



Rail Safety National Law Review

Final report

National Transport Commission | June 2024



Report outline

Title	Rail Safety National Law Review – Final report
Purpose	Present consultation outcomes and recommendations for change
Abstract	The report considers whether the functions of the Rail Safety National Law adequately reflect the regulatory requirements of the rail sector 11 years post-implementation, having reference to administering the Rail Safety National Law, transparency, interaction with Work Health and Safety legislation, co-regulation, roles and responsibilities, and flexibility. The report is the result of extensive stakeholder consultation with a wide array of stakeholders including government jurisdictions, regulatory agencies, investigative entities, project delivery authorities, industry stakeholders, and worker representative groups. The report outlines recommendations for legislative amendments and adjustments to policy settings aimed at enhancing safety within the rail sector.
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Key words	Rail Safety National Law, RSNL, rail, safety, government, jurisdictions, regulator, ONRSR, industry, unions, stakeholders, consultation, administering the Rail Safety National Law, transparency, interaction with Work Health and Safety legislation, co-regulation, interoperability, roles and responsibilities, and flexibility.
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Rail Safety National Law Review

Overview

The establishment of the *Rail Safety National Law (South Australia) Act 2012* and its associated regulations (RSNL, the Act) was a landmark reform that replaced 46 pieces of state, territory and Commonwealth legislation and created the Office of the National Rail Safety Regulator (ONRSR).

In June 2023, ministers at the Infrastructure and Transport Ministers' Meeting (ITMM) agreed to undertake a targeted review of the RSNL. The RSNL review was jointly led by the National Transport Commission (NTC) and independent consultant and subject matter expert Tom Sargant.

Terms of Reference

The review considered whether the functions of the RSNL adequately reflect the regulatory requirements of the rail sector 11 years post-implementation, in line with the following Terms of Reference (ToR):

- **Administering the Rail Safety National Law**
 - The objects of the RSNL and any specific barriers within the RSNL that impact the safe and efficient operations of rail safety systems.
- **Transparency**
 - Whether additional transparency and reporting requirements are needed within the RSNL to promote and improve safety outcomes by, for example, more broadly accessing and sharing information on investigations resulting from incidents, as well as information on accreditation and auditing processes.
- **Interaction with Work Health and Safety legislation**
 - Whether the RSNL interacts effectively with Work Health and Safety (WHS) legislation, rail safety regulations, and standards, in particular looking at the respective roles of different parties in monitoring and enforcement activities that impact on rail transport operators and rail safety workers.
- **Co-regulation**
 - Whether the current settings sufficiently facilitate and support implementation of interoperability and harmonisation reforms under the National Rail Action Plan (NRAP).
- **Roles and responsibilities**
 - Whether there is clear accountability and responsibilities for all parties implicated by RSNL regulations, including owners, operators, builders, maintainers, planners, and workers to provide certainty over duties.
- **Flexibility**
 - Any barriers to introducing future technological innovations, including digitisation and decarbonisation.

The review was specifically directed not to consider:

- The establishment, functions, objectives, appointments, membership, procedures, finance or staff of ONRSR;
- Financial aspects, including the current cost recovery arrangements; and
- Jurisdictional derogations from the RSNL.

Stakeholder engagement

The RSNL review process involved extensive consultation with myriad stakeholders over a period of 5 months, detailed at **Appendix A**.

During the consultation, commentary on the RSNL ToR and the proposed recommendations was sought from:

- 11 government jurisdictions, including the Commonwealth government, all states and territories, the Office of National Rail Industry Coordination (ONRIC), the Association of Tourist and Heritage Rail Australia (ATHRA), and the Australian Local Government Association (ALGA);
- 5 regulators or investigators, including ONRSR, the National Heavy Vehicle Regulator (NHVR), Energy Safe Victoria, Office of Industrial Relations Queensland, and Office of the Chief Investigator Victoria (OCI);
- 19 industry representative organisations or project delivery authorities; and
- 4 worker representative groups.

This process included:

- 64 individual stakeholder meetings;
- 1 in-person workshop; and
- 18 written submissions, including from two private citizen rail safety advocates (**Appendix B**).

In total over 100 people representing 40 organisations were consulted and we thank them for being generous with their time and insightful contributions. The views of stakeholders have been made less attributable and more general throughout the report to respect the basis on which those views were shared.

The package of recommendations detailed below has been developed on the back of strong subject matter expertise and broad stakeholder support, though understandably not every proposal will receive universal backing, and disagreement amongst parties will still exist. Nonetheless, substantial reconciliation of views was reached throughout the consultation process between often competing views of stakeholders.

Recommendations

Administering the Rail Safety National Law

The Rail Safety National Law be amended to support the rail industry in Australia to achieve safety and productivity benefits, without any detriment to safety, and that governments, the Regulator, industry, and the workforce and their representatives have an interest in the success and growth of the sector.

1. The RSNL should be amended to strengthen the link between safety and productivity. This could be done perhaps through the guiding principles of the law, so that the law and Regulator can play a more active role in identifying and resolving barriers (where appropriate/agreed) to productivity at the national level, where these can be balanced against delivery of safety improvements. This could particularly be the case for the defined National Network on Interoperability (NNI) to achieve mandated interoperability outcomes.
2. The RSNL be further amended to give the Regulator an explicit role to coordinate and/or facilitate (and powers to do so if needed) delivery of such safety and productivity benefits. For example, this could include the Regulator identifying potential opportunities for agreement by ministers to include in a national safety and productivity improvement program. This could work for issues such as the development of national processes to provide for equipment type approvals across rail infrastructure managers (RIMs), networks, registration of rolling stock, or safety assurance.
3. Provisions be established in the RSNL to enable the mandating of requirements to achieve specified interoperability outcomes that will deliver safety and productivity benefits across the national rail network, and for the rail industry more broadly. Details of these provisions and any impact analyses may be developed as part of the NTC's work on rail interoperability under the NRAP and the National Standards Framework.
4. The consultation provisions in the RSNL to be strengthened (including the possible addition of offences) to require employers to demonstrate that meaningful consultation with affected workers and unions on any proposed change to safety management systems (SMS) or accreditation has occurred. In this instance meaningful consultation is not about increasing the scope of consultation but rather providing evidence of the quality of existing consultation requirements.
5. The Regulator to develop a code of practice or guidance material outlining the minimum expectations of meaningful consultation, including that a rail transport operator (RTO) is required to provide positive evidence that:
 - a. Meaningful consultation with relevant rail safety workers and unions has occurred; and
 - b. How meaningful consultation has provided a genuine opportunity for input into decision-making processes.

6. Establish a positive obligation in the RSNL to ensure rail safety workers have access to aspects of a RTO's SMS that impacts them and/or their work, including an obligation on RTO's to demonstrate that all rail safety workers (employees and contractors) are competent in the carrying out of rail safety work and the SMS that applies to that work.
7. Consistent with the extensive powers the Regulator already has to take actions if organisations are not meeting their duties to manage safety, the Regulator should develop a public compliance and enforcement policy outlining their approach to compelling organisations to take action if they are not meeting their safety duties to manage safety risks so far as is reasonably practicable (SFAIRP). The policy should also include duties for organisations and individuals of interfacing organisations if they are not meeting their safety duties to manage shared safety risks SFAIRP.
8. The Regulator should regularly review its consultation mechanisms and approach, including how it seeks and responds to feedback from different stakeholder groups (i.e. workers and unions, RTOs, and jurisdictions) to ensure it remains effective and responsive.
9. The Regulator should attend ITMM at least annually to present on its strategic direction and progress against its annual business plan in order to foster more open communication with ministers, and:
 - a. A better understanding of ONRSR's performance as an effective and efficient regulator, including the opportunity for questions and answers; and
 - b. A better understanding of the rail industry's safety performance, including to identify or understand opportunities for safety improvements where there are also productivity benefits.
10. The treatment and classification of non-operational rail lines under the RSNL should be reviewed to ensure requirements are commensurate with their risk profile.

