created to remedy those deficiencies, or to effect those improvements (as the case may be).

#### **PART 4 – RAIL SAFETY WORKERS**

##### **18. Health and fitness management programs**

A rail transport operator must have, and must implement, a health and fitness program for rail safety workers that complies, so far as is reasonably practicable, with Volumes 1 and 2 of the *National Standard for Health Assessment of Rail Safety Workers*, published by the National Transport Commission, as amended from time to time.

##### **19. Assessment of competence**

If section 68(1)(a) of the Act does not apply to any rail safety work undertaken for a rail transport operator, the rail transport operator must establish units of competence for that work, and must assess, or cause to be assessed, the competence of each rail safety worker who is to carry out that work by reference to those units of competence.

##### **20. Records of competence**

The records of competence a rail transport operator must maintain under section 68(5) of the Act must include details of —

- (a) the training undertaken by each rail safety worker, including when, and for how long, the training was undertaken; and

- (b) the qualifications of each rail safety worker, including —
  - (i) the units of competence undertaken to achieve the qualification; and
  - (ii) the level of qualification attained; and
  - (iii) if and when a re-assessment of competence is to be conducted; and
  - (iv) if and when re-training is due; and
  - (v) the date any re-training was undertaken; and
- (c) the name of the organisation conducting the training or re-training; and
- (d) the name and qualifications of the person who assessed the competence of the rail safety worker.

## **PART 5 – MISCELLANEOUS**

### **21. Reporting of notifiable occurrences**

- (1) For the purposes of this regulation—
  - (a) a Category A notifiable occurrence is any of the following notifiable occurrences—
    - (i) an accident or incident that has caused death, serious injury or significant property damage;
    - (ii) a running line derailment;
    - (iii) a collision between rolling stock;
    - (iv) a collision at a level crossing between rolling stock and either a road vehicle or a person;
    - (v) a fire or explosion on or in rail infrastructure or rolling stock that significantly affects railway operations or that endangered one or more people;

- (vi) a failure to comply with a requirement imposed by a safety management system where that failure had the potential to cause death, serious injury or significant property damage;
  - (vii) any other accident or incident that is likely to generate intense public interest or concern;
- (b) a Category B notifiable occurrence is any notifiable occurrence that could have caused death, serious injury or significant property damage, but that is not a Category A notifiable occurrence, and includes—
- (i) a derailment other than a running line derailment;
  - (ii) any collision involving rolling stock, other than a collision described in paragraph (a)(iii) or (a)(iv);
  - (iii) any incident at a level crossing, other than a collision described in paragraph (a)(iv);
  - (iv) the passing of a signal by rolling stock without authority;
  - (v) the movement of rolling stock without authority;
  - (vi) any failure of a signalling or communications system;
  - (vii) any slip, trip or fall by a person, or any person being caught in the door of any rolling stock;
  - (viii) any failure to correctly place a load;
  - (ix) any failure to correctly handle or store dangerous goods;
  - (x) any breach of a safe working system or procedure, other than a failure described in paragraph (a)(vi), or the detection of any irregularity or deficiency in such a system or procedure;
  - (xi) the detection of any irregularity in any rail infrastructure (including electrical infrastructure) or rolling stock;
  - (xii) any fire or explosion, other than a fire or explosion described in paragraph (a)(v);

- (xiii) any incident where a person inflicts, or is alleged to have inflicted, an injury on another person;
  - (xiv) an unsuccessful suspected or attempted suicide;
  - (xv) the notification that an employee has returned a result to a test designed to determine the concentration of alcohol or drugs in a sample of blood or urine that suggests that the employee was in breach of a relevant safety requirement concerning the use of alcohol or drugs at a relevant time;
  - (xvi) the infliction of any wilful or unlawful damage to, or defacement of, any rail infrastructure or rolling stock;
  - (xvii) a security incident.
- (2) If a Category A notifiable occurrence happens on, or in relation to, a rail transport operator's railway premises or railway operations, the operator—
- (a) must report that fact to the Rail Safety Regulator immediately after becoming aware of the occurrence; and
  - (b) must give the Rail Safety Regulator a written report of the occurrence within 72 hours after becoming aware of the occurrence.
- (3) If a Category B notifiable occurrence happens on, or in relation to, a rail transport operator's railway premises or railway operations, the operator must give the Rail Safety Regulator a written report of the occurrence within 72 hours after becoming aware of the occurrence.
- (4) The operator must ensure that any report it makes under this regulation is in the form, contains all the information, and is made in the manner, required by the Rail Safety Regulator.
- (5) The Rail Safety Regulator may extend any time limit specified in this regulation by giving the operator a written notice to that effect.
- (6) An extension granted under sub-regulation (5) has effect as specified in the notice.

**22. Documents to be made available for public inspection**

For the purposes of section 46(b) of the Act, the following documents are prescribed —

- (a) each annual safety performance report prepared under section 60 of the Act;
- (b) any acknowledgement of registration issued to a rail infrastructure manager by the Rail Safety Regulator in respect of a registration made under section 56(2)(a) of the Act.

**23. Embargo notices**

For the purposes of section 90 of the Act, an embargo notice must contain the following details in addition to the matters required by section 90(4) —

- (a) a description of the thing to which the notice applies; and
- (b) either the name of the person on whom the notice is to served or a statement that the notice is to be affixed to the thing; and
- (c) the name, signature and business telephone number of the rail safety officer who issued the notice; and
- (d) the date on which the notice was served or affixed.

**PART 6 - FEES**

**24. Annual fees for private sidings**

A rail infrastructure manager must pay the fees set out in item 2 of the Table in Schedule 2 for any private siding that the rail infrastructure manager registers with the Rail Safety Regulator under section 56(2)(a) of the Act.

**25. Accreditation fees**

An accredited person must pay the relevant fee set out in item 3 of the Table in Schedule 2 within 7 days after being accredited.

**26. Annual fees**

An accredited person must pay the relevant annual accreditation fees set out in item 4 of the Table in Schedule 2 before 30 September of each year.

*Drafting note: section 40(2) allows annual fees to be paid by instalments or by some other agreed method. This can be done administratively and does not need to be specified in the regulations.*

**27. Late Fees**

If the annual accreditation fee is not paid when due, the Rail Safety Regulator may charge an amount up to [Local variations] for each day or period of [Local variations] after that date.

**The following heads of power are reserved for future provisions in these Regulations:**

- 1. Rail safety work [section 8]**
- 2. Information to be included in annual reports [section 19]**
- 3. Reciprocal powers of rail safety officers [section 23]**
- 4. Exemption from accreditation [section 56]**
- 5. Alcohol and drug management program [section 65]**
- 6. Testing for presence of alcohol or drugs [section 66]**
- 7. Fatigue management program [section 67]**
- 8. Rail transport operators to provide information [section 72]**
- 9. Inspection of railway operations of rail transport operators [section 75]**
- 10. Confidentiality [section 149]**
- 11. Prescribed persons [section 160]**

**Schedule 1 - Content of the Safety Management System**

**A. Safety Policy**

1. A safety policy or policies that aligns or align with other organisational policies and that is, or that are, endorsed by the CEO and Board, (or any other person or body controlling the rail transport operator).
2. A safety policy or policies that include an express commitment to safety and to continuous improvement of all aspects of the safety management system.

**B. Governance and Internal Control Arrangements**

1. Systems to ensure that the CEO and Board (or any other person or body controlling the rail transport operator), or the people managing the railway operations, have sufficient knowledge —
  - (a) of the risk profile of the railway operations carried out by the rail transport operator to enable the rail transport operator to proactively manage the risks arising from those operations;
  - (b) of the level of compliance by the organisation with its duties and obligations under the Act and these Regulations; and
  - (c) to determine whether—
    - (i) the safety management system is working effectively;
    - (ii) risks to safety are being identified, assessed, and eliminated or controlled; and
    - (iii) controls used to monitor safety and to manage risks to safety are being regularly reviewed and revised.
2. Procedures and systems to ensure that decisions and directions made by the CEO and Board (or any other person or body controlling the rail transport operator), or of the people managing the railway operations, that affect safety are being implemented effectively.

**C. Management, Accountabilities, Responsibilities and Authorities**

1. Documents that describe the responsibilities, accountabilities, authorities and interrelation of the personnel who manage or carry out work relating to the safety of the railway operations, or who verify such work.
2. Procedures for the reporting of risks to safety by personnel with safety responsibilities.
3. Documents that describe the authorities given to personnel with safety responsibilities to enable them to meet those responsibilities.

**D. Regulatory Compliance**

1. Systems and procedures for the identification of safety requirements under the Act and other safety legislation.
2. Systems and procedures to ensure compliance with those requirements.