Transparency

The Rail Safety National Law be amended to evolve the Regulator's relationships beyond individual accredited parties to allow it to perform its industry-wide safety promotion and education role more effectively, taking into account their unique status as a national organisation.

11. The confidentiality provisions in the RSNL be reviewed to ensure that important rail safety information can be shared by the Regulator with the rail industry in a timely manner. This will facilitate learning and provide opportunities to improve safety and offer greater transparency to stakeholders on the Regulator's activities.
12. That ONRSR and other safety investigatory bodies such as ATSB, OTSI, and OCI develop and publicise industry-wide information to clearly articulate the respective roles of each organisation in the conduct of investigations, including the different purposes of those investigations and how the agencies interface. That is, that the ATSB, OTSI, and OCI undertake no-blame systemic investigations, whereas ONRSR undertakes investigations for the purposes of investigating compliance breaches and to employ enforcement mechanisms to secure improvements to manage risks to safety.

13. The Regulator to proactively engage in safety promotion and education opportunities across the rail industry. This may require additional resourcing for the Regulator. Education activities include but are not limited to:

- a. The Regulator implementing a feedback loop to ensure parties who raise critical safety issues are acknowledged, considered, and responded to in a timely manner;
- b. The provision and sharing of safety insights and lessons, particularly given the Regulator's unique role as custodians of rich industry information and data. Better sharing of such data and information will allow for the identification of potential safety issues, insights into causal and contributing factors, and the possibility of benchmarking operator and sector performance. Note that a high degree of care would be required to protect commercial and legal interests as necessary;
- c. The development of advice or guidance to facilitate compliance and to outline regulator-endorsed or better practices more explicitly (e.g. innovation, safety controls etc.) and to set expectations for industry on safety improvement and associated timeframes; and
- d. The enhancement of the Regulator's accreditation register to include any other information that would improve regulatory and rail safety officer activity transparency as well as increase safety knowledge and understanding across the industry.

Interaction with Work Health and Safety legislation

The principle of overlap rather than a gap between the Rail Safety National Law and Work Health and Safety legislation be retained, however, all relevant memoranda of understanding (MOUs) (or similar mechanisms for collaboration and/or engagement) between ONRSR and WHS authorities should ensure that they clearly articulate each entity's respective roles and responsibilities insofar as possible.

14. It be clarified that the scope of the RSNL focuses on matters pertaining to the movement of a train and railway operations, while matters pertaining to workstation ergonomics, worker health and safety unrelated to railway operations, and similar adjacent issues should be managed under WHS legislation.
15. For ONRSR to review all MOUs (or similar mechanisms) in partnership with the relevant safety regulators and affected parties to:
 - a. Make MOUs (or similar mechanisms) nationally consistent where possible;
 - b. Respond to any feedback provided by stakeholders; and
 - c. Ensure the resulting arrangements are publicly available.

Co-regulation

The Rail Safety National Law be amended to include additional provisions to embed interoperability outcomes in the RSNL, and to compel decision makers and duty holders to consider impacts on adjacent networks and the national network more broadly to achieve required interoperability outcomes. This is consistent with National Cabinet's priority on rail interoperability and the ITMM-approved NRAP.

16. Interoperability should be listed as a new object in the RSNL to build on the already ministerially-approved requirement for an interoperability management plan to be included as an additional element of the SMS.
17. For the NTC, ONRSR, and the Rail Industry Safety and Standards Board (RISSB) to lead the development of an interoperability guideline or approved code of practice. This would highlight that interoperability is best achieved via broad consultation and objective analysis, and help identify and adopt systems and processes that effectively and efficiently achieve interoperability requirements and outcomes at the national level, instead of automatically adopting the most simple or readily available systems and processes that best suit an individual network or rail operation.
18. For any changes to network rules or infrastructure, the RSNL should compel RIMs to:
 - a. Consider implications to their own and adjacent networks;
 - b. Require consultation with all interfacing rail transport operators and other affected parties, and provide fair consideration of their reasonable operational requirements; and
 - c. Have regard to potential impacts to the wider national network, and consider the overall network as a national 'system'.
19. There should be a presumption of mutual recognition whereby testing and assessments for technology approved by one operator can be relied upon by an adjacent operator if the operating conditions and circumstances are similar. Where there are differences, only those differences should be tested and previous work can be relied on to meet any other requirements of an SMS. This may be an area where the Regulator works with industry to develop nationally consistent processes to facilitate mutual recognition. This is intended to remove duplication, to promote interoperability, and for the same solutions to be used to mitigate safety risks across all networks as much as possible. Depending on the final outcome, there may be a need to develop accompanying principles for the fair sharing of costs of assessment between operators.
20. Establish a national set of competencies that would be recognised by all RTOs and includes the following elements:
 - a. The mandating and awarding of qualifications and units of competency for nationally recognised training (NRT);
 - b. Nationally recognised qualifications and units of competency where emerging gaps are identified;
 - c. The validation of localised training and competency assurance processes;
 - d. Mandating a national competency management system to support mutual recognition;
 - e. Established national safeworking rules, and ensuring changes are made at a national level; and
 - f. Defining and implementing national rail roles.

Roles and responsibilities

The Rail Safety National Law be amended to strengthen and improve requirements for identifying and managing interface risks, and that the respective duties of railway entities as well as interfacing organisations appropriately reflect the existing railway environment.

21. For the Regulator to develop an approved interface agreement code of practice, in conjunction with the NTC and in consultation with relevant road and rail industry stakeholders, outlining:
 - a. Responsible parties (e.g. RTOs and/or infrastructure owners and managers);
 - b. Interventions to be implemented by road and rail managers for uncooperative parties;
 - c. Requirements for inclusion across all types of railway and interfacing operations (e.g. tunnelling, loading, and integration with broader rail infrastructure such as stations); and
 - d. The scope and format of how an interface agreement should be delivered, including mechanisms for regular review and updates.
22. The Regulator be given the power to review and direct amendments to interface agreements to ensure that they are suitable for the effective management of safety interface risks, and the power to direct improvements where no interface agreement is in place.
23. For the NTC to work with ONRSR and the NHVR to explore options to improve interface agreements in more detail. This will include conducting impact analyses in conjunction with key stakeholders to identify additional means by which safety interface agreements between road managers and RIMs could be made more effective. This would also need to be accompanied by education and capacity assistance to local road managers in particular, to improve their ability to undertake risk assessments and fund suitable controls for road and rail interfaces.
24. For the NTC, in consultation with key stakeholders, to undertake impact analyses to assess different options and models to achieve the most effective arrangements for how network authorities and infrastructure owners can impact duty holders under the RSNL. This may include, for example, rail planning, strategy, and investment decisions related to the delivery and procurement of infrastructure, systems, rolling stock, and long-term maintenance and operating requirements.