**E. Document Control Arrangements and Information Management**

Systems to control and manage all documents and information relevant to the management of risks to safety associated with railway operations, including systems and procedures for —

- (a) the identification, creation and management of records and documents; and
- (b) the communication of any changes to the document control systems and procedures to rail safety workers and employees of the rail transport operator who rely on those systems and procedures to carry out their work.

**F. Review of the safety management system**

1. Systems and procedures for the review of the safety management system in accordance with section 59 of the Act (regulation 17).
2. The documentation of the matters set out in regulation 3(f).

**G. Safety Performance Measures**

1. Systems and procedures to ensure that the safety management system is effective by using key performance indicators to measure safety performance and to determine the effectiveness of the safety management system.
2. Systems and procedures to ensure the collection, analysis, assessment and dissemination of safety information held by the rail transport operator.

**H. Internal Safety Audit Arrangements**

1. An internal audit program that provides for —
  - (a) scheduling and frequency of audits; and
  - (b) safety management system audits as part of the audit program; and
  - (c) giving priority to those matters that represent the greatest safety risk.
2. Documented audit procedures to ensure there is a process for the collection of information to determine whether the railway operations comply with the safety management system and to determine the effectiveness of the safety management system.
3. Procedures to ensure the independence and qualification of the auditors to the maximum extent that is practicable.
4. Procedures for —
  - (a) communicating the results of audits to those people who are responsible for the oversight of the railway operations for review and, where appropriate, for action; and
  - (b) the effective implementation of recommendations for action identified by the internal audit; and
  - (c) the review of the effectiveness of the audit program.

**I. Corrective Action**

1. Procedures to ensure, so far as is reasonably practicable, that corrective action is taken in response to any safety risks identified following inspections, testing, internal audits, investigations or notifiable occurrences.
2. Procedures for —
  - (a) the review of corrective actions;
  - (b) the implementation of corrective actions; and
  - (c) the assigning of responsibilities for corrective action.
3. Procedures for those matters representing the greatest safety risk to be given priority when undertaking corrective action.

**J. Management of Change**

Procedures for ensuring changes which may affect the safety of railway operations are identified and managed, including, but not limited to, procedures for ensuring, so far as is reasonably practicable —

- (a) that changes are fully identified and described in the context of the railway operations; and
- (b) that affected parties are identified and, where practicable, consulted; and
- (c) that the roles and responsibilities of rail safety workers and employees of the rail transport operator are clearly specified with respect to the change; and
- (d) that the rail safety workers and employees of the rail transport operator are fully informed and trained to understand and deal with the proposed change; and
- (e) that the requirements of sections 57(1)(c) and 57(1)(d) of the Act are observed in relation to any risks associated with the proposed change; and
- (f) that the change, once implemented, is reviewed and assessed by the rail transport operator to determine whether or not the change has been appropriately managed.

**K. Consultation**

Systems and procedures to ensure that the consultation required by section 57(2) of the Act occurs when the safety management system is reviewed or varied.

**L. Internal Communication**

Procedures for—

- (a) the dissemination of information about the content of the safety management system to people who are to participate in the implementation of the system or who may be otherwise affected by the implementation.
- (b) the communication of the rail transport operator's safety policy and safety objectives to all people who are to participate in the implementation of the safety management system.

**M. Risk Management**

1. Procedures for compliance with the risk management obligations set out in sections 7, 57(1)(c), 57(1)(d) and 57(1)(e) of the Act.
2. A risk register that includes —
  - (a) a listing of the risks to safety identified under section 57(1)(c) of the Act;
  - (b) details of the assessment of those risks (including their likelihood, likely consequences and ranking);
  - (c) a description of any elimination or risk control measures that are to be used to eliminate or control those risks, including, where appropriate —
    - (i) the identification of who is responsible for implementing the measures; and
    - (ii) a reference to the general location or locations in the safety management system where more details on the measures can be found.

3. Procedures to ensure that the details in the register are current, so far as is reasonably practicable.

## **N. Procurement and Contract Management**

Procedures —

- (a) for the review of tender documents and contracts to ensure that safety requirements under the safety management system are adequately defined and documented in those contracts and tender documents;
- (b) to ensure that the terms of any tender documents or contracts do not lead to unsafe work or an activity that may affect the safety of railway operations;
- (c) to ensure the monitoring of the performance of rail contractors, including conducting or commissioning audits of the rail contractor's performance in relation to the safety aspects of the contract; and
- (d) to ensure that safety duties under the Act are being met under contracts, and procedures for the taking of remedial action where necessary.