Flexibility

25. Flexibility recommendations are covered by Recommendations 1 and 18.

Review Findings

Administering the Rail Safety National Law

The Rail Safety National Law is generally working well and is considered to be a vast improvement from previous regimes, even though numerous improvement opportunities have been identified. Many of the issues raised by stakeholders under this ToR relate to the interpretation or application of the RSNL, rather than the provisions of the Act.

Some stakeholders were interested to pursue productivity enhancements via a focus on interoperability and took the view that improving rail interoperability could underpin productivity as well as safety outcomes for the national rail network. Framing productivity in this way also aligns with the direction by National Cabinet to improve rail interoperability.

Other stakeholders raised concerns that any productivity reference in the RSNL may conflict with the safety focus of the law, though the guiding principles of the RSNL already provide for 'assisting rail transport operators to achieve productivity by the provision of a national scheme of rail safety' per section 3(3)(a) of the Act. There is at present no definition of what constitutes a national scheme of rail safety, and including a definition within the RSNL presents an opportunity to clarify the role of the Regulator in industry productivity. The review concluded that:

1. The RSNL should be amended to strengthen the link between safety and productivity. This could be done perhaps through the guiding principles of the law, so that the law and Regulator can play a more active role in identifying and resolving barriers (where appropriate/agreed) to productivity at the national level, where these can be balanced against delivery of safety improvements. This could particularly be the case for the defined National Network on Interoperability (NNI) (**Appendix C**) to achieve mandated interoperability outcomes.

It is intended that the Regulator's productivity focus extend only insofar as to enable the delivery of safety benefits and interoperability improvements. Productivity cost considerations, however, are not envisaged to fall within the scope of this recommendation.

In order to facilitate the above, we additionally recommend:

2. The RSNL be further amended to give the Regulator an explicit role to coordinate and/or facilitate (and powers to do so if needed) delivery of such safety and productivity benefits. For example, this could include the Regulator identifying potential opportunities for agreement by ministers to include in a national safety and productivity improvement program. This could work for issues such as the development of national processes to provide for equipment type approvals across rail infrastructure managers (RIMs), networks, registration of rolling stock, or safety assurance.

It is our view that the RSNL could refer to relevant minimum standards, in order to better encourage consistency across jurisdictions, or give the Regulator the ability to mandate minimum standards to encourage a consistent approach to managing safety risk. Transport ministers have previously agreed to mandate 3 standards to facilitate interoperability outcomes, and for the regulations under the RSNL to be amended to require the consideration of an interoperability management plan.

It is important that these mandated standards be outcome-focused to avoid operators claiming that meeting interoperability requirements, or changing already compliant systems, is not reasonably

practicable to ensure safety under their general duty. Consequently, the imposition of a standard must ensure that it is supplier agnostic and able to manage consequential impacts on adjacent networks.

The imposition of a standard must also ensure that it does not require an operator to take measures above and beyond what is required to meet its general duty to ensure safety so that it is not seen as inconsistent with the RSNL objectives. It is the view of the review that the RSNL can be used to give the Regulator the ability to ensure that accredited organisations apply a consistent approach to managing risks to safety across the nation. This will ensure that the barriers to interoperability that have been built in the past to effectively manage the same safety risks are not perpetuated into the future. Accordingly, we recommend that:

3. Provisions be established in the RSNL to enable the mandating of requirements to achieve specified interoperability outcomes that will deliver safety and productivity benefits across the national rail network, and for the rail industry more broadly. Details of these provisions and any impact analyses may be developed as part of the NTC's work on rail interoperability under the NRAP and the National Standards Framework.

The review clearly heard that the relationship between employers, employees and their representatives, and the Regulator could be improved. Workforce representatives often felt unheard and were of the view that avenues to raise concerns were not available, and that the co-regulatory environment had lent itself too heavily to the requirements of rail operators without recognising the fundamental role of the rail workforce to the rail industry's growth and prosperity.

In part, communication about potential safety improvements could be improved through greater transparency (discussed in Recommendations 7, 8 and 11). Additionally, consultation provisions are not always seen to foster genuine inclusion with certain participants of the rail industry. However, other sections of industry raised concerns that overly broad consultation provisions may lead to excessively onerous consultation requirements that could have the effect of limiting operators' desire to seek variations to rail operations and their SMS, which could in turn limit safety improvements. It may also potentially conflict with Recommendation 1 to strengthen the link between safety and productivity.

In balancing these factors, the review agreed that it was important for the notion of sufficient consultation to be more clearly explained, and that it was imperative for the workforce to be meaningfully consulted before changes to management systems can be made. Accordingly, it is recommended that:

4. The consultation provisions in the RSNL to be strengthened (including the possible addition of offences) to require employers to demonstrate that meaningful consultation with affected workers and unions on any proposed change to safety management systems (SMS) or accreditation has occurred. In this instance, meaningful consultation is not about increasing the scope of consultation but rather providing evidence of the quality of existing consultation requirements.

The review is aware of the recent NSW Court of Appeal decision in *Australian Rail Tram and Bus Industry Union v Aurizon Operations Ltd* which established the parameters of consultation to be undertaken by employers and articulated that consultation with a union that did not have affected members was not required. Recommendation 4 is therefore not designed to override the court's decision.

The review additionally recommends for:

5. The Regulator to develop a code of practice or guidance material outlining the minimum expectations of meaningful consultation, including that a rail transport operator (RTO) is required to provide positive evidence that:
 - a. Meaningful consultation with relevant rail safety workers and unions has occurred; and
 - b. How meaningful consultation has provided a genuine opportunity for input into decision-making processes.

It should be noted that a code of practice would need to be approved by ministers (as required by section 249 of the RSNL). It is further recommended to:

6. Establish a positive obligation in the RSNL to ensure rail safety workers have access to aspects of a RTO's SMS that impacts them and/or their work, including an obligation on RTO's to demonstrate that all rail safety workers (employees and contractors) are competent in the carrying out of rail safety work and the SMS that applies to that work.

Any new provisions would be designed to complement section 99(3)(b) of the RSNL which requires an RTO to consult and provide affected persons with a reasonable opportunity to make submissions on the SMS.

It should be noted that to comply with their existing general duty to ensure safety, RTOs are already required to ensure that rail safety workers have access to parts of the SMS that impact them. RTOs also already have obligations to demonstrate that all rail safety workers are competent in the carrying out of rail safety work and the SMS that applies to that work, as per section 117 of the RSNL. It is implicit that rail workers should thus proactively and regularly access the SMS in the performance of their duties.

As inserting prescriptive obligations to highlight these obligations may be seen to be inconsistent with the 'general duties' nature of the RSNL, it is essential that this consultation recommendation applies only to changes that may be proposed to accredited parties' SMS. Stakeholder consultation revealed numerous instances of non-compliance. It is therefore the intent of this recommendation to highlight this duty, rather than impose any additional burden on operators.

Concerns were also raised about limitations to enforcement mechanisms in the RSNL, though for varying reasons. Some stakeholders took issue with previous prosecutions targeting individual rail safety workers as opposed to a focus on operators and more systemic breaches, while others observed the possible implications of a heavy prosecution focus on stifling information sharing between the Regulator and industry.

There was also a view that the Regulator should have some powers over interfacing organisations such as road managers, for instance in the case of level crossings (discussed in Recommendation 21). This would require an expansion of the Regulator's enforcement powers outlined in sections 73 and 179 of the RSNL, which enable the Regulator to effectively require an operator to cease operations if the Regulator has safety concerns. There is, however, currently no power to compel non-rail operators to take action or implement improvements to safety. It is recommended that:

7. Consistent with the extensive powers the Regulator already has to take actions if organisations are not meeting their duties to manage safety, the Regulator should develop a public compliance and enforcement policy outlining their approach to compelling organisations to take action if they are not meeting their safety duties to manage safety risks so far as is reasonably

practicable (SFAIRP). The policy should also include duties for organisations and individuals of interfacing organisations if they are not meeting their safety duties to manage shared safety risks SFAIRP.

The RSNL review also considered how the Regulator consults with industry and workforce stakeholders, as well as through government, government stakeholders, and responsible ministers as representatives of the general public. While this is not an amendment to the RSNL, the review is of the view the Regulator has an implied duty to consult, and accordingly recommends that:

8. The Regulator should regularly review its consultation mechanisms and approach, including how it seeks and responds to feedback from different stakeholder groups (i.e. workers and unions, RTOs, and jurisdictions) to ensure it remains effective and responsive.
9. The Regulator should attend ITMM at least annually to present on its strategic direction and progress against its annual business plan in order to foster more open communication with ministers, and:
 - a. A better understanding of ONRSR's performance as an effective and efficient regulator, including the opportunity for questions and answers; and
 - b. A better understanding of the rail industry's safety performance, including to identify or understand opportunities for safety improvements where there are also productivity benefits.

The review heard there could be merit in classifying different types of rail lines and excluding non-operational rail lines from certain requirements under the RSNL. This could reduce regulatory burden and costs on rail operators and other parties (i.e. parties to rail interfaces) and better enable the repurposing of non-operational lines.

Operational and non-operational lines are subject to the same requirements under the RSNL, despite having significantly different risk profiles. For example, an interface agreement is required between rail operators and other parties for level crossings and/or bridges traversing non-operational rail lines, despite there being no rail safety risks arising from railway operations. There is also a lack of clarity on whether work undertaken on or adjacent to non-operational rail lines (e.g. routine maintenance, repairs, drainage) constitutes rail safety work, and is required to be undertaken by a rail safety worker. Therefore, we recommend that:

10. The treatment and classification of non-operational rail lines under the RSNL should be reviewed to ensure requirements are commensurate with their risk profile.

Finally, the issue of medical standards was raised via this consultation process, but these issues are being addressed in other forums.

Transparency

Transparency has been identified as the largest area for improvement and was consistently mentioned by all stakeholders that were interviewed. The law can and should ensure that decisions are made in an efficient, transparent, and accountable way, and several recommendations are directed at greater Regulator accountability in this area.

The review is clear that the Regulator are acting appropriately. Current confidentiality settings, however, have led to perceptions that this is not the case. Pockets of the rail industry have felt a trust breakdown with the Regulator on occasions where, despite investing significant resources

into cooperating with investigations, investigation findings outside of the occasional publication of safety notifications are not made available. The review heard that when matters are raised with the Regulator about a particular safety concern or issue, the Regulator feel that the current RSNL settings often restrict them from confirming whether an investigation has taken place, any actions taken, and the potential outcome. This limits learning and safety improvement opportunities for industry and also discourages the reporting of safety issues to the Regulator as there is a perception that no action will be taken.

The current RSNL that confers a power to obtain information for a particular purpose limits, expressly or impliedly, the purposes for which that information can be used or disclosed. Further, the timely release of safety investigation findings benefits all rail industry stakeholders, as does providing timely feedback to individuals and organisations raising enquiries or making reports to the Regulator. This would also provide stakeholders confidence that the Regulator are taking feedback into account and are taking action as appropriate when information is provided. It is therefore recommended that, while protecting legally privileged information and matters subject to legal process:

11. The confidentiality provisions in the RSNL be reviewed to ensure that important rail safety information can be shared by the Regulator with the rail industry in a timely manner. This will facilitate learning and provide opportunities to improve safety and offer greater transparency to stakeholders on the Regulator's activities.

The investigatory powers of all bodies, including ONRSR, the Australian Transport Safety Bureau (ATSB), the Office of Transport Safety Investigations (OTSI), the Office of the Chief Investigator (OCI), police, and coroners, should be delineated to promote transparency. The review heard inconsistent understandings of each organisation's role, and so there is an opportunity to clearly articulate each bodies' role in the overall transport industry. Though there is a role for the ATSB and other investigators to collaborate with ONRSR on occasion, the ATSB should be enabled to consider and comment on ONRSR's regulatory approach and the broader regulatory environment as appropriate. This is particularly the case as ONRSR's investigative remit is limited to considering compliance breaches in order to bring potential enforcement action. It must be noted, however, that a delicate balance is required. Any hesitation from industry about possible enforcement or legal action will likely limit information sharing with the Regulator, and lead to poorer safety outcomes. However, due to their enforcement powers, the Regulator must have regard to administrative law principles and use their powers in a proportionate and justifiable way that does not impinge on the rights of persons who may be impacted by the use of such powers. In reviewing this aspect, the review recommends:

12. That ONRSR and other safety investigatory bodies such as ATSB, OTSI, and OCI develop and publicise industry-wide information to clearly articulate the respective roles of each organisation in the conduct of investigations, including the different purposes of those investigations and how the agencies interface. That is, that the ATSB, OTSI, and OCI undertake no-blame systemic investigations, whereas ONRSR undertakes investigations for the purposes of investigating compliance breaches and to employ enforcement mechanisms to secure improvements to manage risks to safety.

Notably, the RSNL should, and does, ensure that information is appropriately shared between the Regulator and independent investigation bodies via section 13(1)(f) - as well as any other relevant authority via section 13(3) of the Act.

Other improvement opportunities may be implemented without legislative changes. In line with RSNL object 3(2)(i) to promote the provision of advice, information, education, and training for safe railway operations, the review recommends for:

13. The Regulator to proactively engage in safety promotion and education opportunities across the rail industry. This may require additional resourcing for the Regulator. Education activities include but are not limited to:
 - a. The Regulator implementing a feedback loop to ensure parties who raise critical safety issues are acknowledged, considered, and responded to in a timely manner;
 - b. The provision and sharing of safety insights and lessons, particularly given the Regulator's unique role as custodians of rich industry information and data. Better sharing of such data and information will allow for the identification of potential safety issues, insights into causal and contributing factors, and the possibility of benchmarking operator and sector performance. Note that a high degree of care would be required to protect commercial and legal interests as necessary;
 - c. The development of advice or guidance to facilitate compliance and to outline regulator-endorsed or better practices more explicitly (e.g. innovation, safety controls etc.) and to set expectations for industry on safety improvement and associated timeframes; and
 - d. The enhancement of the Regulator's accreditation register to include any other information that would improve regulatory and rail safety officer activity transparency as well as increase safety knowledge and understanding across the industry.

With respect to Recommendation 12d, the review notes that section 42 of the RSNL already requires the Regulator to establish and maintain a national rail safety register. Section 42(2) prescribes the matters to be recorded on the register including accreditations, registrations, exemptions, and the issuing of statutory notices. However, stakeholder engagement demonstrated that additional regulatory information such as conditions of accreditation, for example, could also be shared through this register. This is an opportunity for the Regulator to confirm what other information should usefully be made publicly available.