## **O. General Engineering and Operational Safety Systems Requirements**

1. If available, a documented set of engineering standards and procedures, and operational systems safety standards, to cover the following, and, if relevant, the relationships between any 2 or more of them —
  - (a) rail infrastructure;
  - (b) rolling stock;
  - (c) information technology systems that impact on rail safety.
2. Details of the implementation and updating of the documents specified in clause 1.
3. Procedures for the control and verification of the design of structures, rolling stock, equipment, and systems, in accordance with the engineering standards and procedures, and operational systems safety standards specified in clause 1.

**P. Process Control**

1. Procedures for the rail transport operator to monitor its compliance with the documented procedures specified in section P, including procedures for the inspection and testing of safety related engineering and operational systems.
2. Procedures for the control, calibration and maintenance of all equipment used for the purposes of inspection and testing of rail infrastructure or rolling stock.
3. Arrangements for the establishment and maintenance of inspection and test records to provide evidence of the condition of rail infrastructure or rolling stock.
4. Procedures for the documentation of processes required by the safety management system and undertaken by the rail transport operator, including —
  - (a) safe working procedures;
  - (b) operational procedures;
  - (c) rolling stock management procedures;
  - (d) traffic management procedures;
  - (e) infrastructure integrity procedures;
  - (f) electric traction infrastructure procedures.

**Q. Asset Management**

An asset management policy in relation to the rail infrastructure or rolling stock operations.

**R. Safety Interface Coordination**

1. Procedures for the identification of potential risks to the safety of railway operations and for the development and implementation of interface co-ordination plans in accordance with section 61 of the Act and these regulations.
2. Procedures for monitoring the effectiveness of, and compliance with, interface co-ordination plans.

**S. Management of Occurrences**

1. Evidence of an emergency plan in accordance with section 63 of the Act and Part 3, Division 4 of these Regulations.
2. Systems and procedures for the notification of occurrences in accordance with regulation 21.
3. Procedures for the management of the scene of a notifiable occurrence and preservation of evidence where reasonably practicable.
4. Procedures for the management of all incidents.

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**Schedule 2 – Fees**

<b>Item</b>	<b>Description</b>	<b>Fee</b>	<b>Regulation reference</b>
1	Fee to accompany an application for accreditation		3(h)
(a)	for non-profit rail transport operators;	<i>Local variations to apply</i>	
(b)	for all other rail transport operators	<i>Local variations to apply</i>	
	<i>[Drafting note - Alternative minimum fee to accompany an application for accreditation fee for Tourist and heritage Operators etc]</i>		
2	Fee to be paid for the registration of a private siding	<i>Local variations to apply</i>	24
3	Fees to be paid after Accreditation granted **		25
(a)	In the case of an accredited rail infrastructure manager	a pro rata fee of [ <i>local variation</i> ] for each kilometre of railway track to be managed by the rail infrastructure manager in [ <i>local variation</i> ] for the coming year	
(b)	In the case of a rolling stock operator - a pro rata fee calculated in accordance with the following—	(i) [ <i>local variation fee</i> ] for each 1,000 km, or part of that distance, anticipated to be travelled by each freight train to be operated by the rolling stock operator	

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Item	Description	Fee	Regulation reference
		<p>in [<i>local variation</i>] for the coming year; and</p> <p>(ii) [<i>local variation fee</i>] for each 1,000 km, or part of that distance, anticipated to be travelled by each passenger train or tramway car (including a light rail vehicle) to be operated by the rolling stock operator in [<i>local variation</i>] for the coming year.</p>	
4	Annual fees for accredited operators		26
	<p>The annual accreditation fee with respect to —</p> <p>(a) an accredited rail infrastructure manager</p>	<p>an amount of [<i>local variation</i>] for each kilometre of railway track managed by that person in [<i>local variation</i>] based on the previous year</p>	
	<p>(b) an accredited rolling stock operator</p>	<p>(i) [<i>local variation fee</i>] for each 1,000 km, or part of that distance, traveled by each freight train operated by the operator in [<i>local variation</i>] during the previous financial year; and</p> <p>(ii) [<i>local variation fee</i>] for each 1,000 km, or part of that distance, traveled by each passenger train or tramway car (including</p>	

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Item	Description	Fee	Regulation reference
		light rail) to be operated by the person in [ <i>local variation</i> ] for the coming year.	

\*\* Note: It is intended that this fee be charged on a pro rata basis from the date of accreditation to the end of the financial year. For example, if an operator is accredited in April, then the operator would pay a pro rata fee until the end of the financial year. Then the annual accreditation fees would apply from then on.

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