Interaction with Work Health and Safety Legislation

WHS legislation is intended to function as an overarching umbrella Act, with the RSNL being specific to subject matter relevant to rail safety. As such, a clear delineation between the two pieces of legislation may not be entirely possible. Consequently, this leads to some confusion among stakeholders including WHS regulators as to the delineation of responsibilities, the duty holders of risk, and compliance requirements with multiple safety regimes.

It is therefore possible that the confusion has led to instances where there is no clear authority available to handle arising issues. For instance, the jurisdiction and responsibility for safety issues adjacent to rail (e.g. CCTV cameras outside of train stations) or within the railway (e.g. in workshops or drivers' cabs) is unclear and has led to gaps in implementing safety outcomes. This is further exacerbated by the definitional uncertainty of when a person is considered a rail passenger, and may also lead to misinterpretations of the clause stating that WHS legislation prevails over the RSNL in areas of inconsistency.

On this matter, the review is proposing no change to the legislation, but rather the development of additional explanatory material while retaining the principle in the RSNL that it is better to have an overlap in responsibilities than a gap between both sets of legislation. The review recommends that:

14. It be clarified that the scope of the RSNL focuses on matters pertaining to the movement of a train and railway operations, while matters pertaining to workstation ergonomics, worker health and safety unrelated to railway operations, and similar adjacent issues should be managed under WHS legislation.

Memoranda of Understanding (MOUs) between ONRSR and WHS regulators are the administrative means of delineating responsibility between regulators. It is noted that current arrangements already aim to create consistency via a collaborative and iterative MOU development process. However, this is not well understood by stakeholders. Consequently, the coverage of WHS legislation needs to be clarified as ONRSR has numerous MOUs on foot with various safety regulators around the nation, the details of which are not clear to industry. The stakeholder engagement process also highlighted a strong preference for less reliance on MOUs going forward. It is our recommendation:

15. For ONRSR to review all MOUs (or similar mechanisms) in partnership with the relevant safety regulators and affected parties to:
 - a. Make MOUs (or similar mechanisms) nationally consistent where possible;
 - b. Respond to any feedback provided by stakeholders; and
 - c. Ensure the resulting arrangements are publicly available.

Though we strongly suggest that the boundaries between the RSNL and WHS legislation be clarified insofar as possible, we do not recommend any additional WHS legislative provisions be incorporated into the RSNL, or that any additional powers be extended beyond WHS legislation. It is the review's view that the powers within the WHS legislation are sufficiently clear and provide appropriate coverage of all aspects that affect worker safety, both within and adjacent to the railway. The RSNL is designed for specialised matters specific to the systems safety of the rail industry and may therefore only be appropriately managed by rail safety subject matter experts.

Other WHS issues raised included concern about the appropriateness of self-harm on the rail network being treated as a workplace incident or fatality. We did not consider this matter further as part of the review. The differing consultation provisions in WHS and RSNL legislation were also raised as an issue. See the discussion on Recommendations 4 and 5.

Co-regulation

Co-regulatory settings

A co-regulatory environment ensures that a role exists for:

- Rail operators to understand their own risks; and
- Retain a level of flexibility as to how they may proactively respond to their identified risks; and
- For the regulator to not be overly prescriptive in determining how risks are to be managed.

In this environment, the Regulator is seen to be an 'umpire' between government and industry interests.

Co-regulation is the area of most divergent views amongst stakeholders. Some stakeholders see themselves as overly regulated, while others think there is too much freedom for operators to choose their own safety environment - with the primary concern being that cost considerations may prevail over safety. Interestingly, some stakeholders believe that co-regulation facilitates

harmonisation and NRAP outcomes while others believe that it stifles innovation. Some note that a co-regulatory model may be harder to manage for smaller operators. Others note that accreditation led to operators being regulated by multiple 'mini-regulators'.

A strong but minority view raised throughout the consultation process was that a perceived conflict of interest exists within the Regulator by simultaneously acting as an accreditation body and as a regulator. It was suggested that the Regulator may overlook shortcomings in safety systems that have evolved since they were considered as part of the initial accreditation. The review did not share this view.

The primary safety investigatory functions remain with the ATSB (and OTSI/OCI) and the current regulatory model is also reflected in other similar regulatory environments (e.g. energy regulation). As such, we do not recommend any changes to the co-regulatory approach. See also the discussion on Recommendation 12. Though out of scope of this review, some stakeholders sought for the potential or perceived conflict faced by ONRSR as a regulator financed in part by industry operators to be further considered.

Facilitating interoperability

The Australian rail network comprises a number of connected but separately managed rail systems. The lack of effective interoperability between these networks has been a long-standing challenge for the efficient operation of the national rail system.

A co-regulatory relationship between the Regulator and individual operators leads to fragmentation across the industry and is not conducive to promoting interoperability outcomes. Some stakeholders see the subjective nature of the SFAIRP principle as an additional impediment to achieving interoperability.

At their heart, NRAP objectives require additional prescription in law to drive consistency and facilitate the cultural industry shift necessary to embed interoperability and harmonisation principles into business-as-usual activities. Improved interoperability and harmonisation would improve the standing of the rail industry, mitigating a commonly raised concern that the road industry is more agile and competitive. To this end, it is our recommendation that:

16. Interoperability should be listed as a new object in the RSNL to build on the already ministerially-approved requirement for an interoperability management plan to be included as an additional element of the SMS.

The RSNL contains overarching and broad duties while the regulations provide detail (and sometimes prescriptive requirements) which support the duties and responsibilities contained in the RSNL. The RSNL regulation is a law made under the authority of an act of parliament, but amendments to the RSNL regulations are not required to be passed by the parliament or go through the same rigorous process as an amendment to the RSNL. Given these considerations, the RSNL could be amended to include a general interoperability duty and the regulations could contain the detailed standards to support the duty. This approach will ensure that the integration of any interoperability standards will be consistent with the legislative framework and will allow for greater flexibility should further standards be developed and amendments be required from time to time.

Interoperability could be enhanced by inserting a new clause 52(2)(g) of the RSNL which imposes a duty on RTOs to ensure interoperability along the following lines:

52 Duties of rail transport operators

(2) Without limiting subsection (1), a rail transport operator must ensure so far as is reasonably practicable – ...

g) that mechanisms to ensure interoperability are implemented.

It is also suggested that, because there may also be uncertainty as to the ordinary meaning of ‘interoperability’, amending section 4 of the RSNL to insert a definition would avoid any ambiguity.

For rail system interoperability to be progressed, there is a need to have an overall system strategy or guide. Therefore, it is further recommended:

17. For the NTC, ONRSR, and the Rail Industry Safety and Standards Board (RISSB) to lead the development of an interoperability guideline or approved code of practice. This would highlight that interoperability is best achieved via broad consultation and objective analysis, and help identify and adopt systems and processes that effectively and efficiently achieve interoperability requirements and outcomes at the national level, instead of automatically adopting the simplest or readily available systems and processes that best suit an individual network or rail operation.

Overall, the RSNL needs to accommodate a more national approach to drive interoperability and prevent individual commercial interests prevailing. For instance, when operators implement new technology, the RSNL only requires them to consider their own network rather than that of adjacent and other networks that may have similar risks to safety and may in the long run interface with one another. This limits the opportunity to consider wider changes across the industry. Therefore, to help drive NRAP outcomes, it requires RIMs to consider changes to their respective networks and systems that are aligned to the longer-term strategy for the nation. It is our recommendation that:

18. For any changes to network rules or infrastructure, the RSNL should compel RIMs to:

- a. Consider implications to their own and adjacent networks;
- b. Require consultation with all interfacing rail transport operators and other affected parties, and provide fair consideration of their reasonable operational requirements; and
- c. Have regard to potential impacts to the wider national network, and consider the overall network as a national ‘system’.

For instance, a requirement could be placed on operators to notify the Regulator of any changes to rail infrastructure as part of the table of prescribed conditions and restrictions under the RSNL regulations.

The review also considered barriers to consistent technological improvements to rail networks. Currently, each accredited organisation is expected to undertake their own testing and enquiries to satisfy themselves of the acceptability, or otherwise, of a piece of equipment for use on their network or rolling stock. This makes the introduction of new technology difficult for vendors and means that there are additional challenges to accepting items on other networks. The review was of the view that operators should be able to rely on the testing and enquiries made by other operators to facilitate the implementation of new technology, and that when assessing technology, each operator should consider its applicability for use by other operators. We recommend that:

19. There should be a presumption of mutual recognition whereby testing and assessments for technology approved by one operator can be relied upon by an adjacent operator if the

operating conditions and circumstances are similar. Where there are differences, only those differences should be tested and previous work can be relied on to meet any other requirements of an SMS. This may be an area where the Regulator works with industry to develop nationally consistent processes to facilitate mutual recognition. This is intended to remove duplication, to promote interoperability, and for the same solutions to be used to mitigate safety risks across all networks as much as possible. Depending on the final outcome, there may be a need to develop accompanying principles for the fair sharing of costs of assessment between operators.

Mutual recognition of technology would:

- a. Lower assessment costs for other operators choosing to implement new technologies;
- b. Provide greater ability to adopt ideas from other networks, noting previous work can be relied upon;
- c. Free operators to spend additional time on other innovative pursuits; and
- d. Provide greater confidence for technology suppliers as market barriers to entry are lowered.

A key element of achieving harmonisation and interoperability under NRAP lies in developing consistent skills for rail industry workers. It is our view that skills training and competencies should be transferable across the entire nation and individual operators' training regimes need be interoperable. The NRAP workstream is addressing these issues. However, the law should facilitate these goals with a view to:

20. Establish a national set of competencies that would be recognised by all RTOs and includes the following elements:

- a. The mandating and awarding of qualifications and units of competency for nationally recognised training (NRT);
- b. Nationally recognised qualifications and units of competency where emerging gaps are identified;
- c. The validation of localised training and competency assurance processes;
- d. Mandating a national competency management system to support mutual recognition;
- e. Established national safeworking rules, and ensuring changes are made at a national level; and
- f. Defining and implementing national rail roles.

This recommendation fits within the current NRAP skills work which includes identifying the most appropriate body to help establish the proposed national set of skills competencies, noting that there is little appetite from industry to create an additional regulatory or oversight body.

Roles and responsibilities

One object of the RSNL is 3(2)(i) to promote the provision of advice, information, education, and training for safe railway operations. There is scope for the Regulator to take on a bigger role in this arena as discussed in Recommendation 13.

Generally, there exists significant opportunity for the RSNL provisions to clarify roles and responsibilities, particularly in relation to:

- a. The delineation between ONRSR and other safety regulators as discussed in Recommendation 12; and
- b. Interface agreements.

Significantly, interface agreements that were designed to align on definitions and resolve uncertainty pertaining to roles and responsibilities warrant further review. There has been a reluctance for some road managers to enter into adequate safety interface agreements with RIMs, and the Regulator limited in power to require road managers to enter into or comply with an agreement, or to undertake maintenance or intervention works to mitigate risks at level crossings. Road managers are also not subject to a general rail safety duty under section 50 of the RSNL. Additionally, many local councils, particularly in regional and rural settings, experience resourcing challenges which limit the realisation of satisfactory interface agreement outcomes. The Australian Local Government Association (ALGA) should be leveraged to facilitate input and participation from local road managers. Accordingly, the review recommends:

21. For the Regulator to develop an approved interface agreement code of practice, in conjunction with the NTC and in consultation with relevant road and rail stakeholders, outlining:
 - a. Responsible parties (e.g. RTOs and/or infrastructure owners and managers);
 - b. Interventions to be implemented by road and rail managers for uncooperative parties;
 - c. Requirements for inclusion across all types of railway and interfacing operations (e.g. tunnelling, loading, and integration with broader rail infrastructure such as stations); and
 - d. The scope and format of how an interface agreement should be delivered, including mechanisms for regular review and updates.

It is intended that the code of practice would complement existing guidance materials on interface agreements.

The Regulator should have the power to compel road managers and other interfacing organisations to enter into safety interface agreements with the accredited rail operator, and also be able to direct certain safety improvements or take enforcement action where there is a reasonable case to do so. Such direction would be subject to appropriate review to ensure appropriate protection against unreasonable directions. We therefore recommend:

22. The Regulator be given the power to review and direct amendments to interface agreements to ensure that they are suitable for the effective management of safety interface risks, and the power to direct improvements where no interface agreement is in place.

Though section 110 of the RSNL confers some power on the Regulator to direct action on interface agreements, it does not appear to achieve intended safety outcomes. Further analysis will be conducted in the next phase of work to determine whether a further legislative amendment is required, or whether existing powers are satisfactory but warrant greater use.

There is a significant role and opportunity for the NHVR to cooperate with ONRSR in this space, particularly in assessing the appropriateness of larger heavy vehicles and in supporting local council road manager capability. The Regulator may adopt a stewardship role in raising greater awareness with local council road managers, and also requires greater authority to impose standards in the absence of a safety interface agreements. The review recommends:

23. For the NTC to work with ONRSR and the NHVR to explore options to improve interface agreements in more detail. This will include conducting impact analyses in conjunction with key stakeholders to identify additional means by which safety interface agreements between road managers and RIMs could be made more effective. This would also need to be accompanied by education and capacity assistance to local road managers in particular, to improve their ability to undertake risk assessments and fund suitable controls for road and rail interfaces.

The impact analyses work may, for instance, result in an additional legal requirement for road managers to consult with RIMs on restricted access vehicle permits and notices, or to allow RIMs to approve a permit or notice for a restricted access vehicle to traverse level crossings.

Stakeholder consultation revealed that rolling stock registers and approval processes are also insufficiently clear. Some stakeholders noted uncertainty about relevant duty holders once safety testing processes were complete. Though the legislation and regulatory guidelines currently outline minimum standards, the legislation states that RSOs must seek to enter into interface agreements, while an accompanying fact sheet notes that RSOs must enter into interface agreements. It is our recommendation that:

24. For the NTC, in consultation with key stakeholders, to undertake impact analyses to assess different options and models to achieve the most effective arrangements for how network authorities and infrastructure owners can impact duty holders under the RSNL. This may include, for example, rail planning, strategy, and investment decisions related to the delivery and procurement of infrastructure, systems, rolling stock, and long-term maintenance and operating requirements.

The implementation of these recommendations would improve road and level crossing safety, helping to fulfill objects 3(2)(d),(g), and (h) of the RSNL. This position is strongly supported by a written submission from a private citizen passionate about road and rail safety.

Flexibility

The key barrier to improving flexibility within the rail industry is universally considered to be cultural rather than legislative. In part, this is attributable to the nature of rail infrastructure being expansive and expensive, thereby stifling innovation, and is further hindered by a risk-averse culture and network complexity with varied assets and technology. Testing and implementing new technologies due to the need to balance the higher risk profile of new innovations with the potential long-term safety improvement benefits also presents a challenge.

Another barrier to flexibility is regulatory layers with multiple regulators and approval processes that are seen to be difficult to navigate. Most improvements are made on a case-by-case and operator-by-operator basis, with no requirement to consider broader network impacts. The NRAP is currently addressing some of these issues. See also the discussion on Recommendation 18.

Throughout consultation it was often noted that competition with the road industry was increasingly difficult due to the agile nature of road transport. As previously discussed, some stakeholders believe that balancing safety and productivity outcomes in the RSNL would promote flexibility. Others find a productivity focus to be at odds with promoting safety outcomes. Nonetheless, a role for the Regulator to be a driving force for innovation was identified. See also the discussion on Recommendation 1.

Additional findings

A small number of out of scope matters tangential to the Terms of Reference were raised in the consultation process. For example, while cost recovery mechanisms under the RSNL were strictly out of scope, this issue was raised under the transparency Term of Reference. In particular, it was queried how the funding mechanisms drove efficiency and accountability within the Regulator. Such out of scope issues should be monitored by governments as they are critical to maintaining

broad based support for the RSNL and the Regulator going forward. Recommendation 9, for the Regulator to attend ITMM at least annually, will provide a regular forum for such discussions.

Next steps

Subject to transport ministers' approval, legislative and regulatory amendments will be progressed further detailed policy and impact assessment around costs and benefits as required by the Office of Impact Analysis. Where relevant, work streams will be coordinated and progressed alongside the NTC's NRAP reforms.

Developing this next level of detail will require the continued input and expertise of a range of rail stakeholders in industry and government. The intention is to build on the excellent consultation and participation which was harnessed during this review.

Finalised legislative and regulatory amendments will need to be unanimously approved by transport ministers.

Non-legislative reforms will be progressed by relevant parties, notably the Regulator. The NTC will also continue to coordinate and monitor all recommendations.

A high-level implementation plan is outlined in **Appendix D**.

Appendices

Title	Description
Appendix A	Stakeholder consultation details
Appendix B	Written submissions list
Appendix C	National Network on Interoperability (NNI)
Appendix D	Implementation plan

Appendix A. Stakeholder consultation details

Government, authorities & associations

- Department of Infrastructure, Transport, Regional Development, Communication, and the Arts (Cth)
- Office of the National Rail Safety Regulator (ONRSR)
- Office of National Rail Industry Coordination (ONRIC)
- Major Transport Infrastructure Authority (MTIA)
- Australian Rail Track Corporation (ARTC)
- Australasian Railway Association (ARA)
- Association of Tourist and Heritage Rail Australia (ATHRA)
- Rail Industry Safety and Standards Board (RISSB)
- National Heavy Vehicle Regulator (NHVR)
- Department of Transport and Planning (VIC)
- Energy Safe Victoria (VIC)
- Office of the Chief Investigator (OCI) (VIC)
- Transport for New South Wales (NSW)
- Department of Transport and Main Roads (QLD)
- Office of Industrial Relations (QLD)
- Department of Infrastructure and Transport (SA)
- Department of Transport (WA)
- Department of State Growth (TAS)
- Transport Canberra (ACT)
- Department of Infrastructure, Planning and Logistics (NT)
- Australian Local Government Association (ALGA)

Industry & representatives

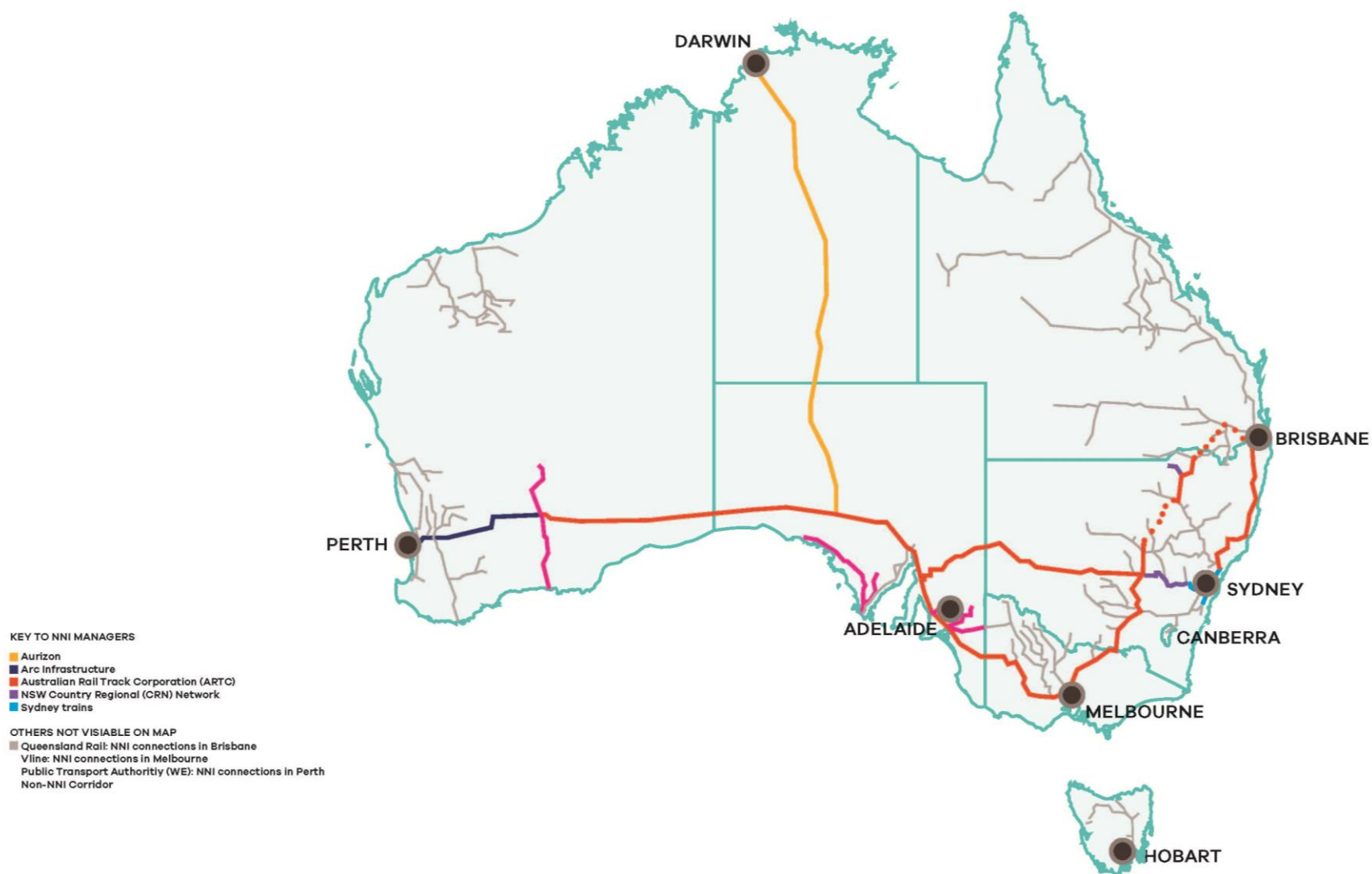
- Metro Trains Melbourne
- Level Crossing Removal Project
- V/Line
- Yarra Trams
- Sydney Trains
- Sydney Metro
- Queensland Rail
- Queensland Cross-River
- TasRail
- Aurizon
- Pacific National
- One Rail Australia
- Qube Logistics
- SCT Logistics
- Rio Tinto
- Rail, Tram and Bus Union (RTBU)
- Australian Manufacturing Workers' Union (AMWU)
- Australian Federated Union of Locomotive Employees
- Australian Council of Trade Unions (ACTU)

Appendix B. Written submission list

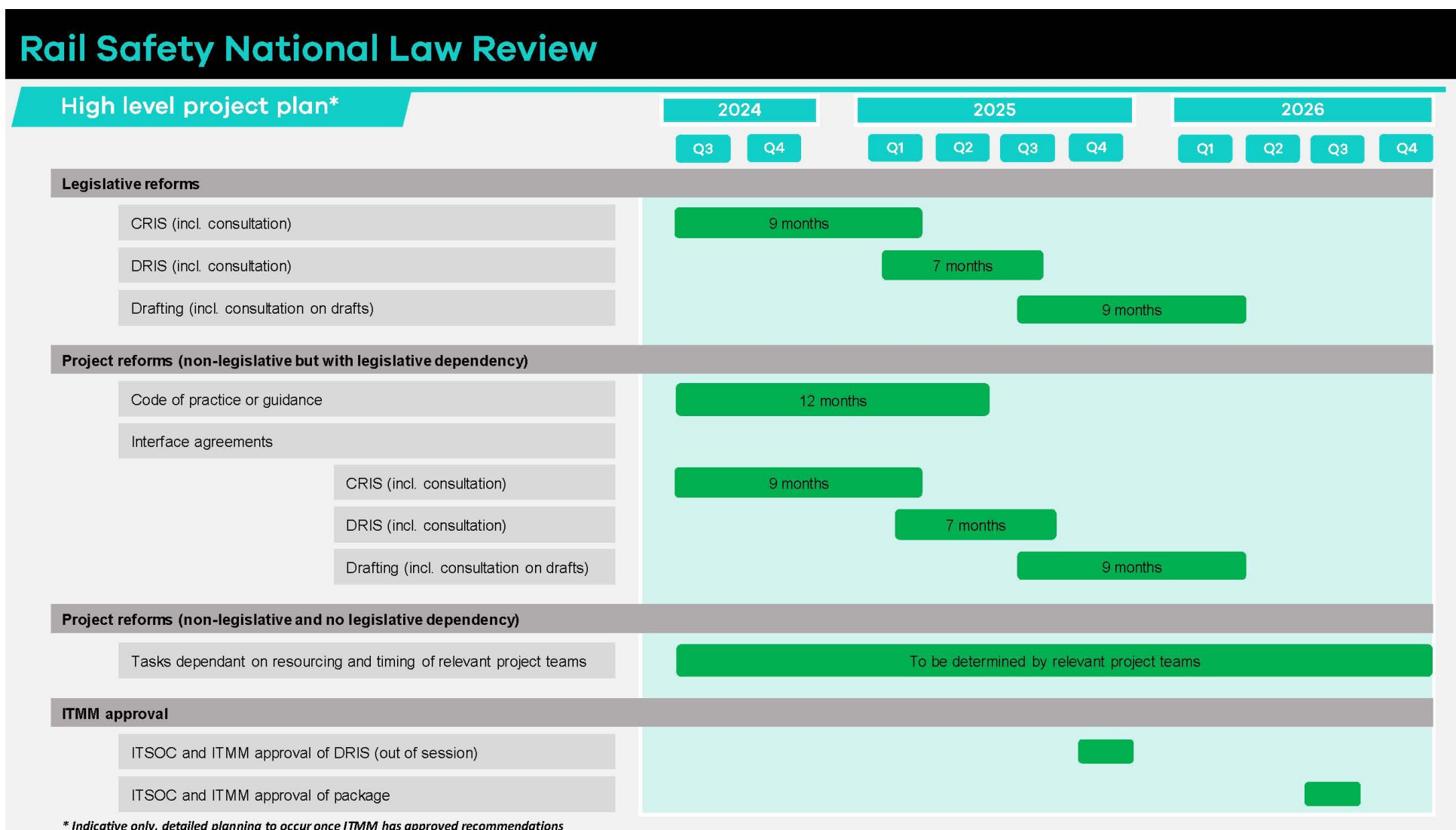
Written submissions received

- Aurizon
- Australasian Railway Association (ARA)
- Australian Council of Trade Unions (ACTU)
- Australian Federated Union of Locomotive Employees (AFULE)
- Australian Local Government Association (ALGA)
- Australian Manufacturing Workers' Union (AMWU)
- Major Transport Infrastructure Authority (MTIA)
- Office of Industrial Relations (QLD)
- Office of the Chief Investigator (OCI) (VIC)
- Office of the National Rail Safety Regulator (ONRSR)
- Qube Logistics
- Rail, Tram and Bus Union (RTBU)
- Rail Industry Safety and Standards Board (RISSB)
- Sydney Metro
- Transport Canberra (ACT)
- Transport for New South Wales (NSW)
- x2 Private citizen rail safety advocates

Appendix C. National Network on Interoperability (NNI)



Appendix D. Implementation plan



Rail Safety National Law Review

Recommendations key

Legislative reforms - approx. 24 months	
Reform description	
1. Strengthen the link between safety and productivity in the RSNL	11. Review the RSNL confidentiality provisions
2. Provide the Regulator with a coordination or facilitation role to deliver safety and productivity benefits	16. List interoperability as an object in the RSNL
3. Enable the mandating of requirements to help achieve interoperability outcomes	18. Compel RIMs to consider implications to the wider network in implementing network rule or infrastructure changes
4. Strengthen consultation requirements in the RSNL	19. Allow a presumption of mutual recognition for technology approvals
6. Establish a positive obligation in the RSNL allowing workers to access the details of safety management systems	20. Establish a national set of skills competencies <i>*NRAP work is currently underway to determine the most appropriate body to deliver this action</i>
10. Review the treatment and classification of non-operational rail lines under the RSNL	22. Enable the Regulator to review and direct amendments to interface agreements
Project reforms (non-legislative but with legislative dependency) - 12 to 24 months	
5. Code of Practice or Guidance - The Regulator to outline the minimum expectations for consultation	23. Explore options to improve interface agreements between road and rail
17. Code of Practice or Guidance - Develop an interoperability guideline or code of practice	24. Undertake impact analyses for possible duties for network authorities and infrastructure owners
21. Code of Practice or Guidance - The Regulator to develop an interface agreement code of practice	
Project reforms (non-legislative and no legislative dependency) - as determined by relevant project teams	
7. The Regulator to develop a compliance and enforcement policy	13. The Regulator to increase its participation in safety promotion and education activities
8. The Regulator to regularly review the consultation approach and mechanisms	14. Clarify responsibilities between ONRSR and WHS regulators
9. The Regulator to present to ITMM at least annually	15. ONRSR to review memoranda of understanding (MOUs) with other safety regulators <i>*if this results in a legislative change proposed, will tie in with dependencies section above</i>
12. The Regulator to develop and publicise a roles and responsibilities document that clearly articulates the respective roles of each safety investigatory body	

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